HOUSE OF REPRESENTATIVES—*Thursday, August 6, 1992*

The House met at 9 a.m.

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

May our hearts be open, gracious God, to the bountiful gifts of Your hand. With so much to do and to accomplish may we not neglect the good things of the spirit and be sensitive to Your will so the gifts of grace and Your unmerited favor continue to support us in all our circumstances and sustain us in our very hearts and souls. Bless us this day and every day, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. LEWIS] please come forward and lead the House in the Pledge of Allegiance.

Mr. LEWIS of California led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 1-minute requests. The Chair will receive five 1-minute requests on each side.

PERMISSION FOR COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, TO SIT ON THURSDAY, AUGUST 6, 1992, DURING THE 5-MINUTE RULE

Mr. VALENTINE. Mr. Speaker, I ask unanimous consent that the Committee on Science, Space, and Technology be permitted to sit on Thursday, August 6, 1992, while the House is in session under the 5-minute rule.

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

There was no objection.

PERMISSION FOR COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, TO FILE REPORT ON H.R. 5231, THE NATIONAL COMPETITIVENESS ACT OF 1992

Mr. VALENTINE. Mr. Speaker, I ask unanimous consent that the Committee on Science, Space, and Technology have until midnight, Thursday, August 6, 1992, to file a late report on H.R. 5231, the National Competitiveness Act of 1992.

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

There was no objection.

GEORGE BUSH'S BROKEN PROMISES

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

Mr. FROST. Mr. Speaker, during the next few weeks, we are going to hear a lot about George Bush's broken promises. I think there is no better way to express this than in the man's own words. Let me quote from the President's acceptance speech on the Republican nomination in 1988. We know his famous quote, "Read my lips, no new taxes."

He also said, "And I am the one who will not raise taxes. My opponent now says he will raise them as a last resort, or a third resort. Well, when a politician talks like that, you know that is one resort he will be checking into, and my opponent won't rule out raising taxes, but I will."

George Bush, August 18, 1988.

What is the record? President Bush supported the 1990 budget summit agreement, which included new taxes and user fees totaling $147.7 billion.

In 1989, President Bush supported $6 billion in tax hikes, including airline and gasoline excise taxes.

In 1990, President Bush called for $28 billion in new taxes and user fees in his budget for fiscal years 1991 and 1992.

Mr. Speaker, broken promises.

NOT IMPRESSED ANY MORE WITH GOVERNOR CLINTON

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

Mr. LEWIS of California. Mr. Speaker, a couple of days ago, I saw the Democrat candidate for President on television. The Arkansas Governor said he had balanced 12 budgets. I was impressed.

Then, I started to think. There is more than one way to skin a cat, and there is more than one way to balance a budget. One way is to keep spending down. The other way is to raise taxes.

So, I asked myself, which way did Governor Clinton choose? The answer—He raised taxes. In fact, he raised taxes 128 times. I am not impressed anymore.

SURROGATE SLEAZE

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

Mr. JONES of Georgia. Mr. Speaker, yesterday in this Chamber, we heard a not so shining example of an old political custom, surrogate sleaze.

Having been inspired by Penthouse magazine, and the National Star, the gentleman from California [Mr. DORNAN] engaged in the character assassination of Governor Clinton.

The gentleman from California [Mr. DORNAN] said, "I'll carry the President's water here."

Well, it is bad water. It is stagnant and it stinks. It will poison the gentleman from California [Mr. DORNAN] and all who drink it.

Not one of us is without sin, I say to the gentleman from California [Mr. DORNAN], certainly not the gentleman from California, certainly not me, not Governor Clinton and not President Bush.

But perhaps the question here is whether we are going to use this well to degrade the public debate or shall we use it to appeal to the best in people to inspire a better America.

TAXATION WITHOUT HESITATION

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

Mr. BALLENGER. Mr. Speaker, more than 200 years ago, the Founding Fathers discovered a common threat that united the colonists against English rule. That threat was taxation.

In fact, the rallying cry of the day was "No taxation without representation."

Today, however, one can hear the muffled new cry of the Democratic Party: "Taxation without hesitation."

You can hear Gov. Mario Cuomo commend Bill Clinton for his willingness to raise taxes.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

You can see the spending plans of the Democratic Congress.

And you can almost feel the Democrats' anticipation at getting their hands on your money.

Bill Clinton shows no reluctance to raise taxes.

For him, it will be taxation without hesitation.

I hope the American people keep that in mind for the coming election.

GEORGE BUSH'S 30 MILLION NEW JOBS

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

Mr. TRAFICANT. Mr. Speaker, everybody remembers the infamous political line, "Read my lips, no new taxes," but everybody seems to forget, "If you elect me, George Bush, in 8 years I will create 30 million new jobs."

I want to rise today and say that I think Democrats have been a little too partisan. I think we have been too tough on the President, too critical, because I predict today that if the American voters elect George Bush, he will come close to creating 30 million new jobs, Mr. Speaker, in Mexico, Taiwan, Singapore, Europe, Hong Kong, and Russia. Believe me, he cannot miss. Between foreign aid giveaways, trade programs that are so misdirected that if you threw them at the ground, they would miss. He will create 30 million new jobs.

The bad news is that we will keep standing in the unemployment lines.

BILL CLINTON'S ECONOMIC PLAN—$150 BILLION IN NEW TAXES

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

Mr. EWING. Mr. Speaker, America is still reeling from the budget deal. You remember that one.

On the brink of an economic recession, the liberals in Congress forced the largest tax increase in our Nation's history down a conservative President's throat. Luxury taxes, boat taxes, taxes on taxes, these were bitter pills for Americans, but now instead of a budget deal, "Willie's deal" sits on the table.

It is Gov. Bill Clinton's economic plan, with $150 billion in new taxes, way more taxes than the budget deal.

It is even more than the tax increase programs of such illustrious liberals as Walter Mondale and Michael Dukakis.

Mr. Speaker, Governor Clinton's economic plan for $150 billion in new taxes is not just a bitter pill for America to swallow. It is the whole pharmacy.

LEGISLATIVE GRIDLOCK MUST BE BROKEN ON CAMPAIGN REFORM BILL

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

Mr. MAZZOLI. Mr. Speaker, the Washington Post is doing a front page series on legislative and governmental gridlock. They even sent out their lexicographic detectives to try to figure out who first used gridlock in connection, not with a crowded freeway, but with regard to impasse on taking legislative action.

Now, gridlock is not always terrible. Sometimes it gives us a chance to fashion a better bill, to develop a broader consensus. But, with regard to the failure to reform campaign finance laws, gridlock has been terrible. It has further deepened the public cynicism about the political process.

□ 0910

The President followed poor advice earlier this year when he vetoed the campaign finance reform bill which would have limited spending and reduced the impact of PAC and special-interest money on elections. We need very quickly to break this particular legislative gridlock. We need to pass campaign finance reform, and soon.

WE NEED CHANGE HERE IN THE CONGRESS

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

Mr. THOMAS of Wyoming. Mr. Speaker, I am disappointed again that all we do in the morning is stand here, bash the President, talk about things that someone else is doing. Where is your idea? Why do we not do something? Why do we not do something useful here?

We talk about change in this campaign, and I am for it. The problem is that change does not take place in this place. This leadership in this House does not seek to have change.

What we do is spend more money on the same programs and expect something to turn out differently. Do we want more Government? Of course, not, we want change that works. What do we do about that? We send more money to welfare. Why? Because we are unhappy with the way it works? No; we just spend more money in the same programs. We do not change it.

We need some fundamental change in Government. We need to decide what services the Government is going to offer, what is appropriate, how we provide those services.

Let me tell you, my friends, putting more money in the same programs does not raise the expectation for different results. If we want change, we ought to start right here by doing something different than what we have been doing.

U.S. AGRICULTURE INDUSTRY RUSHES TO SUPPORT THE FREEDOM SUPPORT ACT

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

Mr. BEREUTER. Mr. Speaker, as this body moves toward consideration of H.R. 4547, the Freedom Support Act, it should be very clear that passage of this legislation is not just important for the future of the former Soviet Union—passage is also important to the American economy. American businessmen and labor recognize that if the former Soviet Union succeeds in its transition to a market economy, that United States exporters will benefit greatly from this potential market of 290 million individuals. American business and labor are increasingly aware that the Freedom Support Act will result in more jobs for American workers who will supply the equipment and services to this newly opened part of the world.

Recently this Member received a policy statement from the National Agricultural Advisory Committee, a consortium that includes four former Secretaries of Agriculture and more than 100 of America's leading farm, commodity, and agribusiness organizations. It is a veritable who's who of America's agricultural interests. This distinguished committee was unanimous in their strong support for H.R. 4547.

Mr. Speaker, the agricultural community supports the Freedom Support Act not only because it responds to the economic, political, and social needs of the former Soviet Union, but because it responds to our needs, the needs of the United States and the United States agriculture-agribusiness community. There are many outstanding reasons to support the Freedom Support Act which I will address later today. If you care about the American farmer and agribusiness, vote to support the President, vote to support the majority and minority leadership of this body, vote to support the Freedom Support Act.

DISCOURAGING POLITICAL COURAGE AND LEADERSHIP

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

Mr. PORTER. Mr. Speaker, legislators of both parties in the State of Oregon acted to determine which Medicaid procedures their taxpayers could afford to provide and which were not cost effective nor of high priority. Anyone who understands anything about

health care knows that this kind of prioritizing is necessary if medical costs are ever to be brought under control.

The Oregon approach took leadership and courage. It should have been recognized and encouraged by the Department of Health and Human Services whose approval was required for Medicaid funding. Instead, they rejected this courageous approach on the unsubstantiated ground that it might violate the ADA; that an alcoholic who abused his liver all his life and needs a new one would be denied a transplant under the Oregon approach, which properly deems it a low priority.

Mr. Speaker, at a time when the American people are starved for leadership, at a time when bold action is needed in so many areas, HHS not only fails to provide it, it actively discourages those who do. This is not good government and this is not good politics.

RECIPROCAL ARRANGEMENTS WITH FORMER SOVIET UNION

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

Mr. BENNETT. Mr. Speaker, we have a very important piece of legislation before the Congress today, the question of whether we will try to help the Soviet Union remainders to become viable democracies and part of the free world. I hope that we will stand behind that idea.

Mr. Speaker, I did feel, along with Mr. MCEWEN and others, and do still feel, that it would be a good idea if we ask in return some assistance with regard to our stockpile, with regard to oil, with regard to platinum and other things that the Russian countries have in large abundance. They are No. 1 in the production of gold, oil, and other things like that. They could make arrangements with us to repay some of the assistance we give them at this particular time. I hope that will be allowed on the floor, but even if it is not, I hope the President will work in that direction.

LET US LOOK AT THE LEGISLATIVE RECORD

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

Mr. HASTERT. Mr. Speaker, it is a time, certainly, the season of political rhetoric, the season of mean times, a season when we point the finger across the other side of the aisle and in reciprocation it comes back here. But a season of charges that pass between the Bush candidacy and the Clinton candidacy.

Let us look at the record. The President is accused of not having an economic policy. He does. Where is that economic policy? Where is the crime package? It is in a committee in the other body. Where is the economic and jobs package? It is here in a House committee. Where is the health care reform package? It is here in a House committee. Where is the energy policy? It is stuck in a conference committee. But even things that we worked together on, like the earnings test repeal for working seniors today that we have agreed on and passed out of this body, it is stuck in a conference in the other body. We need change. The American people want change. Maybe change ought to start right here.

PORKER OF THE WEEK AWARD

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

Mr. HEFLEY. Mr. Speaker, tuition is on the rise, but so, it seems, are the Federal grants that colleges get, especially those that get tucked into the Federal budget year after year. Let me explain. You have heard about the late-night sessions that the leadership calls when we are under deadline. For the tax-and-spend Members of Congress, this is the ideal time to tack on their favorite pork projects. They know that at that hour no one will have time to read the bill and find out what is actually in it. That is exactly how 156 colleges around the country recently got $95 million in taxes.

Let me give you an example. Ask Senator BYRD how a little-known college in the Allegany foothills recently was selected for $41 million in Federal research projects, a windfall, almost three times its $14 million annual budget. When you realize this little college has 1,400 students and no doctoral program, maybe this money is well spent but maybe not. How do we know, with this crazy way of doing business? The grants, along with the shady way they get attached to the budget every year get my vote for the Porker of the Week Award.

GIVE THE PRESIDENT A LINE-ITEM VETO

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

Mr. ALLARD. Mr. Speaker, today I rise to bring to your attention a letter that I, along with 66 of our colleagues, Republicans and Democrats alike, will be sending to both Speaker FOLEY and Minority Leader MICHEL requesting their leadership in bringing any one of the many line-item veto bills introduced this session to the floor for a vote.

The time has come for Congress to act on giving the President of the United States a line-item veto. With both President Bush and Governor Clinton endorsing the line-item veto the time to move in a bipartisan fashion has arrived on Capitol Hill.

We must pass a line-item veto this session because at this point no one can predict with certainty who our next President will be. The time has come for Congress to address this issue head-on, instead of hiding behind partisan politics.

After January it will be to late. One party will control the White House and the other may hesitate to work for passage of a line-item veto.

This is not an issue of Republicans versus Democrats.

Instead, it is a matter of someone having the responsibility to eliminate the wasteful expenditures from our budget. Passage of a line-item veto is certain to send a clear message to all Americans that Congress is listening to their call for bringing our Nation's budget under control.

Together, let us take that first step.

FIFTIETH ANNIVERSARY OF GUADALCANAL

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

Mr. SKELTON. Mr. Speaker, tomorrow, August 7, 1992 marks the 50th anniversary of the first offensive ground action undertaken by American military forces during World War II. Operation Watchtower undertaken by the First Marine Division included landings on three islands—Tulagi, Gavutu, and Guadalcanal. The two smaller islands, were secured within 3 days at the cost of 122 American and more than 800 Japanese lives. There marines discovered that the Japanese defenders would fight fanatically to the death rather than surrender.

The unopposed amphibious landing on Guadalcanal, the largest island, marked the turning point of the Pacific campaign. After Pearl Harbor, the Japanese Imperial Army had captured Hong Kong, Burma, Thailand, the Philippines, Singapore, The Netherlands, East Indies, and other island outposts. At Guadalcanal, however, the Japanese Imperial Army lost its aura of invincibility.

The battle for Guadalcanal would continue until the following February. Army units which would supplement and relieve Marine forces landed the following October. They included the 23d Infantry Division, the 25th Infantry Division, and the American Division. Let us remember the skill, determination, and sacrifice of those who fought in such dire circumstances at Guadalcanal 50 years ago tomorrow.

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PROVIDING FOR CONSIDERATION OF H.R. 3603, FAMILY PRESERVATION ACT

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 543 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 543

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3603) to promote family preservation and the prevention of foster care with emphasis on families where abuse of alcohol or drugs is present, and to improve the quality and delivery of child welfare, foster care, and adoption services. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(3)(A) of rule XI or clause 8 of rule XXI are waived. General debate shall be confined to the bill and the amendment made in order by this resolution and shall not exceed ninety minutes, with sixty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the committee amendments now printed in the bill it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 5600, modified by the amendments printed in the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to the amendment in the nature of a substitute, as modified, and no other amendment to the bill shall be in order. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. VALENTINE). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, I yield the customary 30 minutes of debate time to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 543 is the rule providing for the consideration of H.R. 3603, the Family Preservation Act of 1992.

The rule waives points of order against consideration of the bill under clause 8 of rule XXI or clause 2(L)(3)(A) of rule XI. Clause 8 of rule XXI requires a Congressional Budget Office estimate to be included in any measure providing for changes in direct spending or receipts. Clause 2(L)(3)(A) of rule XI requires the inclusion in the report accompanying the bill of a separate and clearly identified statement of the committee's oversight findings and recommendations.

The rule provides for 90 minutes of general debate; 60 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture.

Further, the rule makes in order as an original bill for the purpose of amendment, and amendment in the nature of the substitute consisting of the text of H.R. 5600, as modified by the Education and Labor Committee amendments printed in the report accompanying the rule. Points of order under clause 7 of rule XVI, which prohibits nongermane amendments, are waived against the substitute.

No amendments to the substitute or other amendments to the bill are in order.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the substitute, which this rule makes in order, combines the provisions of the Family Preservation Act of 1992 and the Mickey Leland Childhood Hunger Relief Act. The consolidated bill offers the hope of a healthier, happier, and more secure future to the millions of American children who, each day, face abuse, hunger, and neglect.

It is well documented that the American family has steadily disintegrated over the past decade. Since 1980, the reported incidence of child abuse and neglect has tripled. The number of children living apart from their families in foster homes rose by 50 percent to more than 407,000 in 1990. At least half a million infants were born drug-exposed in 1991. The poverty rate among children has increased 5 percent and an estimated 5 million children suffered from hunger during 1991. We've strayed far from the idyllic families of the 1950's, when Mr. and Mrs. Cleaver were more the rule than the exception.

The legislation we consider today would help keep families together and healthy, and would help put food on their tables. The bill establishes new family preservation programs including counseling, support, and respite services. It also makes needed reforms in foster care and adoption assistance programs.

The Mickey Leland childhood hunger relief portion of the substitute expands eligibility and benefits for the food stamp program to ensure that no American child is malnourished.

As a cosponsor of these vital and ambitious initiatives for America's children and families, I encourage the Members of the House to cast their votes for our Nation's children, who have no vote and who are too young to speak out for their own interests. We will be making a wise investment in our country's future.

Mr. Speaker, I ask my colleagues to support the rule so that we may proceed with consideration of the merits of this most important legislation.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend, the gentlewomen from New York [Ms. SLAUGHTER], for yielding.

Mr. Speaker, this rule should be indicted on charges of aiding and abetting an egregious assault on the Amercian taxpayer. It makes in order a bill that denies any common sense of fiscal responsibility and then prevents bipartisan amendments to improve child welfare services in a responsible manner.

A bipartisan group, Democrats and Republicans, very hard working Members, came before the Committee on Rules yesterday. They included members of the Committee on Ways and Means, the gentlewoman from Connecticut [Mrs. JOHNSON], and the gentleman from Iowa [Mr. GRANDY].

□ 0930

It also included Members of the majority, the gentlewoman from South Carolina [Mrs. PATTERSON], and the gentleman from New Jersey [Mr. ANDREWS]. This group also included the ranking Republican on the Select Committee on Hunger, the gentleman from Missouri [Mr. EMERSON].

They asked that a significant child welfare reform amendment be made in order under this rule. Their amendment, Mr. Speaker, would do something besides simply filter more money into the present child welfare programs.

Their message to the Committee on Rules was simple. The current child welfare bureaucracy wastes too many valuable resources on Federal mandates, reporting requirements, and paperwork. If they streamlined the system and permitted the States to use the resources already budgeted for child welfare service, we could get better services for less. That is a very unique prospect.

The Johnson-Patterson-Grandy-Andrews-Emerson-Sarpalius-Weldon amendment is real child welfare services reform, not just old-fashioned big Government spending. By improving the system, their amendment will improve children's services without requiring a tax increase.

Mr. Speaker, that may very well have been their undoing. Since they did

not ask for the politically charged millionaire's surtax because they do not need it, their amendment does not provide the right political fight for the Democrat leadership. It is not a millionaires versus children amendment.

The administration has indicated that a veto of H.R. 3603 is in order. However, the President would support the Johnson-Patterson version of the bill. This rule illustrates quite clearly that the Democrat leadership is far more interested in political showmanship than in good Government.

Mr. Speaker, Members should have the right to debate the two different family preservation alternatives openly on this floor. To do so, we need to defeat the previous question. This gag rule not only denies us the ability to debate real welfare reform, but also denies improved welfare services to families that are truly in need.

Every Member who wants to improve services to families in crisis, every Member who opposes higher taxes on small business, and every Member who believes in fairness should vote "no" on the previous question.

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

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time.

Mr. DREIER of California. Mr. Speaker, I am happy to yield 6 minutes to the distinguished ranking member of the Select Committee on Hunger, the gentleman from the Show-Me State, Missouri [Mr. EMERSON].

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

Mr. Speaker, I do not ordinarily testify on rules before the Rules Committee. Of course, we vote on all the rules that come to us from the Rules Committee, and I listen to what is said about the efficacy of those rules, but on the consideration of the rule that is before us now I went to the Rules Committee yesterday with a bipartisan group of my colleagues. We had represented there, I think, pretty much the total spectrum of the House of Representatives, from liberal democrats to conservative Republicans, testifying, requesting, asking for an opportunity to submit a substitute measure, one that is bipartisan in nature.

The Rules Committee listened well, such Members as were there. There were a couple of Republicans there and a couple of Democrats. They asked questions, and we all felt we had been fairly heard. Good questions were asked and we felt we had made a reasonable case for which the substitute should be permitted.

Let me say this in all fairness. Here we have a group of Republicans and Democrats who want to submit a substitute to the measure that is going to be pending. We felt good about it. But then we heard late yesterday afternoon that the Rules Committee had come down and said, no, this substitute will not be permitted.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. EMERSON. Certainly, I yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I thank my friend for yielding.

I would simply respond by saying that the Rules Committee did make that decision upstairs, but the rules of this House give us an opportunity to modify that rule. That is why I have an amendment here which would make the gentleman's very, very well-structured amendment in order. That is why it is imperative that we vote to defeat the previous question so that we can make the gentleman's amendment in order.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for his contribution, and certainly I will vote with him to defeat the previous question. But I want to disagree with the gentleman from California in one thing. I seriously doubt that the Rules Committee made this decision about the rule. I think the Rules Committee got the order from somebody in the leadership sitting in a back room over here somewhere else in the Capitol who had not heard the case that was made for this substitute to be offered.

Mr. Speaker, having had this experience of participating before the Rules Committee, I do not believe that the Rules Committee made that decision.

Mr. DREIER of California. Mr. Speaker, if the gentleman will yield further and if I could respond briefly to the gentleman, let me say that what happened upstairs was that we made an attempt to offer an open rule and we were defeated on a party line vote. Then we made an attempt to offer specifically the gentleman's amendment. Then on a party line vote, all the Democrats voted to prevent the gentleman from having a right to offer the amendment, and all the Republicans voted in favor of ensuring the right to offer that amendment. Because the makeup of the Rules Committee upstairs is nine to four, two to one plus one against us, that was the decision.

Mr. EMERSON. Mr. Speaker, if I may reclaim my time, I believe what the gentleman says is true. But what I am really saying is not that the Rules Committee did not decide; of course, technically they made the decision, but I seriously doubt, I say to my friend, the gentleman from California [Mr. DREIER] that the Democrats on the Rules Committee are independent agents to judge these rules that come before them. I think they had to take instructions from somewhere.

I cannot believe that we were denied on that basis. For example, the gentleman from California [Mr. BEILENSON] asked such good questions and indicated that agreed in large measure with a lot of what was being said. I do not believe the gentleman from California [Mr. BEILENSON] would, for example, vote to deny the base on which the substitute was offered. I cite the gentleman from California as one example.

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

Mr. EMERSON. I yield to my colleague, the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, the gentleman strikes an important note here. I think we have to make sure that the public understands this.

The gentleman went before the Rules Committee with a bipartisan group to present an alternative, not to be adopted but to be given a chance for debate on the floor. On the other hand, a majority of the Rules Committee determined that the policy for the United States shall be their policy and made a policy decision on the Rules Committee.

Mr. EMERSON. Absolutely.

Mr. GEKAS. It was not a parliamentary decision, it was not a Rules Committee decision, but it was a policy decision, that no matter what comes, their version is going to be the one that would prevail on the floor of the House.

Mr. EMERSON. Absolutely.

Mr. GEKAS. That is what the public should understand.

Mr. EMERSON. There is absolutely no question about it.

Mr. DREIER of California. Mr. Speaker, I thank my friend for educating our colleagues.

Mr. EMERSON. Mr. Speaker, I say to my friend that this is a gag rule. Actually what the Democrat leadership is saying through the Rules Committee is that free and open debate on a very plausible, responsibile substitute alternative should not be tolerated. It is a gag rule. That is absolutely what this is.

I am shocked. I work very hard on welfare reform issues as the ranking member of the Select Committee on Hunger. The chairman of the Select Committee on Hunger, the gentleman from Ohio [Mr. HALL], is also a member of the Rules Committee. Now, the gentleman from Ohio [Mr. HALL] knows where I am coming from on the need to consolidate and integrate and automate in the process of welfare reform.

The child welfare provisions of the measure that will be before us on which the substitute is sought to be offered is one of those areas in which States are crying out for some flexibility. They say, "Give us some flexibility on how we administer these programs."

□ 0940

I am finding it difficult, given what I know of the level of understanding of the gentleman from Ohio [Mr. HALL] on this issue, that he of his own volition

would vote to deny us the opportunity to debate this proposition. I am shocked at the rule that is before the House. It is an outrage.

We seek a bipartisan substitute, and urge that we defeat the previous question so the bipartisan substitute may be offered. All the Democrats of good will and all Republicans should vote to defeat the previous question.

Yesterday I joined with several of my colleagues, Republicans and Democrats, to testify before the Rules Committee to ask that a substitute be made in order to H.R. 3603. We were denied that opportunity by the Committee on Rules. Instead, we are being presented with a closed rule on a major piece of legislation—one that raises taxes and spends $7 billion over 5 years. I strongly oppose this rule.

Yesterday we asked the Committee on Rules to give members the opportunity to choose between an expensive bill and reform of the child welfare programs. We were denied that opportunity.

This is nothing more than a cynical act by the leadership of the majority party in the House. The funding mechanism in H.R. 3603, the timing of consideration of the bill, and the rule are purely political actions. I can come to no other conclusion.

I am an original co-sponsor of the Mickey Leland Childhood Hunger Relief Act. I support the goals of the provisions within that bill and over the past several years have worked to help achieve those goals. However, I will not be supporting the rule or H.R. 3603, the Downey/Panetta children's initiative.

Since 1983, when I became the ranking Republican on the Nutrition Subcommittee, I have been working on issues related to improved food and nutrition for needy families. I have served on the Select Committee on Hunger since 1984. I have visited soup kitchens, food banks, public assistance offices and employment and training centers. I have spoken to the people receiving assistance, the administrators and the volunteers. I am convinced that these programs are worthwhile and necessary.

I am also convinced that there are major problems facing the entire public welfare system. Until we address these problems, which must include budgetary, regulatory, tax and welfare reform, real assistance for the needy families we all seek to help will not be achieved.

But today we will not have an opportunity to debate reform. We were denied that opportunity.

I urge my colleagues to defeat this rule.

Mr. DREIER of California. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], a hard-working member of the Committee on Ways and Means, who coauthored this amendment.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in opposition to the rule, and in support of a motion to recommit. I want to talk about not just the bill but the process, because the American people are outraged at the Congress. This is exactly why. We went before the Committee on Rules and we asked simply for the right for a clean vote on a legitimate alternative to the bill before us.

First of all, the alternative does not raise taxes. The underlying bill raises taxes a lot, though that is not the only issue, and in my own mind, it is not even the most important issue. More important, the alternative reforms the program in the very way that we have seen factories changed to become competitive, that we have seen the insurance industry, the banking industry, and every other industry in the private sector change to deliver a better quality product at lower cost.

What the alternative does is to address what we heard in the hearings. We heard social workers saying "We spend 80 percent of our time on paperwork." We want that social worker to spend 80 percent of her time on kids. That matters. It matters whether we are pouring new money into a system that concentrates primarily on paperwork and not on kids. It matters whether or not we reform the Government service delivery system as the private sector is reforming its delivery systems.

It is time this Congress began to look at how we are spending taxpayers' money; that we stop dealing with rhetoric and we start helping kids; that we stop supporting bureaucracy and we start dealing with reality.

The people out there sense something is terribly wrong down here in Washington, and they are right. This place is sick. The majority party has controlled this House for 40 years, and they do not have the courage to let us have an up or down vote on a legitimate alternative? Are they so without confidence in the quality of their product that they could not even allow us, and "us" in this case is a very strong bipartisan group, to have a vote?

We made an outstanding case for our bill in the Rules Committee. Democracy is about the competition of ideas. This is a competition of ideas. We in the bipartisan group asked for the opportunity to allow the right debate on the House floor, the policy debate on the House floor, the responsible choice for House Members, and the Democrat leadership cut off debate—an intellectually, morally, and politically corrupt act. No wonder the public has gotten the message that the Congress is out of touch.

What the Democrats on the Rules Committee said when they denied us the right to offer our well-developed, long-introduced alternative was that they believe their product is vulnerable; that they understand that the social workers who are going to get $8 billion more of new money raised through raising taxes are still going to spend 80 percent of their time on paper and only 20 percent of their time on kids. That is irresponsible. It is a crime against kids. It is an attachment to the old way that we in America can no longer afford.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DREIER of California. Mr. Speaker, I am happy to yield 2 additional minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], but I hope very much that Members of the majority will listen to her remarks, and I hope that they will have a very good response that they can provide.

Mrs. JOHNSON of Connecticut. Mr. Speaker, the point that I am making is that it is time we begin to understand and address the problems in government in the same way that manufacturing had to understand and address the production problems and the overhead problems and the cost problems in manufacturing in order to provide a better product and better services at less cost.

It is an absolute scandal that, with social workers testifying that they spend 80 percent of their time on paperwork and 20 percent on children, that we did not address the bureaucratic waste in the foster care program. It is a scandal that the House's own Committee on Rules, under the direction of the Speaker, would not allow the democratic process to go forward, the underlying principle of which is a competition of ideas, and in this case, not even along partisan lines.

Mr. Speaker, I rise in strong support of the alternative, the substitute. We address all the administrative problems. We have reduced the administrative cost. We not only provide new money, which we do, but we provide also new resources, because we have stopped doing things that are not productive and we start doing things with the same man-hours that are kid productive. That is terribly important about our alternative.

There is one last point I must make. This is the third year in a row we have failed to act. We have failed to help these kids in foster care. All those statistics the Members are going to hear about what distress this program is in have been there for 3 years and we have failed to act year after year because the majority insists on coming up with a bill that cannot make its way through the Senate and be signed by the President. Our alternative will make its way through the Senate, it will be signed by the President, it will put new money into the system to help families in crisis and prevent foster care placements when appropriate. Very simply, it will free resources that will go to kids, not bureaucrats.

I ask the support of the Members for the motion to recommit. If this body does not begin to take power to establish responsible policy for kids and children, then we have not done our moral duty as well as neglecting our legislative duty.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 7 min-

utes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, for the past several weeks, the people of this country have been subjected to a nonstop barrage from the President and the Vice President about family values.

They are for family values, we are told.

And, of course, it goes without saying that all those terrible Democrats must be against family values.

We are told that these much extolled family values are things like giving kids the opportunity to have what all kids need: The chance to grow up with their parents in healthy, safe, secure homes.

The President and Vice President may think they have done a great job on promoting family values. But they have done very little to demonstrate an understanding of the value of families.

The Republican record is a record of utter failure—failure inflicted on the poorest American families, on children who need the compassion and the assistance of their leaders the most.

Six months before the Reagan-Bush team took office, we wrote historic legislation reforming the Nation's overburdened and unresponsive foster care system. We expanded preventive services to reduce the need for out-of-home placements, and to reduce the duration of placements when they were unavoidable.

We removed barriers to adoptive placements of children, and assisted those who sought to take these children into their homes permanently.

Then, only weeks after taking office, the Reagan-Bush administration sought to repeal that new law on the specious grounds that it hadn't worked. Not weaken it; not ignore it, as they did so many other laws. But repeal it because it had not ended the foster care crisis in just a few months.

Our law did make a tremendous difference for tens of thousands of children and families. But we could not keep up with the policies of indifference and insensitivity that shattered so many vulnerable lives.

Poverty, the greatest scourge of families, has engulfed millions of children. In 1978, fewer than 16 percent of children lived in poverty. Today, that figure has grown to nearly 21 percent, an increase of one-third under the economic neglect of the Reagan-Bush years.

Hunger, which should affect not a single child in this abundant Nation, haunts 5 million American children under the age of 12.

Reports of child abuse and neglect have exploded, tripling to nearly 3 million cases between 1980 and 1991 on the Reagan-Bush watch.

CRIME, DRUGS, MENTAL DISORDERS, DESPERATION, DIVORCE

Are these the family values we are lectured by George Bush about? Because they are the effects of 12 years of neglect and indifference by those now lecturing us to show greater concern for our families.

And yet what has been the response of the Bush administration, other than words? Other than speeches? Other than campaign promises and platitudes?

Despite the growing crises, the desperation, the tragedies—the Bush administration has been silent and cautious.

Enforcement of the foster care and adoption law ignored.

Audits of billions of dollars in child welfare programs postponed.

Federal grants to help prevent the shattering of vulnerable families increased by less than 1 percent over the last decade.

One percent, while poverty is skyrocketing. One percent, while drug use and violence are skyrocketing. While child abuse, sexual abuse, and foster placements are skyrocketing.

Why is an administration so committed to trickle down for the richest Americans so hostile to allowing a few dollars to trickle down to the poorest?

George Bush and DAN QUAYLE are going to continue to berate us and bore us with their tired rhetoric about family values. America's families need more than rhetoric. More than campaign speeches. More than stern lectures.

H.R. 3603 offers families more. Much more. It offers the hope of a government with compassion to help the most vulnerable, and the wisdom to invest in family preservation instead of foster care, welfare, and despair.

Our bill will direct comprehensive resources to families at risk to offer coordinated services aimed at reducing foster placements and more severe, and more expensive, interventions that result from indifference. That new funding, which will save us billions in the long term, will not be susceptible to the strict limits that have starved the child welfare services program for a decade.

Had our original law been enforced, had we had an administration more concerned with the value of families than rhetoric about family values, this new law might not be necessary in 1992.

But we have had a dozen years of neglect, and we have produced millions of victims to show for it. Many of those victims are beyond the reach of the child welfare system. They are in courts; they are in jail; they are in unemployment lines; and many of them are in graves.

Millions of children can still be helped, can be rescued, can be given a chance to survive and prosper if families have the minimal resources they need to avert a lifetime of dependence and poverty.

Let us give families that opportunity by passing H.R. 3603 today. It will do more than all the rhetoric in the world to demonstrate that we are serious about the value we place on American families.

□ 0950

Mr. DREIER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I want to say to the gentleman in the well that I have no doubt that he believes what he said. If he believes it as devoutly as he has delivered his speech, he should support the substitute.

If he believes what he has said, first of all, most of what he has said would support the substitute motion before us. But if he believes as devoutly as he sounded as he did about the position that he has spoken of, he should have no fear of this substitute being offered. He should vote for the motion to defeat.

Let us have an open and honest debate. This is a gag rule.

If the gentleman believes what he has said, he cannot deny us the opportunity to say what we believe.

Mr. MILLER of California. Mr. Speaker, will the gentleman allow me to respond?

Mr. DREIER of California. Mr. Speaker, we have a number of requests for time over here.

The SPEAKER pro tempore (Mr. VALENTINE). The Chair will advise that the gentleman from Missouri has the floor and his time has not expired.

Mr. EMERSON. Mr. Speaker, the gentleman from California [Mr. DREIER] told me he wanted to reclaim his time.

Mr. DREIER of California. Mr. Speaker, we have a number of requests for time here.

Mr. Speaker, I yield 4 minutes to the gentleman from Iowa [Mr. GRANDY], coauthor of the substitute.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield for 30 seconds? It is interesting that a Member asked me to yield, and the gentleman decided that I would not be allowed to yield for a response. The gentleman talks about a gag rule, and he will not allow a person to respond.

Mr. DREIER of California. Mr. Speaker, I would say to my friend, the gentleman from California [Mr. MARTINEZ], that if we successfully defeat the previous question, my friend will have an entire hour to debate this.

The SPEAKER pro tempore. The House will be in order. The gentleman will take his seat.

You are going to stop acting like children, and you are going to listen to the Speaker, as long as the current occupant of the chair has this gavel. The gentleman from California will be seated.

The gentleman from California [Mr. DREIER] has yielded 4 minutes to the gentleman from Iowa [Mr. GRANDY].

The Chair recognizes the gentleman from Iowa [Mr. GRANDY] for 4 minutes.

Mr. GRANDY. Mr. Speaker, I yield to the gentleman from California [Mr. MILLER], to complete his diatribe.

Mr. MILLER of California. Mr. Speaker, I would use my time to say it is outrageous for the gentleman from Iowa to suggest he wants to characterize my speech. He is free to do so, but it is outrageous.

The gentleman from Missouri had asked me to yield so he could pose a question. He put a question to me. I asked for a chance to respond, and I was not yielded time. So I will get the time over here, but it is interesting at the same time the gentlemen are talking about a gag rule, they will not allow me to respond to the gentleman from Missouri who was talking about whether or not I believe what I said.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GRANDY] has 3½ minutes remaining.

Mr. GRANDY. Mr. Speaker, I yield to the gentleman from California.

Mr. Speaker, if the gentleman from California would like more time to acknowledge the gentleman from Missouri, to respond to him, I will be happy to yield to him.

Mr. MILLER of California. Mr. Speaker, 3 minutes, that is all I ever wanted.

I would say to the gentleman from Missouri, the reason I support this legislation as opposed to the substitute is that this legislation has been hammered out within the Committee on Ways and Means in conjunction with the Select Committee on Children, Youth, and Families, with the Committee on Education and Labor, all of which share jurisdiction over children and foster care and programs affecting them. And it has been hammered out over a period of almost 2 years, as we have called witnesses before this committee.

And we have taken what they have said. We have asked the Governors, we have asked people that wanted to be liberated from Federal laws what kind of system they want to design. That is reflected in this bill.

I saw the gentleman and others last week, Friday, talking to the staffs in the Rayburn Room over here, saying: What are we going to do? How can we put it together? How can we make it not cost any money?

I will support a bill that has been well thought out, that has been carefully crafted with the Governors of States and with others that allow them an opportunity to run their system the way they want to run it.

Mr. GRANDY. Mr. Speaker, do I have the time at this point?

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GRANDY] has the time.

Mr. GRANDY. Mr. Speaker, if I could yield my time back to the gentleman from California [Mr. DREIER], with the understanding that I will get some time later on, I have no objection to allowing them to complete this colloquy.

The SPEAKER pro tempore. That is up to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, we have obviously taken up a great deal of time here. It is essential that we defeat the previous question so that we will have the opportunity to continue this.

Mr. Speaker, I yield 15 seconds to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I just want to say to the gentleman from California [Mr. MILLER] that if he feels as strongly about this proposition as he evidenced in the well, he should have no fear of at least debating the substitute.

□ 1000

The debate before the House right now is whether we, a bipartisan group of people, are going to be gagged and denied the right to debate.

Ms. SLAUGHTER. Mr. Speaker, before yielding further, I would like to take as much time as I may consume.

The motion to recommit provides an ample opportunity for the Johnson-Weldon substitute. At yesterday's hearing when the Rules Committee learned that this substitute had never been offered as a package before the Ways and Means Committee, and that they had never had an opportunity to assess its effects and its impacts as a whole, and indeed that it left out the part on children and hunger, we decided that we would make it only in order as the motion to recommit.

Mr. Speaker, for purposes of debate only, I yield 7 minutes to the gentleman from New York, [Mr. DOWNEY].

Mr. DOWNEY. Mr. Speaker, I thank the gentlewoman for yielding me the time.

It is impossible, of course, to weigh the value or calculate the loss of a childhood, and that is, in part, what we are talking about here today. There are literally millions of children across this country who are taken from their families needlessly; with a little help from the State they could remain together, and their childhoods would flourish.

Our subcommittee has heard countless stories of children who have been in 10 through 20 different foster homes over the course of their childhood. One child, a 12-year-old, described what it was like to sleep in her clothes for fear that the morning might find her moving to another home. And we found that the problems in that particular child's family life were such that with a little remediation, with a little bit of help, the family could have been kept intact, the family could have been kept together, and this child could have been spared the agony of foster care and moving from home to home. And there are millions of other stories that are similar to this.

The question that my friend from Missouri raised is a good one about debating the substitute. And we should, and I hope that during the course of the debate we can put to bed the notion that somehow less money is more, which is what the substitute suggests. That works with lite beer. It does not work with children. If you somehow believe that just shifting around money will make a difference to children, you will also believe that the Yankees will win the World Series and that George Steinbrenner will be a kinder and a gentler owner, or that DAN QUAYLE is a spelling bee champion.

The reality is that resources are essential here to make a difference in the lives of children. The gentleman from California [Mr. MILLER] spoke eloquently in the well, and I want to address him and thank him personally. For many years as chairman of the Children, Youth, and Families Select Committee, he has been the children's champion. The 1980 law that was designed to save foster children, and was never properly implemented by the Reagan or the Bush administrations, was his handiwork. There are millions of American children who are in his deepest debt, as am I and the others who have followed his enormous footsteps. And I mean that literally and figuratively in this case.

But the biggest reason to vote against the motion to recommit, and to vote against the substitute is aside from just three-card monte, that it plays with the money for children, it eliminates the money to feed them. There is no provision in the substitute that our Republican friends will offer that deals with the Leland Hunger Act. So for that reason alone it deserves to be defeated.

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

Mr. DOWNEY. I yield to my friend, the gentleman from California, chairman of the Budget Committee.

Mr. PANETTA. I thank the gentleman for yielding. I regret that this has become a partisan battle, because with regards to the Mickey Leland hunger bill we have had bipartisan support for every element of the Mickey Leland hunger bill to try to improve nutrition for the hungriest children in this country. And one thing you will not hear mentioned during the debate on the substitute is that the substitute totally wipes out any money at all for the Mickey Leland bill.

It is not a question of reforming the Food Stamp Program. It is not a question of reforming that they are talking about. They are talking about absolutely no money at all for the nutritional element which is essential if we really care about children.

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

Mr. DOWNEY. It is my time to yield, and I am happy to yield to the gentleman from Missouri.

Mr. EMERSON. I will talk about that. But that is not the issue before the House now. The issue before the House now is this rule, in which you have gagged us from the opportunity to present a substitute.

I am open as to how I will vote on final passage. But I will tell you, if you move forward in this unfair procedure of gagging a bipartisan group of people from offering the substitute because you are afraid to have it debated, I will be constrained to vote no on the final passage. I think this is an absolute travesty. You are gagging the House, you are gagging your own Members.

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

Mr. DOWNEY. I yield to the gentleman from California.

Mr. PANETTA. Mr. Speaker, I think as the gentleman knows the rule provides for a debate on the issue with time divided between the sides. I am sure that both sides will be getting more than adequate opportunity to talk about the merits of both proposals.

But the key here is whether we care enough to really do something about the problem. That demands resources. What the substitute is trying to do is to somehow legislate the miracle of loaves and fishes. You cannot simply produce something from nothing.

Mr. DOWNEY. Let me just make one final point if I have any time, and that is that during the course of this debate I want our colleagues and those who are watching this debate carefully to listen to the discussion of both sides. I want to make sure that there is ample time to discuss in detail, and I hope that our Republican friends will do this, the nature of the problem, because it seems to me that there is no debate about the problem.

There is a crisis, and the crisis must be dealt with. That is not open to dispute.

What my fear is, is that what we will hear from the Republican side is the familiar mantra that you use, that this is more entitlement spending, tax and spend, that the budget deficit is increasing out of proportion, and that these are our first concerns. And I would say that the first concern of this country, in my mind, is to produce the healthiest and the smartest children in the world. And the best way we can do that is to make sure that children are raised in loving homes.

Now we cannot legislate that, but we can provide the means to keep those families that are in crisis together. That cannot be done, that cannot be done unless we provide the States additional resources, because what the States have told us, what the gentlewoman who will offer the motion to recommit has heard, what my friend from Iowa has heard is that they are overwhelmed, overwhelmed just dealing with cases of neglect and abuse. They do not have the resources to reach down and to anticipate problems and deal with them, that the court system deals with the lives of human beings in just under a minute, that judges are forced to make decisions about children with hundreds of cases waiting, and that they need help.

Explain to us how a substitute that conceivably will provide less money will help these children.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I might consume to respond to my friend from New York by saying he makes a very compelling case in behalf of the issue of debate. As my friend from Missouri said, what we are trying to do right here is allow debate on a substitute. My friend from New York stood in the well and pointed to this side of the aisle. I would say to my friend that LIZ PATTERSON from South Carolina, BILL SARPALIUS from Texas and ROB ANDERSON from New Jersey do not serve on this side of the aisle. They are majority Members, and they are part of this substitute which they want to have considered on this floor, and that is why we want to defeat the previous question.

Mr. Speaker, I yield 4 minutes to my friend, the gentleman from Iowa [Mr. GRANDY].

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

Mr. Speaker, let me say at the outset that I appreciate the eloquence of the gentleman from New York. I rarely appreciate the gentleman's argument, but at least he gets to make it.

He said we will debate the options today. There are no options here today. This is not a question about versions of good government. This is a question of government or nothing.

I am not going to be able to rise in support of the Johnson-Patterson or Grandy-Andrews and other substitute because it is not in order. And do not tantalize us with a motion to recommit. We all know what a motion to recommit is. It is scrap from the master's table.

The fact of the matter is we are not having a debate about values, family or otherwise. We are having a debate about volume. So what else is new? I can get up here and trot out the statistics that we have all offered in committee that these programs have grown by 4,000 percent since 1991, from $30 million to $1.3 billion. And you might ask at some point where is the money going? Why is this not working?

Maybe the solution is not more money. Maybe we should be talking about values and not volume. But we are not having a debate here.

□ 1010

This is a eulogy, because the Family Preservation Act as written is dead. The President will veto it. He signaled it to the Rules Committee. He will send that message to us as many times as you force him to.

The real losers here are not the Republicans. We are used to being bound and gagged. There is no difference between this rule and any other rule.

My condolences to Messrs. SARPALIUS, ANDREWS, and Mrs. PATTERSON. They are not as used to it as we are; but the people who are getting screwed are our children, and that is something that we ought to have a debate about, but which we will not because the previous question will probably be ordered.

We will not get a chance to extend the kind of debate that we often have with the gentleman from New York [Mr. DOWNEY] in the subcommittee, and that we have with the gentleman from New York [Mr. DOWNEY] and the gentleman from Illinois [Mr. ROSTENKOWSKI] in the full committee, and is productive.

Now, we can have a debate on taxes today. I am fully prepared to weigh into that. If you want to pit Republicans on the side of millionaires and Democrats on the side of children, we can do that. It is not constructive, does not help anybody, does not pass any legislation.

But I want to concur with my friend, the gentleman from Missouri [Mr. EMERSON], who has worked beside the gentleman from California [Mr. PANETTA] for years on the Agriculture Committee to feed children, and beside the gentleman from Ohio [Mr. HALL] on the Select Committee on Hunger for about the same amount of time.

I want to salute a bipartisan coalition that has already passed worthwhile legislation. Why can we not do that again today?

If the Family Preservation Act is everything they say it is, if the Leland Act is everything they say it is, then let us go head to head; but we are bound and gagged and unilaterally disarmed under this rule, and we have nothing but our meager portion of discontent, which is in the motion to recommit which Democrats react to as though it contained leprosy.

Let us not talk about a debate here. Let us not talk about having a discussion of values or the role of government or the role of the Federal Government versus State government. That is not even before us, unless we defeat the previous question. That is all we ask.

I do not ever expect the gentleman from California [Mr. MILLER] to accept our substitute. I would be stunned if he did that, but I would assume that at least under the rather constrained definition of free speech that defines our process here, we should at least be allowed to offer our substitute to this body to vote on without the unnecessary negative stigma of the motion to recommit.

This bill is going to be recommitted right into the President's waste basket. He will veto it. The debate will be over, and the same lousy 10-year administration of the child welfare system in this country will continue unabated. In the next Congress we will start again, perhaps with a new Congress, perhaps with a new President, who knows. But we could have done it today. It could have happened.

So I rise not as much in opposition to the rule or in the opposition to the Family Preservation Act, but to mourn what might have happened and will not.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

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

I must say, I think this is a very, very important day and America's children really could be finally put back front and center, and I really hope we can move on with this.

I hear all sorts of issues being raised, but let us admit what this does. The other side will have half the time, 50 percent of the time to present their case. They will also get a chance to present their substitute.

The real issue is, are we going to be serious today and move toward feeding children, or are we going to do what the gentleman from California talked about, legislate the equivalent of loaves and fishes, which means we are just going to talk about it, but there is not going to be any funding to do it.

Let us talk about how serious this is. The Fortune 500 CEO's have said all along that the one very important investment we could make would be feeding America's children, that for every dollar we spend feeding a child we save Federal dollars within the next 5 years in a much greater magnitude than the $1 invested in feeding them. Imagine what a radical concept.

But how marvelous it was to have the Fortune 500 CEO's come here and testify to that. That is not usually what they testify to.

If you take very esteemed academics who have been working on children's issues forever, they will show you charts of what this Federal Government did in the eighties. Every single category of spending went up in the decade of the eighties, except children. Children do not even come off the bottom line. We have stopped investing in children.

We know the immunization rates are awful. The gentlewoman from New York spoke on that just yesterday on the floor.

We know we have not invested in Head Start the way we should, with less than a third of the kids going.

And we know we have not fed them. Let us talk about Los Angeles. When the riots in Los Angeles happened, one of the largest feeding programs burned down that the Federal Government runs. In that center they were so oversubscribed that when children were 18 months old they stopped qualifying for food. If you think children stop growing at 18 months, that is outrageous. This is a chance to do what Mickey Leland did for children all over the world, and when you are doing it all over the world and not doing it at home, we are in trouble. So he is saying we ought to feed kids everywhere. It is a doggone good investment. In the long term we are going to save money.

The second part of this is so critical, our Governors, our States all want the chance to make American families successful. I do not know anyone, I have never met an American who did not want to be successful as a family member, and yet unfortunately the Federal incentive to States is not to help that family be successful, but instead to immediately run and grab the child and put the child in foster care.

You know, the amazing thing is, no matter how badly children have been treated in their homes, we find over and over again they will try to break away from foster care and go back home.

There is something about all of us that want our home life to work, no matter how bad it is.

We know again that if we spend the money trying to get families functional that are disfunctional, it is still much cheaper than putting a child in a foster care home for the rest of their minority years.

To me, this is something that we have got to do. We know the patterns and how difficult it is for people to break them. This is a big chance.

Over and over again, we have found in America that the children who have had the wings, the children who have been what we want all our children to be, the scholars, the ones who have done the best, one of the things that runs in common is that they have dinner with their parents.

To get those wings, you needs roots. We have not had a root feeding program. We have had an uprooting program, where if anything is wrong with the family, grab the kid, put it somewhere else and then you pay for that.

This is switching it to trying to do the root feeding program.

Yes, it will not work everywhere, but I will bet you will be absolutely surprised, because State after State that has experimented with this has been bowled over by the success model.

There is a way to pay for this in the bill. It is not off the budget.

I think it makes all the sense in the world. The other side will get their chance, too.

It is time that we move and talk about this real issue and get this done, and again I hope we can get on to the topic of the debate.

Mr. DREIER of California. Mr. Speaker, I appreciate that my friend, the gentlewoman from Colorado, and my friend, the gentleman from New York, have argued vigorously in behalf of debate, and that is why we hope we can defeat the previous question.

On the recommital motion, I would hope that my friend, the gentleman from New York, would support an effort which would see an additional hour granted so that we can have a full debate on this issue.

Mr. Speaker, I am happy to yield 4½ minutes to the gentleman from Pennsylvania [Mr. WELDON], a member of the Select Committee on Children, Youth, and Families, and a cosponsor of this very valuable substitute, which I hope we can put into place once we defeat the previous question.

Mr. WELDON. Mr. Chairman, I have taken great pride in the 6 years I have been here in not coming down to this podium to speak in a partisan manner.

I take great pride in my efforts to work with coalitions from both sides of the aisle on important environmental issues, on labor issues and on social and domestic issues.

As a matter of fact, I would remind my colleagues on the majority side that I was the Republican author of the bipartisan Family Medical Leave Act that brought 40 of our Republicans along on that very important bill.

But this rule is an absolute outrage. You have gone too far.

I say that because we are not going to be given a chance to offer our alternative, not the Republican alternative, a bipartisan alternative that I worked out with Congressmen SARPALIUS, ANDREWS, and that the gentleman from Texas [Mr. FROST] cosponsored, and combining it with an alternative offered by the gentlewoman from South Carolina [Mrs. PATTERSON], that we offered to this body as an alternative to what is being proposed here today.

□ 1020

This is an outrage because we had an alternative that would work. We developed this alternative over the course of the last year. I, as someone who spent 7 years teaching in an impoverished city, who was a chapter 1 program director for 3 years in an impoverished community, who was the mayor of an impoverished town for 5 years, and chairman of the county government that has to administer these programs, and now as a member of the Select Committee on Children, Youth and Families, I thought I could contribute something to this debate. We developed this bill as a result of hearings that we held in our committee. We listened to the Governors, we listed to the States, and we realized that we could double the amount of children we are currently servicing through our child welfare programs by simply eliminating the bureaucratic red tape, where we

have seen a 2,000 percent increase in administrative costs in the last 10 years alone. We want to eliminate that. We want the funding now going to the bureaucracy to go to the kids, to take care of their special needs.

We heard horror stories. I have one in my own district concerning a foster mother who had a child still in the custody of her natural mother, who has had 9 children and 9 abortions. Yet we the taxpayers still bear the cost to fly her back and forth to Colorado to visit that child who does not want to see her.

We want to remove that inflexibility. We want to give the States a chance to use the money as they see fit. My colleagues on the majority side said, "Well, we have the Governors." Well, guess what, folks, we sent our proposal to all 50 Governors. Mr. Speaker, at this time I would like to insert the comments of Governor Jim Florio of New Jersey, Bruce Sundlun of Rhode Island, Mike Sullivan of Wyoming, Evan Bayh of Indiana, Mary Dean Harvey, director of the department of social services for Nebraska, and Curt Schmoke, the mayor of Baltimore, all of whom have written comments on our proposal.

The comments referred to are as follows:

Mr. Chairman, Jim Florio, a former colleague of ours and the Democratic Governor of New Jersey, stated that:

We support the capped entitlement program as long as the cap is linked to the elimination of the burdensome administrative costs involved with eligibility requirements and the cost allocation plan.

This proposal does so. He goes on the state:

* * * it would be naive to believe that the House and Senate proposed family preservation legislation will be enacted into law this year. The Administration and some legislators, * * *, have indicated that they may not support any new funding programs due to the condition of the economy and the growing federal budget deficit. If the Administration and Congress cannot agree on the abovecited Downey and Bentsen bills this year, then the State of New Jersey would support your proposal.

This letter was written before the 10 percent surtax was added to the Downey proposal. It is clear from this statement that the Johnson proposal makes serious changes which that States desire. It makes clear that we can greatly assist our children and States without raising taxes.

BRUCE SUNDLUN, GOVERNOR OF RHODE ISLAND

The Democratic Governor of Rhode Island Bruce Sundlun calls my proposal "a positive step in federal support for preventive services to children and families. The elimination of redundant and time consuming federal reviews will allow Rhode Island to concentrate on the delivery of services that can truly help families." He goes on to state, "I applaud your initiative in proposing this valuable legislation."

MIKE SULLIVAN, GOVERNOR OF WYOMING

"Any legislation which would reduce the administrative burden of state government would be most welcome. The combining of IV-B and IV-E into a single program should reduce administrative overhead. It is our understanding that the current audit requirements for IV-B and IV-E would be eliminated by this proposal, thus, relieving states of burdensome and costly compliance issues."

"Finally, I support the change in Section 472, which should grant states' flexibility in achieving the goals and objectives of the Independent Living Program."

EVAN BAYH, GOVERNOR OF INDIANA

"I support you opinion that there should be more flexibility in funding to improve the delivery of services to troubled families and children. This flexibility coupled with increased federal funds would provide Indiana better tools to meet these needs." This is what our plan does, by providing flexibility with approximately a 16 percent increase in funding each year over the next five years.

MARY DEAN HARVEY, DIRECTOR OF THE DEPT. OF SOCIAL SERVICES FOR NEBRASKA FOR GOVERNOR BEN NELSON

"I share several of the concerns you raise. It is burdensome to have several funding sources, each with its own limitations, requirements, reports, and reviews. It is nonsensical to eliminate some children from eligibility for Title IV-E maintenance and adoption funds assistance while turning around and having non-IV-E children be eligible for IV-E Independent Living Services and IV-E Non-Recurring Adoption Expenses. I also share your belief that states must be given greater flexibility, so that funds can be used for preventive and reunification services."

KURT SCHMOKE, MAYOR OF BALTIMORE BEFORE W+M SUBCOMM. ON HUMAN RESOURCES

He would like the money of Downey but states, "We could make a good start with some changes in rules and regulations that would allow targeting exiting resources in a more effective way. * * * There have to be some policy changes made."

But guess what, Mr. Speaker, these comments may be supportive and positive, but we will not be given an opportunity to vote on our alternative. Why? Is it because we have not thought out our alternative? No, it is not that at all. Mr. Speaker, this is a case of pure partisan politics. The majority knows that they cannot get this bill signed at the White House.

The majority knows the President will veto this bill.

They know that our bill would get the majority of the votes, and I can tell you even though we have five Democratic sponsors, I have talked to the moderate Democrats and they would vote for our alternative. They would vote for it. But they are not going to be given that opportunity, and you know it. You do not want to give them the opportunity to vote for the compromise. You want to jam something down our throats so it is all or nothing.

Well, let me tell you something, folks, "you just don't get it, you just don't get it." The American people are fed up with your politics, they are fed up with your trying to jam things down our throats that are not going to solve problems.

Mr. Speaker, let me ask all of my colleagues in this House to veto against this rule and send a signal to the liberal caucus of the Democratic Party that we want to solve problems, not play politics in an election year.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time. Does the gentleman from California have further requests for time?

Mr. DREIER of California. I know this comes as a surprise to my friend, the gentlewoman from New York, but, yes, we do have further requests for time. I am happy at this point to yield 2½ minutes to my friend from Indianapolis, Mr. BURTON.

Mr. BURTON of Indiana. I thank the gentleman for yielding this time to me. Mr. Speaker, one of the things that has not been discussed here today is where we are going as far as the spending in this country is concerned. The chart that is in front of me shows the growth of entitlements over the last 20 years. In 1972, we were spending $91.7 billion on entitlements. In 1975, it went to $160 billion, in 1978, it went to $220 billion, in 1981, it went to $329 billion, in 1984, it went to $293 billion, and in 1987, $462 billion, in 1990, $602.5 billion, and it is going to be $804 billion in 1993. And this is a new entitlement program.

The total spending of this Government is close to $1.5 trillion next year, and that is $400 billion more than the tax revenues coming in. The national debt has gone from $1 trillion, which took us 200 years to achieve, to $4 trillion in 10 years, 1992.

Now, what does this mean? This means that in the next few years we are going to see a national debt approaching $13.5 trillion, and what we are doing today, if we pass this bill, is adding a new entitlement program that is going to exacerbate the situation.

What does this mean? We are going to help, according to the people that advocate support of this bill, we are going to help the underprivileged children, the people on welfare, the children who need assistance.

But what are we going to be doing in 5, 6, or 7 years? Well, let me tell you: The Federal Reserve Board, when we get to the point where we cannot even pay the interest on the Federal debt, will start to monetize the debt. That means print money to pay off the debt. The servicing of the debt, the interest on the debt in the next 5, 6, and 7 years is going to be almost as much as all the personal income taxes coming in. That means we will not have the money to pay for this program or Medicaid or Medicare or Social Security or these other programs. At that point, the Federal Reserve Board is going to have to figure out a way to pay off the debt. The only way they can do that is print money.

Now, the people you want to help, the poor children and senior citizens on Social Security and Medicare, at that point they are going to be flooding the marketplace with all this newly print-

ed money and the cost of a loaf of bread is going to be $30, the cost of a quart of milk is going to be $30 and the people you pretend to want to help will not be able to spend the money you give them because it will not be worth anything.

□ 1030

Every single country in the history of mankind that has gone through this has had hyperinflation, and these programs are going to cause that.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, yield 1 minute to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, I appreciate the gentlewoman from New York [Ms. SLAUGHTER] yielding this time to me.

Mr. Speaker, one of the reasons why the Republican substitute was not acceptable to us is that it did not recognize the stark, harsh, cruel impact that hunger has on the kids of America; 5 percent, 5 percent, of the kids in America live in poverty, and an estimated 5 million kids, 5 million kids, do not have enough to eat and suffered hunger in the year 1991. This was only one of the reasons why the Republican substitute was not acceptable. It did not meet the awful, tragic, appalling needs of kids in America, the richest country in the world, who do not have enough to eat every day of the week.

Mr. DREIER of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have been spending a great deal of time over the past hour debating the issue of child welfare reform, but clearly what we are here to do is to debate the rule. All we are trying to do is put into place a bipartisan substitute. Members of the majority, Members of the minority, who came before the Committee on Rules and wanted to have the opportunity to offer their amendment, are denied that opportunity under this rule. Clearly every Member who wants to improve services to families in crisis, every Member who opposes higher taxes on small businesses, and every Member who believes in fairness should vote no on the previous question.

The gentlewoman from Colorado [Mrs. SCHROEDER], my colleague, made the case that we have seen dramatic cuts in child welfare and safety net programs. In the past 3 years, in constant dollars, we have actually seen a 60-percent increase. She is wrong. We need to have this bipartisan substitute at least considered.

So, Mr. Speaker, I urge my colleagues to vote against the previous question.

The SPEAKER pro tempore (Mr. JONES of Georgia). The time of the gentleman from California [Mr. DREIER] has expired. Does the gentlewoman from New York [Ms. SLAUGHTER] yield back the balance of her time?

Ms. SLAUGHTER. If first, Mr. Speaker, I may make one statement, and that is: I want to restate again, as succinctly as I can, that the bipartisan measure presented to the Committee on Rules had never gone before the Committee on Ways and Means.

Mr. GRANDY. Mr. Speaker, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Iowa.

Mr. GRANDY. That does not happen to be factual. This substitute, although it did not contain the Leland provision, which is not under our jurisdiction, was offered in the subcommittee. It was rejected, but it was offered in a modified form in the full committee.

There has been a legislative history to this.

Ms. SLAUGHTER. Mr. Speaker, if I can restate what I am attempting to say, the impact of this measure on the bill by the Committee on Ways and Means was never fully considered, and indeed we believe that we met the needs of the authors of the substitute by allowing them to give it in a motion to recommit, and I urge all my colleagues to vote for the previous question.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 247, nays 166, not voting 21, as follows:

[Roll No. 369]

YEAS—247

Abercrombie
Ackerman
Alexander
Anderson
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Bellenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (TX)
Hamilton
Harris
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—166

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McDade
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella

Morrison
Murphy
Myers
Nichols
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—21

Andrews (ME)
Andrews (NJ)
Barnard
Chapman
Davis
Dickinson
Ford (TN)
Gaydos
Hall (OH)
Hatcher
Levine (CA)
Luken
McCrery
McEwen
McMillen (MD)
Nussle
Roe
Schulze
Towns
Traxler
Washington

□ 1053

Mr. McGRATH changed his vote from "yea" to "nay."

Ms. KAPTUR and Mr. LANCASTER changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. McMILLEN of Maryland. Mr. Speaker, I was detained on my way to vote on the motion ordering the previous question on House Resolution 543, roll call vote No. 369. Had I been present to vote, I would have voted "yea."

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the resolution.

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

Mr. DREIER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 196, not voting 18, as follows:

[Roll No. 370]

YEAS—220

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carr
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hamilton
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Reed
Richardson
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thornton
Torres
Torricelli
Traficant
Unsoeld
Vento
Visclosky
Volkmer
Waters
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—196

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bellenson
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Carper
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
DeLay
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kanjorski
Kaptur
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McDade
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Murphy
Myers
Nichols
Nussle
Orton
Oxley
Packard
Patterson
Paxon
Payne (VA)
Peterson (FL)
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stallings
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Andrews (NJ)
Barnard
Chapman
Davis
Dickinson
Ford (TN)
Hall (OH)
Hatcher
Luken
McCrery
McEwen
Roe
Santorum
Schulze
Towns
Traxler
Washington
Waxman

□ 1109

Mr. McDADE changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS ON H.R. 4323, NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT

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

Mr. MOAKLEY. Mr. Speaker, this is to notify Members of the House of the Rules Committee's plans regarding H.R. 4323, the Neighborhood Schools Improvement Act. The committee is planning to meet on Tuesday, August 11, 1992, to take testimony and grant a rule on the bill.

In order to assure timely consideration on the bill on the floor, the Rules Committee is considering a rule that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 4323 should submit, to the Rules Committee in H-312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 3 p.m. on Monday, August 10, 1992.

We appreciate the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 4323.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3603, the Family Preservation Act of 1992.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Illinois?

There was no objection.

FAMILY PRESERVATION ACT OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 543 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3603.

□ 1111

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3603) to promote family preservation and the prevention of foster care with emphasis on families where abuse of alcohol or drugs is present, and to improve the quality and delivery of child welfare, foster care, and adoption services, with Mr. STUDDS in the chair.

The clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes, the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes, and the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 15 minutes, and the gentleman from Missouri [Mr. COLEMAN] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, our Nation's child welfare system is in a state of crisis. The system is charged with protecting and caring for children who are abused, neglected, and dependent, yet the system is overloaded.

Children are literally flooding the system in many parts of the country. Reports of child abuse and neglect have tripled in the last decade—to 2.7 million cases annually—and the number of children in foster care has increased by 50 percent in just 5 years. At the end of 1990, there were an estimated 407,000 children in foster care, and that number has surely increased by now.

While these numbers are staggering, the stories behind the numbers are far more personal and far more disturbing. Children in the system today face greater problems than children seen by caseworkers just 5 or 10 years ago. Substance abuse, particularly since the introduction of crack cocaine, has threatened the lives and futures of countless numbers of children, many of whom already are struggling with poverty, family dysfunction, mental illness, social isolation, and dangerous communities. In Chicago, for example, referrals of drug-exposed infants to the child welfare system increased by over 1,700 percent between 1986 and 1989.

Children are entering the child welfare system at younger ages than in earlier years. Without help, both for them and their families, many of these children are at risk of spending significant portions of their lives in the child welfare and foster care system. However, this desperate need for services simply cannot be met with the current level of staff and resources in many communities. This structure and funding levels of Federal child welfare programs have actually exacerbated the problem, by supporting and encouraging foster care over other child welfare services, particularly those designed to strengthen and preserve families and reduce the need for foster care. Under current law, the Federal Government provides open-ended entitlement funding to States for foster care placements, but only limited funds for social services to strengthen and preserve families.

H.R. 3603, the Family Preservation Act of 1992, would expand resources available to State and local child welfare agencies for the purpose of supporting and preserving vulnerable families, with particular emphasis on families affected by substance abuse. The bill would create a permanent capped entitlement under title IV-B of the Social Security Act, in addition to the existing title IV-B authorization of $325 million annually. Entitlement ceilings would increase from $200 million in fiscal year 1993 to $600 million in fiscal year 1997. The bill would provide flexibility to States in designing their child welfare programs, recognizing the innovative approaches already underway in many States. The bill would maintain—and financially support—the goal of Federal policy that families should be preserved whenever possible, and that when reunification is not feasible, children should be protected and placed in permanent situations expeditiously.

H.R. 3603 would also make numerous improvements in the existing foster care and adoption assistance programs. These include expanded eligibility for foster care and adoption assistance under title IV-E to abandoned children and children living outside the home before entering foster care, payment for respite care for foster parents of special-needs children, increased State accountability for out-of-State foster care, and establishment of a new system for the Federal review of State child welfare programs. The bill would also create a permanent Advisory Commission on Children and Families to collect and assess information on the economic, social, and physical well-being of children, and the effectiveness of social services and income security for children and families.

H.R. 3603 also includes several changes in the Food Stamp Program which will primarily assist families with children. The bill encourages the payment and collection of child support and allows families with extremely high housing costs to deduct more of these costs, thus increasing food stamp benefits.

The Congressional Budget Office has estimated the 5-year cost of the Family Preservation Act and the childhood hunger provisions to be $3.5 billion each for a total of $7 billion. The bill is fully funded by a surtax on individuals with taxable incomes above $1 million which raises $8.2 billion over a 5-year period. Thus, the bill meets the requirements of the Budget Enforcement Act of 1990 each and every year. The tax affects 60,000 tax returns, or less than one-tenth of 1 percent of all returns.

Mr. Chairman, this is a major bill affecting the lives of children who are at risk of being abused, neglected, and hungry. In the interest of millions of this country's children, I urge my colleagues to support this very important bill.

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

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are used to the majority using House rules to control legislation. Here we go again.

Today we have a situation in which Republicans and Democrats have worked together on a bipartisan alternative aproach to an important public issue for more than 2 years. We put forward a proposal that spends no money above the amount already in the baseline.

Our bipartisan alternative simplifies administration and reduces bureaucracy—and yet promises real reform. The contrast between our approach and the majority bill could not be more clearly defined.

But under the rule the House will not be allowed to make that clear choice.

We have to offer our approach in the motion to recommit—instead of getting a fair debate and vote as an amendment in the nature of a substitute.

For 3 years, the Ways and Means Committee has been considering reform of the Nation's foster care and adoption programs. From the beginning, there has been a strong partisan cast to its consideration.

The central focus of the debate is this: Should we accept the current structure of Federal spending on child welfare, raise taxes, and simply spend more money—or should we change the structure and use the money we already spend in a more efficient way?

We believe that the latter approach is far preferable—and has the greatest chance of accomplishing the basis purpose of the legislation. Here is why:

The current structure of child welfare programs consists of six open-

ended entitlements to pay for: Child maintenance in foster care or adoptive homes; administration of out-of-home placements; and training of child welfare caseworkers, parents, or administrators.

In addition, we have one appropriated grant program to pay for services to help families that neglect or abuse their children.

Reflect for a moment on this structure: Open-ended entitlement money for children removed from their homes; appropriated, restricted money for troubled families to keep their children.

The message to States from the Federal Government is clear: If you remove children from their homes, we'll give you lots of money; if you leave them with their parents and try to help the family unit, we'll provide you with very limited funds.

The majority's solution to this problem is typical: Tax and spend; create a new entitlement to provide services to families. Now instead of six entitlements, we'll have seven.

But there is a much better, more economical, even more radical solution.

There is a better way to use the money we already have—and a courageous, thoughtful group of Republicans and Democrats have found that way—the Johnson-Weldon amendment.

But the majority leadership, evidently fearing that Members might choose to be responsible—do not want to take the chance that their politically motivated tax-and-spend plan will lose out to reason.

That is why they are limiting us to the procedural vote on the motion to recommit—which limits debate to 5 minutes.

According to the Congressional Budget Office, over the next 5 years—under current law—Federal spending on child welfare will rise from a little over $2 billion in 1992 to more than $4.5 billion in 1997. Total Federal spending on child welfare during that 5-year period will be more than $18 billion, $6 billion in new money over the 1992 baseline.

The majority's bill will add an additional $3.5 billion to that child welfare total through a new entitlement program—and another $3.5 billion in new entitlement spending on food stamps—a total of $7 billion more. They cleverly package this new spending with a new tax on those of high incomes—so they can debate the issue on the basis of making a choice between wealthy taxpayers and aid to children and the hungry.

Listen carefully to the dabate. Tax and spend is alive and well as the credo of the majority in this Congress. The only thing standing in the way of that rhetoric becoming a steady drumbeat of tax and spend initiatives is a President in the White House who has the courage to say "no."

I know he will do so again if this blatant political ploy reaches his desk.

The majority will criticize him for not taxing enough—for not spending enough.

They will cry out for a President who will help them tax and spend to their hearts' desire. Maybe that President is somewhere on a bus in Iowa today. He's sure not in the White House.

And that is what today's debate is really all about. The choices for the American people are becoming clearer every day.

Today the House of Representatives gets to make a choice.

You can vote "yes" on H.R. 3603—and raise the flag to tax and spend us further into deficit. Or you can reject tax and spend and support the motion to recommit—so we can insist on spending precious tax dollars more effectively and efficiently.

□ 1120

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

Mr. PANETTA. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise to speak on behalf of the portion of the bill called the Mickey Leland Childhood Hunger Relief Act.

There is obviously a large debate that is going on in this country, and it should be with regard to family values. And everyone has their own interpretation of what family values are. But surely the most fundamental value that has to be present in every family is the protection of our children, providing for their security, providing for their safety and ensuring that they are fed. My parents wanted that for their children. Surely we must want it for our children.

The tragedy, the great tragedy, and the great shame of our society today is the way we do treat our children. In this country 5 million children experience hunger, 12 million are hungry or at risk of hunger in the United States of America, 2.7 million are neglected and abused, and 50 percent of those on food stamps are children in the United States of America. So it is a national shame. We have a forgotten generation in our society, and that is our children. And there is no excuse for that, and there is no justification for that.

We must respond to that as we respond to every other crisis in our society. When there is a disaster, a natural disaster, we respond. When there is an urban crisis, we respond. When there is a crisis in the Soviet Union, in Russia, we try to respond. Surely we can respond to the crisis of children in our own society.

That is the purpose of this children's initiative, and it is the purpose of the Mickey Leland Childhood Hunger Relief Act. That bill, and the elements of that bill are not controversial. We have worked on a bipartisan basis with regard to the elements of that legislation. It passed this House 336 to 83. We have 109 cosponsors. I pay tribute to my Republican colleague, the gentleman from Missouri [Mr. EMERSON], who has worked on this legislation, and believes in it and supports it, but unfortunately does not agree with the way to pay for it. But the elements we agree to.

The elements are key reforms. Let me mention them. A shelter deduction. Right now if you are a family and your shelter costs are going up, you are penalized in terms of your nutrition benefits. That is wrong. We allow a full deduction for shelter costs to the elderly and the disabled. We want to provide the same deduction with regard to families with children.

Second, child support. Right now when somebody gets their child support we penalize them on reduced benefits for food. That is wrong. And so what this does is it allows the first $50 not to be counted as income, and that is similar to what we provide under AFDC.

Third, we want to keep households together, not apart. And what we provide here is that families can live together and still receive their benefits.

Last, the temporary emergency feeding program, something that now provides emergency feeding services throughout this country, we provide additional funds for that program. And everyone understands how vital that program is to our country.

This bill was reported unanimously by the Agriculture Committee, and it was sent to the Rules Committee waiting for the need to pay for it under the pay-as-you-go requirements of the budget agreement. And thanks to the Ways and Means Committee, as they considered the Family Preservation Act, they found a way to pay for it. Now some may not like the way to pay for it, but the reality is it is paid for each year. This is probably the best paid for bill that I have seen in this session of Congress with regards to the benefits and what is provided to pay for it.

What I hear here is we do not like this way to pay for it.

□ 1130

We want some other way to pay for it, and there is no way to pay for it. That is not an alternative.

Let us hear the alternatives. If you want to provide legislation, let us hear how you want to pay for it, but I hear no alternatives.

I would plead with my colleagues, if Mickey Leland were alive today, he would make the same plea to all of my colleagues: "Please, do not abandon our children."

If you voted to reform the earned-income test for the elderly and add $7 billion to the deficit, do not abandon the children; if you voted or are a cosponsor in reforming the notch at a $22 billion cost, please, do not abandon the

children: if you voted for the space station at an ultimate cost of $30 billion, do not abandon the children: if you are going to vote for Soviet aid today, do not abandon the children.

Please, we have a commitment here and a need to deal with what is a fundamental crisis in our society. Vote for this bill and allow us to restore the most fundamental value that we ought to be restoring to the family, the protection of our children, and restoring at the same time the American dream that perhaps we can give our children a better life in the future.

Mr. Chairman, it was my honor and privilege to address the U.S. House of Representatives in the last Congress concerning the merits of the Mickey Leland legislation, and to ensure its inclusion in the nutrition title of the 1990 farm bill. As most of you know, this legislation dealt with reforming the Food Stamp Program, and helping families and hungry children. It was no surprise to me then, and no surprise to me now, that the support for the Leland provisions was affirmed by such a resounding floor vote by my fellow colleagues of 336–83, with more Republicans voting for this legislation than against it. This bill enjoyed broad bipartisan support then, but due to budget constraints could not be enacted, and now enjoys bipartisan support in this Congress with over 100 cosponsors. Ending childhood hunger was, is, and remains a primary issue to be resolved in this society. I cannot think of a more profamily issue than that of protecting and nurturing our children, our future.

Two years have passed since that vote was taken, and the situation for all of our children has further deteriorated. About 5 million American children under the age of 12 go hungry each month and 7 million more are at-risk of hunger, according to estimates based on the results of the most comprehensive study ever done on childhood hunger in the United States—the community childhood hunger identification project [CCHIP]. The results of this study, conducted by the Food Research and Action Center [FRAC], were applied to the best national data and FRAC estimates that approximately 12 percent of all families with children under 12 are hungry. In such a bountiful country as the United States, a country known as the bread basket, it is unacceptable to imagine such distressing numbers of hungry children among our families.

But we need to take a step back to get a much clearer perspective to understand that this situation has truly taken a turn for the worse, not just over the past 2 years, but over the past decade. Since 1983, the U.S. Conference of Mayors has documented an annual increase in the demand for emergency food in major cities across the Nation. In 1991, requests for emergency food increased in the survey cities by an average of 26 percent, up substantially from increases of 19 to 22 percent each year between 1988 and 1990. Two out of three persons requesting emergency food assistance were members of families with children.

Hunger is a condition of poverty. According to findings the Children's Defense Fund released just last month, child poverty went up in 33 States between 1979 and 1989, and the number of poor American children grew by 1.1 million, to a total of 11.2 million between 1980 and 1990. This meant that during a period of what most consider a time of increased economic prosperity, the child poverty rate increased by more than 11 percent. Of course, this was also during a decade that saw serious misguided priorities from the administration, manifested in efforts to slash the budgets of those programs that most help children. The time is long overdue to change these trends.

So what are the consequences? Hungry children suffer from two to three times as many individual health problems, such as weight loss, fatigue, headaches, inability to concentrate, and frequent colds. As a result, hunger has a negative impact on children's ability to learn. How can children possibly focus on school if they are distracted by the hunger they feel gnawing at their stomachs?

The public is very concerned about hunger. A national public opinion poll released in April 1992 reveals that over 90 percent of registered voters believe that hunger in the United States is a serious and growing problem. Hunger ranks with education, health care policy and poverty and homelessness as a serious issue, trailing concerns about unemployment, drugs, the deficit, AIDS and the economy. However, the issue of hunger is seen as solvable. When people were asked if they are willing to pay $100 more in taxes if the additional taxes will be used to assist in ending hunger, willingness to pay the additional taxes has risen to two-thirds of the public. If the public is concerned about the problem and has indicated a willingness to pay higher taxes to address it, then what is the Congress doing about it?

The fact is that many Members of Congress are concerned and want to take action. As all of you know, this is an issue in which I personally have long been involved. I have joined together with my colleague from New York, Mr. TOM DOWNEY, in combining our two respective pieces of legislation, the Family Preservation Act, and the Mickey Leland Childhood Hunger Relief Act, to address child welfare and childhood hunger issues together in a bill known as the children's initiative.

Mr. DOWNEY's legislation will include the following provisions:

Provide $3.5 billion over 5 years in new money to keep families together and prevent foster care. These monies would prevent many children from having to be taken by the courts from their homes and placed into expensive foster care;

Extend foster care and adoption assistance to abandoned children and children living outside the home before entering foster care;

Pay for respite care for foster families of children with physical and emotional disabilities;

Establish a new, integrated system for the Federal review of State child welfare programs; and,

A permanent Advisory Commission on Children and Families would be created to collect and assess information on the economic, social and physical well-being of children, and the efficacy of social services and income security programs for children and families.

The child welfare system is charged with the responsibility of protecting and caring for abused, neglected and delinquent children. However, the system is overburdened and underfunded. The Family Preservation Act will provide the necessary services to help abused and neglected children and keep at-risk families together whenever possible.

The Mickey Leland Childhood Hunger Relief Act is legislation I introduced and which was reported out of the House Agriculture Committee unanimously by voice vote last year. The Leland bill would do the following:

It would help families with children at the brink of homelessness. It would allow families with children to deduct high shelter costs in the same way that elderly and disabled households do at present. Under current law, families with children may deduct shelter expenses that exceed 50 percent of their incomes, but only up to a cap of $194 a month. The cap has the effect of forcing families with children to choose between heating and eating. HUD and Census Bureau data show that 45% of all poor renters spend at least 70% of their incomes on shelter costs.

For example, a family with two parents and three children has $1,000 per month in earned income, and shelter expenses—rent and utilities—of $700, would receive about $294 in food stamps per month under current rules. With the children's initiative reform removing the cap, that family would receive an extra $50 per month to feed their children.

It would also allow relatives to be separate food stamp households if they buy and cook food separately—except that minor children could not be separate from their parents. Current law forced most people to apply together with their parents, adult children, and siblings even if they do not share resources. These rules do not only deny food to needy people but also may break up families and force people into shelters by threatening to cut off the food stamps of people doubling up with relatives.

For example, a 19-year-old student working to put herself through college moves back in with her ailing mother so that she can afford to stay in school. Her income is used only to pay for her own food and her school expenses. Under current rules, because her income is counted as available for food for her mother, her mother's food stamps are terminated. The children's initiative would allow the mother to continue receiving food stamps, provided that she and her daughter purchase and prepare their food separately.

The Leland bill would encourage the payment and collection of child support. It would prevent the first $50 a month paid as child support from being counted as income in determining food stamp benefits. This will give custodial parents an incentive to seek out absent parents and absent parents an incentive to pay child support.

The children's initiative would allow families receiving child support to receive an additional $15 in food stamps because the first $50 of child support is disregarded as income. With the average food stamp benefit of $.75 per person per meal, this would mean an extra 20 meals for hungry families with children.

It would exclude from low-income households' income any legally obligated child support payments household members make to people outside of their household. This would

encourage low-income absent parents to make support payments and ensure that their ability to feed their current families is not unduly burdened by their performance of their child support obligations.

For example, an absent parent pays $200 per month in child support for his children from his previous marriage. Even though this money is not available for food for his new family, he receives the same amount of food stamps as if he refused to pay child support. The children's initiative would allow his new family to receive an additional $60 in food stamps.

Also, the bill will increase USDA commodity purchases in fiscal year 1993 for the Emergency Food Assistance Program, which helps food banks and emergency food providers meet the needs of millions of people.

Both original versions of these two bills have been significantly pared-down in terms of costs. The Family Preservation Act was scaled back from approximately $7 billion to $3.5 billion, and the Mickey Leland Childhood Hunger Relief Act, originally at $5.3 billion has been reduced to a cost of $3.5 billion over 5 years. The Mickey Leland bill initially included several provisions such as improving the food stamp benefit and reimbursement of employment and training expenses which had to be eliminated entirely in order to meet the new target cost of $3.5 billion. It is important to note that over 90 percent of the Leland bill's provisions are targeted on families with children.

The financing mechanism in the children's initiative, a 10 percent surtax on millionaires, raises $8.2 billion over 5 years, of which a total of $7 billion will be provided to pay for both family preservation and Mickey Leland over 5 years. Since the cost of the combined bills is only $7 billion, $1.2 billion will be applied specifically for budget deficit reduction. The surtax will affect only a small percentage of the population, only 6 out of every 10,000 taxpayers. The majority of wealthy households, along with all middle- and low-income households, would be untouched. The bill fully meets the pay-as-you-go requirements of the 1990 budget agreement in each and every year according to CBO.

These are real reforms, not just lip service in an election year about trying to help families and children. The proposals are solid investments in our American families. Preparing our children to be ready to learn for school will most certainly pay off in the future. A committee of Governors at the recent 84th annual National Governors' Association meeting urged support for programs that assure that children arrive at school in good health and properly fed. This is a way of investing to avoid a larger cost in the future. One of the governors' reports indicates that children who have the benefit of early education and are prepared to learn, are more likely to graduate from high school, go to college and have a job—and they are less likely to end up on walfare or lead a life of crime.

We own it to our children to make sure that they can develop to their fullest capabilities and potential, mentally and physically. No other substitute will do, especially the one that reflects the administration's position on child welfare discussed by Representative NANCY JOHNSON. I want to point out, and want all of my colleagues to keep in mind, that this so-called substitute does not include any provisions for addressing childhood hunger issues. Instead, it would completely eliminate inclusion of any such food stamp reform initiatives such as the Mickey Leland bill. This should clearly reflect the administration's total lack of commitment to the disregard of the most vulnerable in our country, our children.

The children's initiative will accomplish these goals. This is legislation that is necessary, practical, profamily and paid for. It will support and strengthen families, prevent child abuse and childhood hunger. I urge your support for this measure designed to take action right now. Support helping families and hungry children, vote in support of the Downey-Panetta children's initiative.

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

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership, to my friend, the gentleman from New York [Mr. DOWNEY], for his great leadership, the gentleman from California [Mr. PANETTA], and others who worked so hard to bring this before us.

I am proud today to have this chance to speak on this bill. I have to say to my Republican friends who are raging against this bill and raging against the tax and spend, I never heard you rage against tax and spend when you voted for star wars; I never heard you rage against tax and spend when you voted for weapons systems that did not work; I never heard you rage against tax and spend on any of the things you think are important, and I never accused you of taxing and spending if you voted for things that are important. So I do not think you should bring that topic here today.

Yes; we are proposing a pay-as-you-go plan to help the most vulnerable among us, the children. How great is a country that does not care about it children? Not great.

How many of us, Mr. Chairman, in this Chamber, Republicans and Democrats, have said that our children are our future? I think all of us have said that, and we were wise to say that.

I think today we can show that we mean that out children are our future.

We have a crisis on our hands in America. The facts were read by the chairman of the committee. Between 1980 and 1991, child abuse and neglect cases tripled, tripled, in 11 years.

I have to say to my colleagues that if you vote for this bill you are helping the most vulnerable among us.

There is a difference between spending wasting and investing. I want to give you one number, and I really want to address this to the fiscal conservatives in this body. One year's worth of high-school dropouts costs our Nation $240 billion over their lifetime. Today's deficits are caused by the dropouts of yesterday.

In conclusion, vote for this bill. It is the right thing to do. It is the wise thing to do. It is even the fiscally conservative thing to do.

Mr. ARCHER. Mr. Chairman, I yield 5 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], a member of the Committee on Ways and Means, who has been so energetic, so persevering, so creative in her efforts to work for children of this country and to do it in a productive and efficient way.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I would like to make two clarifying comments. First, what we are talking about today here is not welfare services. What we are talking about today is $3.5 billion for the foster care/adoption system which is a small part, though a very important part and a part that needs new money, of the larger category of welfare services. So Members should not be confused that somehow this $3.5 billion is going generally to poor families, needy families in America. This is going to families in crisis, on the verge of losing their children regardless of income, and that is as it should be.

Second, to address very clearly, and I think fairly, the issue of whether the alternative that you will be voting for if you vote for the motion to recommit, is real and thought out, may I remind members that it has been circulating or introduced more than a year. It has been in its current form for 2 months and broadly reviewed. We have talked with the administrators of every State about it, Governors have reviewed it, and it was offered in subcommittee in its complete form. In full committee it was offered in the parts that we thought had not been added into the full committee bill. As we never got the text of the full committee bill before it was voted on in committee, we could not be quite sure what was in it and what was not. But we tried to add in the pieces that had not been subsumed into the committee bill.

Now, to put the substitute proposal in context, let me just quote from the new Democratic platform. Bill Clinton says:

> We call for a revolution in government to take power away from entrenched bureaucracies and narrow interests in Washington and put it back in the hands of ordinary people. We vow to make government more decentralized, more flexible, and more accountable.

Mr. Chairman, my colleagues, that is what this does. If you are a Republican and the foregoing quote reflects your principles, or whether you are a Democrat and agree with your platform, vote to recommit, because that is exactly what the bipartisan coalition alternative proposes.

Let me tell you how. Because my chairman challenged us during the rule debate to get substantive, let us get substantive. In the motion to recommit, you will have a chance to vote to

reform this program in exactly the way that every business in America has reformed themselves, to produce better quality services at lower dollar cost. We save millions of administrative dollars through the alternative and all those dollars can be used, then, to fund front line family preservation services.

For example, in one category of the bill there is money for administration—money for training. There has been a 4,000-percent increase in funding in this category. Part of that money is going to fund States in an incredible paperwork battle with the Federal Government over what is administrative cost.

I am not going to go into the arcane nature of this debate, but it is in brief, a question of whether case management is an administrative or service cost. The problem is that this controversy is like a magnet soaking real dollars out of the system into the bureaucrat caverns of State and Federal Government, drawing the social workers' time, away from providing of children's needs and addressing families' needs.

When we talk to State administrator after State administrator, they would absolutely love to be free of having to document what is administrative and what is not administrative. If we would free them, they could save millions of man-hours and so millions of dollars. My bill creates a capped entitlement, gives them complete flexibility over this money, relieves them of documenting administrative services to the Federal Government and lets them spend precious resources on family preservation services.

In another area, that of 427 reviews, we reduce paperwork by suspending the current inefficient but burdensome system temporarily while we let a commission of experts and State administrators develop a national data system that will enforce the 427 reviews and provide the national data we so badly need for better service to the foster care system. The third area of paperwork reduction is the section that eliminates the requirement that the State make the AFDC eligibility determination for families that only need preservation services. When we are trying to move this bureaucracy from a placement bureaucracy, from a breaking families-up bureaucracy, to a keeping families together bureaucracy, to a bureaucracy that develops better services for strengthening families, for preserving families, it is even more important that we relieve the States of determining AFDC eligibility for every one of the families that needs family strengthening services.

So not only now is this going to save money but in the future it will save even more significant man-hours and dollars; so it is imperative that we reform the program, not just put new money into it.

The alternative that you will have a chance to support through the motion to recommit will radically reduce administrative costs through exactly the kinds of bureaucratic reforms I've described, and make those dollars go to kids and create those services that will strengthen families. Second, and as important, the alternative offers $1.5 billion of new money. And third, the alternative is a bill that the President will sign so that kids will be helped, not hurt by our inability to act straightforwardly and realistically.

□ 1140

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in strong support of H.R. 5600, the Downey-Panetta children's initiative. This legislation is an investment in our Nation's children and their families, millions of whom are in severe crisis, due to these hard economic times. Because it also reduces the deficit, it is responsible fiscal policy.

The children's initiative is profamily and prochild legislation which deserves the support of every Member of the House. I commend my colleagues, Mr. DOWNEY and Mr. PANETTA, and their staffs, for their leadership and their hard work on this legislation.

Politicians are often justifiably accused of paying only lipservice to children and families. A vote for H.R. 5600 is an opportunity to show our Nation's families that we have been listening to their concerns and their problems, and that we are going to do something about them now.

The Select Committee on Children, Youth, and Families, which I formerly chaired, has well-documented the neglect of America's families over the past decade. The problems families face today are far more complex than they were in 1980, when we passed Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980, which I authored and which the Family Preservation Act amends.

Today, 1 out of every 5 children lives in poverty. Millions of children here in the United States go to sleep each night hungry and without a safe place to live. Hundreds of thousands of families across America are confronting unemployment, homelessness, poverty, substance abuse, and crime. Too often, these problems lead to child abuse and neglect, and to hunger.

For the past decade, these problems compounded by Government's indifference, have overwhelmed our child welfare agencies, crippling their ability to adequately respond to the families and children in crisis. Across the country, agencies, lacking the necessary financial resources, have had too few services to provide to troubled families.

H.R. 5600 will strengthen and support not only the families and children in need of these services but also the workers and agencies serving them. It will strengthen the Federal Foster Care and Adoption Assistance Programs, and provide supportive and preventive preplacement services for children and their families, including those with substance abuse problems.

This emphasis on substance abuse is of particular importance to my own State of California, where 80 percent of California's child welfare cases involve substance abuse, including many drug-exposed babies.

Family problems are better addressed by a system that provides a continuum of integrated services. Preventive, preplacement services are not only successful at keeping families together, when that is possible, but save us money, too.

The Downey Family Preservation Act modernizes Public Law 96-272. It matches Government's response to contemporary needs.

For too long, we have provided services to children based upon labeling. As a result, we now have welfare children, juvenile justice children, school system children, and mental health children, we may all be the same children with multiple service needs. Many of these children have fallen through the cracks and have failed to receive appropriate services or, because they have the wrong label, have received inappropriate services.

The Family Preservation Act includes a State option for coordinated service development which I authored. This will provide a single point of entry service system for families and children in need of services.

If a family is in crisis, we want to provide all necessary services to prevent its members from entering the child welfare, or juvenile justice, or mental health system. Should that family enter a system, we want to ensure that its service needs are fully met. Providing coordinated services is not only the most efficient way to provide services, it is also cost effective. A single point of entry system will provide families and children seeking assistance with a coordinated continuum of services to address their needs. Under my proposal, States will have the flexibility to blend Federal funding streams with State and local dollars to develop this continuum.

Another longstanding national problem and concern of mine which the Family Preservation Act addresses is the interstate placement of children. It is common practice for foster care children, juvenile delinquents, status offenders, and youth in need of mental health and special education services to be placed in programs in States other than their own due to the unavailability of specialized programs and services within their own States.

Many programs are very costly and would not meet the placing State's li-

censing and regulatory requirements. Moreover, the monitoring of these placements by the responsible placing agency and State is often negligible. The ease of making placements in other jurisdictions may reduce the need of States to develop appropriate services for their own residents.

The existence of a special program or special service may justify the occasional placement of a youth in a State other than his own. But too often, we learn of these placements only when a child has been severely injured or has died, and the followup investigation finds that the placement was inappropriate or not monitored by the placing State.

Little data is available on the numbers of children sent to out-of-State placements, the financing of these placements, or the types of placements used. The National Mental Health Association's invisible children project and other studies have concluded that:

Most of these out-of-State placements involve non-hardcore children who could best be served in community-based programs;

Most of these placements are child welfare/mental health cases, followed by juvenile justice, and special education placements;

The major Federal funding streams in order of most use are: Medicaid; Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980; and Public Law 94-142, formerly known as the Education For All Handicapped Children Act, and renamed the Individuals With Disabilities Act [IDEA];

It is estimated that out-of-State placements—because they are so expensive, some run between $129,000 to $160,000 per year—account for a disproportionate share of child welfare budgets.

In over half of the States, these placements are made by social workers with no judicial oversight of the placements. In these States, courts commit children to the custody of the agency; the agency then determines the most appropriate placement. In other States, such placements are either court-ordered, or approved by a review committee.

Let me use my own State of California to give you an example of how common such placements are, and how little monitoring is actually done by either the Department of Health and Human Services and the States themselves.

In 1986, at my request, the General Accounting Office conducted an inquiry into California's use of title IV-E Federal foster care moneys for the placement of children at the Rite of Passage Program in Nevada.

During the course of its subsequent investigation, the Department of Health and Human Services [DHHS] region IX determined that this facility was a wilderness camp situated on an Indian reservation that failed to meet California licensing standards. A report of the local fire officials found very serious safety problems. Yet because of its location on Indian lands, Rite of Passage directors were able to evade minimum licensing, staffing, and health and safety standards. Because it met the definition of a "detention" facility, it was therefore ineligible for Federal funds. DHHS disallowed the State of California almost one-half million dollars as a penalty. In other words, foster children were being inappropriately placed in a program designed for delinquent youth, and the Federal Government was paying the bill.

In 1990, while the GAO was pursuing yet another investigation at my request involving California youth in out-of-State placements, it determined that the State of California has continued to use title IV-E foster care moneys to pay for the placement of children at Rite of Passage, which is $3,037 per month per child, and another ineligible facility, Visionquest, which charges between $2,707 to $3,099 per month per child. Because these are for-profit facilities, by law, Federal foster care moneys cannot be used to pay for placements. In its September 6, 1990 letter to DHHS, the GAO states:

> Based on a limited review of claims in other months, we believe this problem may be systemic and more widespread * * * State controls to ensure out-of-State facilities are eligible to receive Federal funds do not appear to be adequate.

It is important to note that it was 1986 when DHHS notified California that Rite of Passage was ineligible to receive Federal funds, and California received a disallowance by DHHS for its improper claim for title IV-E moneys. Yet 4 years later, in 1990, California continued to submit improper claims for Rite of Passage, and DHHS continued to pay those claims, as well as for Visionquest, despite promises of greater diligence in auditing such payments. Once again, were it not for the GAO's investigation, these inappropriate payments would not have been detected by DHHS.

The improper payment of Federal foster care funds to California for Rite of Passage and Visionquest are not isolated incidents, limited only to these two programs and the State of California. This ongoing problem requires congressional action to correct DHHS' ineffective oversight procedures.

The placement accountability section, which requires States to monitor and to keep data on these out-of-State placements and provides procedural protections for youth sent to such placements, will assist us in making better policy determinations about such placements. Several years of effort and independent reports have established that this section is a critical component of this legislation.

There is strong bipartisan support for the Leland childhood hunger bill, which has passed the House both in 1991 and in 1992. There are too many hungry children who cannot wait much longer. The national community childhood hunger identification project, released in 1991, found that an estimated 5 million children in the United States under age 12 are hungry during the year. That is unconscionable and unacceptable. Over 90 percent of the Leland bill's provisions are targeted on families with children.

H.R. 5600 targets our most vulnerable children and families. I urge my colleagues to enthusiastically support H.R. 5600. The enormous cost of childhood hunger, child abuse and neglect, alcohol and substance abuse, and family disintegration outweigh the costs of this legislation.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. GRANDY], a member of the committee.

Mr. GRANDY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, let me begin by reiterating a quote the gentlewoman from Connecticut made that is torn from the New Covenant of the Democratic Platform:

> We vow to make government more decentralized, more flexible and more accountable.

Good concept, except the Devil is in the details on this bill. What we are about to do today is enact a completely new way to spend money. Forget about the amounts for a minute. Here is how this new provision works. We start with an open-ended entitlement, of which we have six in child welfare right now. Every year as part of the budget process the CBO will estimate how much money will be spent on these entitlements, and then this is what we do.

First, if the States spend the amount of money estimated in the base line, they will get all the money. That is not new. If they spend more money, we will give them that, too; but if the States spend less than the amount that is estimated in the base line, we will now give them 60 percent of that amount, too. You cannot lose. Unless, of course, you are a taxpayer, and that is why we need the new tax to pay for an overestimation of revenues which last year's base line estimated at about $1.5 billion, so roughly a billion dollars would have flown to poor administration if Mr. DOWNEY's formula had been enacted last year.

Mr. Chairman, there is $18 billion committed to this system over the next 5 years. That is without the Downey legislation.

We are proposing to give the States that money, give them more control over it, and those are real resources with flexibility; but unfortunately, right now we have a bill before us that

will require separate reviews and audits for each of the different entitlement programs, require burdensome cost allocation plans and procedures for receiving Federal funds.

Mr. Chairman, let me say finally, States are not waiting for the Federal Government to give them more flexibility. They are doing it themselves. In Michigan, the Family First Program has streamlined their flexibility, and the net result is this. Over 80 percent of the 2,400 families who have participated in this streamlined flexible program, foster care placements have fallen 10 percent in the counties where this program operates and they have increased 28 percent where the program has not been tried.

All we are saying is that it is not a question of resources versus reform. You can have both, but you must defeat the Downey taxing mechanism.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Chairman, the President wants to engage this Nation in a discussion about family values, and today we are talking about family values, the most important of which is to keep families together and to make sure that poor children are fed and are comforted in their time of need.

Can any of us say that America's children do not need help? That has not been said here. No one has suggested for a second that there is not a crisis. No one has suggested here for a moment that more resources are not needed.

The Republicans say they can provide less money and more resources, a neat trick. We will talk more about that later.

But the reality is, there has been an explosion in out-of-wedlock births, in the use of cocaine and crack, in homelessness and AIDS, that requires us to vote more resources to this problem.

In 1960, there were 64 million children under the age of 18; 64 million, keep that in mind.

In 1990, there were 64 million children under the age of 18, same number, different children.

In 1960, there were 243,000 children living with a mother who had never been married, in 1960.

Do you know what the number is in 1990? It is nearly 5 million, a 20-fold increase.

In 1980, we had 900,000 reports of neglect and abuse.

What was the number in 1991? It was 2.7 million, up three times.

Now, we simply cannot turn our backs on a generation of American children. We must admit to ourselves that these are our children, that every single one of them is important, that every single one of them who needs our help should get it. That is what this bill does.

Now, lamentably, we cannot produce happy homes for all our kids, but what we can do is take those things that the States have learned over the years, homebuilders, family preservation services, and give the States more money so that they can help more children.

The special cruelty of the Republican substitute is that it says that simply providing the flexibility produces more resources and solves the problem. That is nonsense. The States today are overwhelmed just dealing with the cases of neglect and abuse. Many family court systems today spend less than 60 seconds in child and family court to determine the outcome for a child.

To say that no more money is necessary to help these children is to look reality in the face and not understand what is happening.

Our proposal is modest, $3.5 billion. Next Monday the Senate will vote on a bill that provides $2.1 billion for family preservation and between our two proposals we can have a compromise.

The Senate has proposed over the years and supported the Leland Hunger Act. We will do so today.

Mr. Chairman, I urge my colleagues, those of you who are worried about voting for new taxes, who are somehow attracted to the Republican siren song that more is less, that when you look at this problem and understand that there are children crying out for our help that it is within our capacity to help them. We can do something about it. We can make sure that their children are not robbed of their childhoods.

Can there be anyone here who would not want to take the risk of spending a few more dollars to make sure that we keep families together and that children have a chance to grow? We have learned a great deal about keeping families together, now is the time to do something about it.

Mr. Chairman, I urge my colleagues, please support this legislation for the generation of American children who desperately need our help.

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, throwing more money at this problem, without restructuring the welfare bureaucracy and the way we spend taxpayers' money is only going to compound the problem.

I would like to say to my colleague, the gentleman from New York [Mr. DOWNEY], I was an abused child. I spent time in the Marion County welfare system. I was in the Children's Guardian Home along with my brother and sister. I know just a little about child abuse and welfare and watching your mother being beaten to a pulp when she threw a lamp through the window trying to get help from the police.

□ 1150

So I know a little bit about that because I grew up with it. I am telling you the approach you are talking about, throwing more money from the Federal Government at the problem, is not the solution. We have a bureaucracy that has grown 2,000 percent in the last 10 years. They are gobbling up all the money and the money is not getting down for its intended purpose. We should cut through the bureaucracy, reduce the bureaucracy, make sure the money we are spending right now is going for its intended purpose.

We are spending $18.5 billion on child protection programs and child welfare programs, and you want to add another $3.5 billion to it. That is not going to solve the problem, because the bureaucracy continues to exist.

It is extremely important, in my opinion, that we realize what we are doing, long term, to the kids of this country, to the people on fixed incomes, and everybody else. Sure we need to be concerned about those who are being abused. I know, I believe it. But just throwing more money at it is not the answer.

Getting rid of the waste, fraud and abuse, and getting the money for its intended purpose is the answer, and we can do that.

Now I want to talk one more time about where we are heading because we create another entitlement, another $3.5 billion in Federal spending programs, and we add to this chart. This chart is not lying.

In the next 10 years we are going to be $13.5 trillion in debt, and the interest is going to be more than the taxes coming in to pay for that interest. And we are not going to have money for these programs, so the Federal Reserve Board, Mr. DOWNEY, will have to print the money to pay off part of the debt so that we will not have to service it.

And then these kids that you want to help, like me and my brother and sister when we were little, will have no money because the money will not buy anything. You will have a lot of money printed, and it is in circulation, we will get that money, but the cost of everything will go up so astronomically because of hyperinflation that we will not be able to buy anything with it. The people on Social Security, who get their Social Security checks, will be paying $30 and $40 for a quart of milk or a loaf of bread. That is the problem.

We need to address these problems that you are talking about, and I support that effort, but we need to do it in a fiscally responsible way. Cut out the bureaucracy and get to the problem and not start any more entitlement programs that are going to bankrupt the country and cause hyperinflation and lower the standard of living for everybody, especially those on fixed incomes and those on welfare.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. I thank the chairman for yielding to me.

Mr. Chairman, every day we read in the newspaper, the metro section of the New York Times, Washington Post, the Sacramento Bee, and we find there is a story of a child dying because of a problem within the family, a child who is drowned in their bathtub because the mother or father is unable to find a job or because that child happens to be in a foster care system where the foster parent is sexually abusing that child or emotionally abusing that child.

The fact of the matter is we have over 400,000 of these children in the foster care system today. And the reason the cost has doubled in the last 5 years is because 5 years ago there were only 200,000 such children. The gentleman from Texas [Mr. ARCHER] said the costs will double in the next 5 years from $2.1 billion to $4.2 billion. And he is right, but that is because we project from the 400,000 children in foster care today by 1997 there will be 800,000 children in foster care.

If anybody thinks the system is working or that a little flexibility to the States will solve their problem, they have not seen the foster children of America, they have not seen the system, the hodge-podge throughout the States.

The fact of the matter is that we need to revise the system. This is a very conservative approach worked over the last 4 years by the Committee on Ways and Means, led by the gentleman from New York, Chairman DOWNEY.

What we want to do is to eliminate the need for foster care by having early intervention of family crises in America today. That is what this whole bill is about. It is not about spending more money or tax-and-spend Democrats. Let me conclude by making another observation.

I do not hear anybody on the other side of the aisle talk about what kind of a tax increase this is. They just say tax-and-spend Democrats.

The fact of the matter is this is a surtax, a 10-percent surtax on people who make over $1 million a year. Those are the very people who over the last decade became the wealthiest group of Americans in the history of our country.

Now, this will really tell you where the value of the individual is, where the value of the parties is; whether we are willing to pay for this program with that funding for it.

Mr. ARCHER. Mr. Chairman, I yield 4 minutes to the respected minority leader of the House, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the gentleman for yielding this time to me.

Mr. Chairman, the one general principle which I think almost everyone agrees upon is that to reduce the deficit we must get control of our entitlement programs.

The gentleman from Indiana has made that case any number of times in recent consideration of appropriations bills. But the bill before us is an example of why that never really seems to happen. It is fine to talk in general terms about reducing entitlements, but when it comes to specifics, the majority almost always chooses expansion rather than contraction. Even the chairman of the Committee on the Budget, the distinguished gentleman who reminded us so often of the need to reduce the deficit, is a cosponsor of this entitlement expansion bill.

I would like to remind my colleagues that the Democratic leadership did everything they could to defeat the balanced budget amendment. In this Chamber, on the Democratic side they cheered and cheered when the amendment went down. But as soon as it was defeated, you say you now see the light on deficit reduction, but you choose the statutory route, which means you can change the enforcement mechanism any day you please, any time you please, to accommodate again more spending. I have to say I think your statutory approach is made up of one part jelly and one part silly-putty.

Now, some will say that this bill does not violate the budget agreement because it raises taxes and offsets spending increases. That is the problem, tax and spend. You do not raise taxes to reduce the deficit; you raise taxes to spend more money. That is the policy of your Presidential candidate, and that has been your policy in Congress for as long as I can remember. The fact is there are other ways to help people without raising taxes and spending more money.

If we are going to get control of entitlements and reduce the deficit, this is not the direction we ought to be pursuing. The motion to recommit, that will be offered by the distinguished gentlewoman from Connecticut, gives us that opportunity. Her proposal will enable States to better assist needy children by consolidating these entitlement programs, reducing the paperwork and the bureaucracy, and giving the States greater flexibility to address specific needs. It provides the States with over $8 billion in flexible entitlement funds. That is no small amount.

The reforms in our proposal make it possible to shift the emphasis from placing children in foster homes to addressing the problems of families so that the children can remain in their own homes.

We have experimented with that in my own home community. Many folks in our community who have really dealt with this problem over a long period of years, devoted so much of their time to the friendless and homeless in our community, have done just that. It can work. It takes a lot of volunteer work to do it, but it can be done.

This is a good approach, it reforms the program, provides more flexibility to States, helps people and does not rely on the tax and spend philosophy.

Obviously, I would urge adoption of the motion to recommit at the appropriate time.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. I appreciate the chairman yielding to me.

Mr. Chairman, I have opposed a great deal of spending this year because I too am concerned about the deficit. But I am going to vote for this kind of spending, and I will tell you why.

□ 1200

Mr. Chairman, I want to tell my colleagues about a young 3-year-old child named Tamara Demaris. It nearly broke my heart the day I met Tamara, a young Indian child who had been placed in a foster home, had been beaten severely. She had a broken arm, broken nose, hair torn out of her head by the roots. A 3-year-old child. She will probably never fully recover from those experiences.

Why did it happen? One social worker was in charge of 140 cases and was not able to check where she was placing this child, and the result was this young child was beaten severely and repeatedly.

Mr. Chairman, it was our responsibility to protect that child. At 3 years old she was not able to protect herself.

There are thousands of them, thousands of them, across this country facing a similar fate tonight. One in five kids in this country lives in poverty.

We can do something about that. We have a moral responsibility to do something about that.

Our friends say the issue is spending. The issue is not spending, and my colleagues know it is not. The President says, "Let's," after the end of the cold war, "increase spending on star wars by 32 percent."

So, Mr. Chairman, it is not spending. The issue is what we spend money on, for God's sake, and I ask my colleagues, "Can't we quit spending on star wars after the cold war is over and finally start spending to help kids in this country?"

We are talking today about taxing the rich. These are people who have had a 120-percent increase in income in a decade, and their tax bills have increased only half of that. We are saying, "Pay your fair share, and we'll use the money to help kids in this country."

An author once said:

> A hundred years from now it won't matter very much how much income you made or how big your house was. But the world might be a different place because you were important in the life of one child.

So let us dedicate ourselves today, my colleagues, as legislators, to be important, not in the lives of one child, but to be important in the lives of every child in this country who cries out today for help and needs our help today.

Mr. ARCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, while I agree that major reforms are needed in our child welfare system, I must rise in strong opposition to H.R. 3603.

The American family, long the backbone of our society, has come under tremendous pressure during the past two decades, and there is a growing need for effective child welfare services. The crucial question facing Congress is how should we address this problem. Should we continue to throw money at programs without regard to results, or should we concentrate scarce Federal dollars on eliminating administrative waste and providing direct services to children and families at risk.

Unfortunately, H.R. 3603 is neither effective nor appropriate in the age of billion-dollar deficits. This bill continues the tax and spend policies of the Democrats by throwing an additional $7 billion at the system without actually fixing any of the current programs' problems. Since 1981, administrative costs have skyrocketed over 2,000 percent, yet there is little evidence that services to children are any better today. But instead of cutting Government redtape and costly administrative requirements, the bill dramatically increases these burdens with new categorical earmarks and additional reporting requirements. At a time when our budget deficits are topping $400 billion, we simply cannot afford a new entitlement program.

Fortunately, the Downey bill is not the only alternative. The administration has proposed legislation which provides $9 billion over the next 5 years without raising taxes. The Nancy Johnson proposal creates a new flexible funding system for child welfare services by eliminating all categorical requirements for the use of these new funds and providing States their entire funding allotment at the beginning of each fiscal year.

These reforms will enable States to reach more at-risk children for less money than current programs or the Downey bill. This is important, because each dollar we waste shuffling paper is one less dollar invested in education and a myriad of other pressing concerns.

Mr. Chairman, today's vote is a choice between raising taxes to pump more money into a broken system or creating a more flexible and thereby cost effective system that increases vital services while cutting Government waste. I urge my colleagues to vote against H.R. 3603.

Mr. ARCHER. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut [Mr. FRANKS].

Mr. FRANKS of Connecticut. Here was go again, Mr. Chairman, trying to solve a major social issue by throwing money at it and by looking at the so-called rich to pay for it.

Tax and spend; yes, as Yogi Berra would say, "It's deja vu all over again."

Mr. Chairman, it has been said that the carrot or the stick theory could give people the proper motivation to act in a way that we would desire. Why do we always look at a social problem and insist on offering carrots as incentives? Why not the stick for a change? After all, it is our desire, Democrat and Republican, to help keep the family together. Well, we are leaving out one major ingredient: One of the best ways to reduce the proliferation of a single-parent household is to force greater paternal responsibility.

Mr. Chairman, a vast majority of the people receiving welfare payments have been on welfare for 8 years or more, and that must change. Yes, we must encourage, not penalize, two-parent households in regards to public assistance; and, yes, we must encourage workfare. But at the heart of the problem is the first step.

Today young men impregnate young women in many cases without even thinking about being held accountable. The lack of a sense of responsibility has made a dismal situation worse. Our current welfare system gives lip service to this concern, but in reality it does little to eradicate the problem. Unfortunately, Mr. Chairman, it is not unusual for a male to have two women pregnant at the same time. Unfortunately it is not unusual for a male to have fathered a half dozen or more children by multiple partners. And, yes, let us not forget, the taxpayers are paying the bill.

I ask, "Would society allow people to take their cars and collide with other cars without determining the person responsible and/or without holding that person accountable? Don't we apply criminal action to those who flee an accident, the arrest of hit and run drivers?" The answers is yes. Then, why do we treat a little child with any less respect?

I am confident that this bill will fail, and I beseech my colleagues to take away some of the carrots, and let us start applying the stick. The Wisconsin plan is just one example of how we can do so.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, today we will have the opportunity to vote on the children's initiative, H.R. 3603. I am proud to be an original cosponsor of the children's initiative.

In May, Audrey Rowe, the commissioner of Connecticut's Department of Income Maintenance, and the chairwoman of the Child Welfare League of America's National Commission on Family Foster Care, testified before the Human Resources Subcommittee about efforts in Connecticut to preserve families. Connecticut is currently serving 500 to 600 families a year in its program. Each caseworker is available 24 hours a day over a 4- to 6-week period. These intensive and comprehensive services are offered only to families who are referred to the State for out-of-home placement by child protective services staff.

Her report is very promising. She states:

> * * * Initial efforts have been successful in empowering these families so that they can help themselves and their children. In the majority of cases, children and parents have remained together and out-of-home care has been unnecessary.

Sometimes it is not always appropriate to have children stay with their birth parents. That is why there are foster care and adoption programs. But in most cases, what is in the best interest of the child is to preserve the family. That is what H.R. 3603 does.

The children's initiative takes long overdue steps to improve the quality and availability of foster and adoptive care for children removed from their homes by abuse, neglect, or abandonment. It would amend the foster care and adoption assistance programs in order to improve their operation and provide funds for services designed to keep families intact and to avoid unnecessary foster care and other out-of-home placements.

Not only does H.R. 3603 provide for child welfare, it also contains provisions to alleviate childhood hunger. I cannot stress enough that in a Nation as rich in resources as the United States, to allow individuals to go hungry is senseless and inhumane. That is why we must act now for the future of our children.

The poverty rate among American children is shockingly high. A study last year found that an estimated 5 million children in the United States under the age of 12 are hungry during the year. In particular, many families with children in metropolitan areas pay over 70 percent of their income for shelter, and often have to choose between adequate food and shelter costs. The provisions in this bill would move toward implementing preventive measures to respond to the unacceptable levels of vulnerable, homeless, and hungry children.

H.R. 3603 includes provisions to lessen childhood hunger by expanding eligibility for the Food Stamp Program and increase benefits to eligible households. These measures would also provide for additional funding to purchase food for distribution to needy individuals and families under the Emergency Food Assistance Program. The State welfare programs are currently overwhelmed in every category—child welfare, adoption assistance, and foster care. This bill is targeted at strengthening all current efforts to end childhood hunger and to further protect children from abuse and neglect.

Through the children's initiative, we can make a crucial investment in the future of our children and our Nation. The costs of not passing these improvements now are enormous, both in human and fiscal terms. Investment in children makes financial sense. Whatever we can do to help children now,

helps to reduce social service costs later. There are more families and more children in my State, and in every State, who need these services. I urge you to support the Children's Initiative and Family Preservation Act.

Mr. Chairman, this morning the New York Times had a short editorial that had incredible truth in it, and I submit that editorial for the RECORD. What it says is that this bill before us to help troubled children is paid for by 60,000 of the Americans who earn over $1 million a year. The second fact in the editorial was that these same fortunate Americans have seen their income, after taxes, increase by 104 percent in the last 10 years.

Mr. Chairman, the editorial referred to is as follows:

[From the New York Times, Aug. 6, 1992]

A BREAK FOR POOR CHILDREN

America is the land of the Big Mac, the stupendous pizza, the foot-long hot dog—and five million children who go to bed hungry. It is also the land where happy families are the stuff of TV sitcoms—and dysfunctional families the stuff of countless childhoods. Today the House of Representatives has an extraordinary chance to help these kids by playing Robin Hood. Only this won't be robbery. This will be fairness.

The plan, the Children's Initiative, is simple. A surtax on the taxable incomes of the richest Americans—incomes exceeding $1 million yearly—will give this country $7 billion over five years to spend on its poorest.

The "millionaire's surcharge" would affect only about 60,000 Americans: a group whose after-tax income, thanks partly to tax reductions, grew by 104 percent from 1977 to 1989.

Half the $7 billion would be used to expand Food Stamp benefits, by extending to poor families with children the more generous benefit formula used for the elderly and disabled. The bill would also disregard the first $50 in child support money when calculating the allowance, and would increase emergency food aid in fiscal 1993.

The other $3.5 billion would help states provide preventive services for families whose children might otherwise end up in foster care. These services will vary from state to state. But over time, they could well have the same positive effect on foster care expenditures that good prenatal care has on later medical costs.

In Michigan, for instance, which already has an intensive family preservation program, the cost of services per family is $4,500 a year. Compare that with the $12,000 it takes to keep a Michigan child in foster care.

By now most Americans know all too well that millions of youngsters are in tragic straits. That's reason enough for a yes to the Children's Initiative.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Mr. Chairman, Barbara Jordan once said:

What the people want is really very simple. They want an America as good as its promise.

Today we have a chance to fulfill that promise. Childhood in America should be free of abuse, neglect, and hunger. But it is not.

Since 1980: Child abuse and neglect reports have tripled. Children in foster care have more than doubled. Children in poverty have increased by 25 percent. In 1990, every eighth young child was undernourished.

The children's initiative makes a smart investment in a better future for our children.

By failing to act for our children, Congress has more to fear than from acting expediently. The consequences of not acting today are tremendous.

Childhood hunger means less learning. Without regular meals, children lose concentration, become irritable, and fatigue easily. With a shrinking work force, we cannot afford a single ill-prepared worker.

Child abuse means more crime. A survey of felons in Oregon showed that two-thirds were abused as children. We have to end this cycle of violence.

In Texas, 60 percent of the confirmed cases of abused children do not receive any child welfare services. Caseworkers have an average of 27 cases, which is twice the recommended level. It is no wonder that headlines in Houston, El Paso, and Austin are about children dying because they were returned home to abusive situations.

This bill would give Texas and all other States new resources to protect children from abuse. It would also target funds for one of the most neglected areas of the country: The cities and counties along the Mexican border.

The bill would end the Federal policy of forcing families with children to choose between eviction and going hungry. Families with children would be treated the same as elderly and disabled who currently qualify for food stamps even though they pay more in rent in high-cost areas.

The children's initiative also acknowledges the importance of child support enforcement in fighting poverty. It adds a current welfare policy to the Food Stamp Program. This policy gives families the first $50 of child support collected from an absent parent.

None of these policies comes free. We have to pay for them, and the millionaire's surtax pays for this bill.

We can take the easy way out and defeat the children's initiative. Or we stand by our principles and with passage of this bill say we truly care about children.

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. GRADISON], the ranking Republican on the Committee on the Budget and a very respected member of the Committee on Ways and Means.

Mr. GRADISON. Mr. Chairman, I want to focus, as all the other speakers have, on the children of America, the children of America who are going to be here after all of us have gone and are going to have to pick up the bills for the profligate waste which this Congress has been operating under. I am referring specifically to the budget situation which, if left at its present circumstance, is going to mean a lower standard of living for our children and our grandchildren than they would have if we were willing to face up to the fact that $330 billion deficits, such as we now anticipate for this year, are simply unacceptable.

The thing that bothers me the most about this legislation is not the fact that there is a tax provision. It is that a tax provision is being offered as a way to finance increased spending rather than as a way to reduce the deficit.

There is a suggestion that has floated through this discussion that somehow this bill has no pay-go cost. That is not true.

□ 1210

The Office of Management and Budget, which is the official scorekeeper under the Budget Enforcement Act of 1990, has advised us that with the food stamp provisions added, the Family Preservation Act does have a pay-go cost, a net pay-go cost for the first year, fiscal 1993.

Now, it happens there is a current surplus in the pay-go account of $707 million, according to the scorekeeper, OMB. So what we have as a practical matter as a result of the food stamp provision is a recommendation to dip into that surplus, which otherwise would be used to reduce the deficit. I think that alone is a solid reason for voting against this measure.

Mr. Chairman, I find it ironic, to say the least, that some of the same people who are clamoring the loudest for reform of the budget process and for a balanced budget are the very ones suggesting that we should take advantage of budget loopholes to press for expenditures of every available dollar that legally can be spent.

Mr. Chairman, let me make it very clear: The Committee on Ways and Means portion of this bill is deficit neutral in each of the 5 years, 1993 through 1997, and the committee is to be congratulated on that. However, when the Committee on Agriculture's food stamp provisions are added, the bill just barely is deficit neutral in 1994 and 1997 under OMB scoring, and actually produces, as I mentioned earlier, a deficit for fiscal year 1993.

The ultimate irony is that this is the very provision championed by the chairman of the Committee on the Budget.

It might be argued that OMB scoring shows a current 2-year pay-go surplus and that this can legally be spent without triggering a sequester, and I acknowledge that that is true. But just because money is available to be spent does not mean that we have to spend it or that it is the right thing to do.

Given the fervor that both the chairman of the Committee on the Budget and I share for reducing the deficit, the right thing to do is to rearrange prior-

ities within current revenues so that the deficit is not made any larger.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Chairman, all the old slogans have been brought out such as "throwing good money after bad."

Mr. Chairman, this is putting money to work for a good program, period. Look at Michigan. What this bill wants to do is take the Family First Program in Michigan and spread it throughout the United States.

The Family First Program is working. It aims to keep families together. What it does is to assign a worker to work intensively with no more than two families at a time for 4 to 6 weeks. That person is available in the home 24 hours a day if needed. The worker helps the family address its needs, find work, locate decent housing, learn better parenting skills, and develop new means for resolving conflicts.

I have seen the program working first-hand. What are the results? A 12-percent reduction in the number of children entering out of home care in the counties in Michigan where the new program exists, compared with a 29-percent increase in counties without the program.

Mr. Chairman, we talk a lot about family values. But these kids do not want our rhetoric. They do not want it. What they want is a program that will give them a chance to stay in the family.

Mr. Chairman, if something works, let us use it. I urge support for this bill.

Mr. GRANDY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, H.R. 3603, the so-called Family Preservation Act, is a superb example of the difference between Republicans and Democrats. Unfortunately, it is a superb example. It is one small sample of what we can expect to be a regular practice if Democrats manage again to get control of both the Presidency and Congress at the same time.

Any number of commentators about the budget deficit have noted that the biggest impediment to getting the deficit under control is entitlements. Yet what does this bill do? It increases entitlements by half a billion dollars per year.

Of course, the Democrats who run this Congress say they are not adding to the deficit with this bill. They say they are balancing their—here's another spending increase with a yet another tax increase—one they say will only hurt the rich.

Well, that is what they said the last time they pushed through a tax increase over the opposition of most Republicans in this House. I stood right at that spot and noted what that tax increase would do. That one was supposed to reduce the deficit. What happened instead? Just as I and many other Republicans predicted, the economy went down, tax receipts went down, and the budget deficit is higher than ever.

So, have the Democrats learned their lesson? No. Once again, they have brought to this House a substantial increase in spending, in the form of expanding entitlements, and an economy-killing increase in taxes. And once again, if this bill makes it into law under a Democrat President, it will drive the economy down, which will drive revenues down and we will get another massive increase in the deficit.

And will children be any better off as our economy sinks? You guessed it. They will need even more help. It is all part of the liberal cycle of economic well-intentioned lunacy, and I suggest we reject it.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, today in this legislation we are addressing two fundamental realities of American life. The first reality is that millions of our children are hurting terribly and are in need of immediate help. This is true for Los Angeles. This is equally true for the State of Vermont.

The second reality is that while our children go hungry and sleep out on the streets, lack adequate health care or educational opportunity, the wealthiest people in this country have grown far richer while their tax burden has been lowered. The children suffer while the rich and superrich ride their fancy limousines going out to the golf courses to spend their time.

Mr. Chairman, this legislation is a small step forward, a small step forward in addressing the problem. It asks the very wealthiest 1 percent of our population to pay more in taxes while helping our children, the most vulnerable and hurting people in our society.

Mr. Chairman, 1 in 5 children in the United States live in poverty; during the 1980's the United States had the worst child poverty rate among Western industrialized nations surveyed; it is estimated that at least 100,000 children go to sleep homeless every night; 1 in 10 infants living in the United States has no routine source of health care; An estimated 407,000 children, almost a 50-percent increase since 1986, depend on an overwhelmed, inadequate foster care system; in the United States, 2.6 million children were reported to be abused and neglected in 1991.

Mr. Chairman, this legislation will not increase our deficit, because it begins to ask the wealthy to pay their fair share of taxes by asking the very richest people in this country, some of the richest 1 percent, to pay their fair share of taxes.

This surcharge is particularly appropriate in light of the trends in the past 15 years and the net effects of the Reagan/Bush tax cuts. In 1977, the top 1 percent of families paid an average of 35.5 percent of their income in Federal taxes. In 1993 they will pay 28.8 percent. CBO estimates that if the top 1 percent of households simply paid the same percentage of income in Federal taxes today as they did in 1977, the Federal Government would be collecting $65.3 billion more per year in taxes from this group. Over the past 15 years, the top 1 percent of income earners saw an average gain in before-tax income of 113 percent—and an average gain in after-tax income of 134 percent.

But today we are not even proposing to tax this entire group, but just the wealthiest of those individuals. And even after the tax increase, the rich elite will not be paying as much as they paid in 1977. It's about time that we offer a fair shake to those families that are struggling to hold on. After all, over the past 15 years, while the top 1 percent of income earners brought home more and more bacon, the poorest families in this country couldn't put food on their table because their income fell by 10 percent. Let's not force families to chose between heating and eating. Let us pass the children's initiative and promote real family values.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, before I came to Congress I did two things: I was a child psychiatrist for 17 years, and I was also a member of the State legislature. In those two positions I dealt with this issue on a weekly and a daily basis. I was in juvenile courts, I was in courtrooms, and I was in the detention centers of our city.

Mr. Chairman, the problem of dealing with neglected kids is exploding in this country. We have a generation of kids who are feeling absolutely neglected, abandoned, and abused. The incentives of the present system are wrong. We have a system that says we will pay, the Federal Government, if you take the kids away from the family. In State legislatures all across this country that is the only alternative we had for Federal money, and we used it, and we used it, and we used it.

We created in the State of Washington a program to do something else that was called Homebuilders, to put people into the home to try and help the family through a crisis and keep the kids from being taken out of that home.

That is a true family value program. It is the kind of thing that we are

going to have to do if we are going to have a work force in this country that is educated and capable of leading this country.

This is a bill about investment in this country, and it has the right kind of incentives. It says to the States here is the flexibility and additional money. The numbers have absolutely tripled in this country with this problem. Every State is overwhelmed and the families need the help that this kind of program can give.

Mr. Chairman, I urge my colleagues to look at this not only as a humane program for kids, but as an investment in the future of the strength of this country.

□ 1220

Mr. GRANDY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I think we ought to talk exactly about what we are doing here today with this legislation. We are playing politics.

Is there any Member here who believes that this bill has even a ghost of a chance of being signed into law in this session of Congress? The reality is that this President is not going to sign into law, in an economy as fragile as this economy is, these kinds of revenue increases only to fund a new entitlement program.

Yes, it is capped. Is there any Member here who believes caps mean anything anymore? I do not think so. The American people do not.

Listen to this bill in terms of what it does. We do not even have to get to the specifics because we are not going to get to the specifics. This bill will result in mandatory outlay increases: 482 million in 1994, 620 million in 1995, 798 million in 1996, and 936 million in 1997. But that is all right because we are going to fund it, as the chairman of the Committee on the Budget says, we are going to bring in 865 million in tax increases in 1993, 1.6 billion in 1994, 1.8 billion in new taxes in 1995, 1.9 billion in 1996, and 2 billion in 1997.

That is exactly the same kind of mentality that brought us the 1990 budget agreement that has resulted in deficits 2 to 3 times higher than what they were projected to be.

We need to address children at risk. We need to do it in a bipartisan way. Unfortunately, this bill ain't it.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to say the one thing we all know is that millionaires are doing well and millions of kids are not doing well. The legacy of the 1980's is, we created more millionaires and more poor kids than we have ever done in any decade.

This bill is a wonderful balance. That is why I think the President has to sign it, if he has a heart larger than a swollen pea. I hope he does, even though he went to Yale.

But I think that is a very important thing to point out, that what we are doing here is having a transfer from the people who made out the most in the 1980's, the millionaires, to help the children who came out the worst in the 1980's, the low-income kids, the kids who really need family services.

These children are going to inherit the national debt that was so recklessly imposed upon them. And if there is anyone we should be investing on, it is these children.

This issue is about who is for families and who is just faking. It is about who is for kids and who is just kidding. This is a very, very important vote.

I think it is time we started putting our children first because they are our future.

The CHAIRMAN. The Chair would advise that the gentleman from Iowa [Mr. GRANDY] has 2½ minutes remaining, and the gentleman from Illinois [Mr. ROSTENKOWSKI] has 2 minutes remaining.

Mr. GRANDY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me quote from a recent article on the subject that is before us today, child welfare reform.

> Simply ratcheting up the efforts of the present welfare system by adding programs and channeling more money will not help poor children, those most at risk. As many states and localities are discovering, the problem isn't too few programs but too many.

Unfortunately, that is what this debate is about, creating more programs and more problems without addressing reform first before we get to resources.

We have heard a lot of very compelling anecdotes today about children in distress. We all have them. We all have those case histories at our fingertips. But anecdote is not argument.

The argument that has to be made here is to reform the system so that it is functional before we pump new money into it. That is the position Members on this side of the aisle as well as bipartisan Members of the other side have taken. That is why we have opposed the Family Preservation Act in its current form, because it is just preserving the status quo.

Happily, we have not devoted too much time in this debate about the relative merits of a millionaire tax. I will not propose to join that debate on our side.

I would just say this: We have a $400 billion operating budget. If it is so important to gain resources, as my friend, the gentleman from California [Mr. PANETTA] said on an interview program with me this morning, surely that is worth taxing the rich for. Why mess around with 3.5 billion when we should go after them hammer and tong and make them pay their share of the deficit?

All I would say is there are only so many times that we can allocate this millionaire tax, Mr. Chairman. This should not be one of them, because the resources are in the system now, misallocated, misdirected, going to administrators and not to children. And therein lies the problem.

I urge my colleagues to reject the Downey version.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, the trickle-down economics of George Bush and Ronald Reagan have been hard on lots of Americans, but no group has been hit as hard as our kids have. Child poverty boomed during the booming 1980's. In Oregon alone, the number of poor children increased by 25 percent during the Reagan-Bush years. But why should that really surprise us? During those same years real wages of the parents of these kids took a nosedive. Reagan and Bush ripped the social safety net, and more and more children are now supported by single mothers.

In the 1990's, women tragically still have to work for women's wages. That is what we used to call them when my mother worked for $35 a week as a waitress, supporting two sons on her own.

The children's initiative is a chance for us to repair some of the damage of trickle-down economics which has been inflicted on families very much like the one I grew up in.

In this bill, Federal nutrition programs, support to keep families together, deficit reduction, a real boost for disadvantaged kids from the inner city of Portland to the hard-hit timber communities across Oregon and other States across the land.

We pay for it by asking more of those who profited so much under the Reagan-Bush years, when it was party time for the rich. A surtax on millionaires, those 60,000 Americans whose after-tax incomes grew by 104 percent during those years.

To them we say, "Ask not how much more your country can do for you, ask what you can do for your country and specifically what you can do for the children."

To save America's children, pass this bill.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. ROSTENKOWSKI] has expired.

The Chair recognizes the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of this legislation. There is no more serious or shameful

indictment of our society than the alarming statistics of children born out of wedlock, victims of abuse, crack babies, the numbers of children in poverty.

Indeed, the conditions of children in both urban and rural areas are graphic pictures of America as a Third World country, and the children are the first victims.

Now these programs alone will not solve the problems. But it will relieve the physical pain and the mental anguish for these helpless generations.

I believe, with Vice President DAN QUAYLE, that we need a return to traditional family values—yes, a return to the good old fashioned Judeo-Christian ethics.

But we can not, as a civilized nation—the richest, most advanced in all of recorded history—tolerate these uncivilized conditions for these poor, deprived and defenseless children. These children did not ask to be born. In the name of simple decency, we can do no less.

I support this bill, in memory of Mickey Leland, with whom it was my privilege to serve as the Republican leader on the Hunger committee. In his name, I support this bill.

Specifically, the provisions of this bill which demand support from all of those who care about the future generations, as follows:

Boarder babies: The Downey bill will allow Federal reimbursement for foster care or adoption assistance for abandoned infants and children.

Under current law, Federal dollars cannot pay for these boarder babies, because financial circumstances of the runaway parents and AFDC eligibility cannot be documented.

Boarder babies, who need shelter, adoption and foster care most, can not get Federal dollars—this is insane.

On the hunger side:

Increases allowable assets for shelter costs under food stamps. The bill increases the cap from $194 to $278 a month over 3 years.

Excludes from food stamp benefits eligibility the first $50 a month of child support received by a custodial parent.

Excludes from income the amount of child support paid to a parent, so that "Dad" does not get penalized for meeting his legal obligations and have to choose between which family to feed. These are essential and intelligent reforms.

Makes important changes to Food Stamp Program to reflect real world concerns—increases the allowable assets for vehicles, redefines households where two families are, out of necessity, living together but not sharing food.

Adopts a mandatory appropriation of $70 million for the Temporary Emergency Food Assistance Program [TEFAP]. TEFAP is the program which provides food banks resources, funds for groceries and foodstuffs, to distribute on an emergency basis.

□ 1230

The CHAIRMAN. Does the gentleman from Florida [Mr. LEWIS] wish to control the time?

Mr. LEWIS of Florida. Yes, Mr. Chairman, I will be controlling the time.

Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, Let me make it very clear, my opposition to the Family Preservation Act, is not because I do not support family preservation and hunger relief efforts but because I simply will not advocate a tax increase.

The Food Stamp Program is the largest provider of food assistance to needy families, serving 25.4 million people each month.

Our focus on the nutritional needs of children in the Domestic Marketing Subcommittee was a top priority as we reviewed the Mickey Leland Childhood Hunger Relief Act last year.

As I stated when the Agriculture Committee filed its report last November, the goals and objectives of the act are worthwhile, but funding for increased spending must be secured before this bill is brought to the floor. So here we are.

The funding mechanism devised by the Democratic leadership is completely unacceptable.

This is another tax increase, pure and simple. This bill should be funded with existing funds, and through cuts in wasteful programs.

We raise three times as much in revenues, Mr. Chairman, as we did just 15 years ago. We have the money, we just need to get better priorities.

The fact is, a bipartisan group of Members wanted to offer a substitute to make better use of the funds we're already spending.

But no, the liberal leadership of this House could not allow us to vote on this reasonable alternative, because it gets in the way of their usual agenda—massive tax increases and new and more spending.

Mr. Chairman, the American people are tired of this routine.

To hold these goals that address the dire state of affairs of child welfare and hunger relief hostage to a tax increase is irresponsible and unfair.

Mr. Chairman, let me say to my colleagues, that we are all rated at our lowest point in the eyes of the citizens of this country. I know of no Member of this House who would not bend down to help a disabled child. I know of no Member of this House who would not lift their hearts to an underprivileged child. So to hear some Members demagog this issue makes me sick. Let us get our priorities in order. Let us not mask a tax increase by using our children as pawns. We can find the resources in existing funds.

They are available. Let us do that. Let us not bring a bill to the floor with no way of funding it, and then say, "It is for the children, and we expect to raise taxes on the people of this country."

Mr. PANETTA. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I rise in enthusiastic support of the bill and its funding mechanism.

Political speeches about values don't strengthen troubled families and they certainly don't put food on their tables. The children's initiative would do both.

This legislation would assist the thousands of American families torn apart by unemployment, hopelessness, and substance abuse. It would promote innovative programs to help families stay together and work out their problems. It would improve food assistance to the neediest families with children. And it would reduce the deficit by $1.2 billion over 5 years.

Our families are the fabric that brings our society together. We spend countless hours on this floor talking about our children and our responsibility to help them live, learn, and achieve. This is our opportunity to do just that. Let's not pass it up. Please join me in supporting the children's initiative.

Mr. MINETA. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise in strong support of the Family Preservation and Childhood Hunger Relief Act.

This legislation combines improvements in child welfare services with an opportunity to alleviate childhood hunger for millions of children throughout our country.

Additionally the legislation pays for these programs in full and brings in sufficient revenue to reduce the deficit by $1.2 billion over 5 years. The tax required affects less than one-tenth of 1 percent of the Nation's households. Hunger on the other hand affects 5.5 million children—fully 2 percent of our population.

The substitute bill does not address the needs of these hungry children.

The hunger portion of the bill is a fitting tribute to the late Mickey Leland—and contains portions of the legislation named in his honor. His zeal to end hunger around the globe should inspire our zeal to act today.

The focus of the bill is correct—it is on the future.

The situation for children is dire and has dramatically declined over the past 10 years. Even in Minnesota—hunger is no stranger. In a recent study, nearly a quarter of households with children reported that children had to skip meals in the past month because there was not enough money for food.

How can we expect our children to grow and to learn and to become tomorrow's breadwinners when they can't even count on regular daily bread today?

It is as the Chilean poet Gabriela Mistral so eloquently said:

Many things we need can wait, the child cannot. Now is the time his bones are being formed, his blood is being made, his mind is being developed. To him we cannot say tomorrow, his name is today.

Today is here. The children are waiting.

Mr. Chairman, I urge support for this legislation.

Mr. LEWIS of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I rise in strong support of American children and families, but in opposition to the bill on the floor today.

Mr. Chairman, this bill before us is a blatant abuse of trust—the old covenant, if you will. The trust the American people once had for Members of this House to do what is responsible—fiscally, morally, and politically. This bill violates that trust.

Mr. Chairman, we hear today the same tax and spend strategies, hidden behind the false hope of helping America's children. We have continued to pour money into these programs at a staggering rate for the past two decades—but to no avail. So now, we want to raise taxes to spend even more on programs that desperately need help. But the help they need is reform. What is proposed is not just more spending for today, but an assurance that spending will continue indefinitely, without limit. The children we propose to help today will bear the burden of our spending through their adult lives.

Does that mean there are no answers that can help children, children who desperately need our help? There is an answer. It's contained in the alternative my friend and colleague from Connecticut, Mrs. JOHNSON, offered in the Rules Committee. But the majority doesn't seem to believe in debate on public policy in this House. Do they have so little confidence in their product that they will not allow any competitive idea to be offered? When they find themselves unable to compete on intellectual grounds, they resort to a simple solution: shut down the competition.

The bipartisan substitute proposed, but not allowed to be discussed here today, is exactly what we need for children and families. We need to reform these programs, to eliminate the paper trail and allow more of these programs funds to be spent on children rather than to pay bureaucrats. And we can, and we should, do this without raising taxes. We can do that because the Republican substitute would allow States to combine the myriad of Federal programs into a single block grant for children, to give States more flexibility to target dollars where they are needed, to eliminate administrative costs that consume as much as 90 percent of dollars for some programs. We must change what we have today: programs designed not for children, but for bureaucrats.

Mr. Chairman, I am insulted by this rule and this bill. The Democrats are not only the party of Clinton and GORE—but the party of Clinton and More, More, More. More tax and spend, more bureaucracy, more of the same old big Government programs that we know don't work.

I urge my colleagues to vote for the motion to recommit so that we can have a constructive debate on how to best help America's children.

Mr. LEWIS of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

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

Mr. Chairman, much has been said today about our being worried about new taxes. There is a lot of worry about that. The majority may gag us. We may not be able to debate efficacious amendments or substitutes to the legislation before us. They may deny us opportunities to submit amendments on a bipartisan basis, but one thing cannot be denied us. That is the knowledge of the majority.

A surtax on millionaires today, and I do not know anyone who has great heartburn about a surtax on millionaires, but in getting to know the majority over the years, we know that a surtax on millionaires today is a surtax on people making $50,000 a year down the road.

This is a sad and cynical day. The leadership of the majority party in the House of Representatives has succumbed once again to a posturing syndrome rather than taking the time to provide genuine reform. They have taken an issue about which I feel very strongly and on which I have worked in good faith for many years and tried to turn it into class warfare. They have selected the funding mechanism for this bill with no other purpose in mind but to pit the rich against the poor.

They timed consideration of this bill purely to gain political advantage in the context of a Presidential election. Then they deny the responsible and bipartisan group of Members the opportunity to offer an alternative choice on one important aspect of the measure that is before us. This is, indeed, sad. I regret that this is nothing more than a political issue raised and timed by the liberal leadership of the other party.

It is unfortunate that they chose to take this route, but it is a route that, given the circumstances, I do not feel constrained to follow. That saddens me. Indeed, it angers me. I told Democratic members with whom I worked in a most responsible way over the years on this subject that I could not support their funding mechanism, that we needed to stand back from the issue in a bipartisan way and bring about genuine reform that would do some genuine good. That is not what we have before us today, a genuine reform measure.

Mr. Chairman, I am an original cosponsor of the Mickey Leland Childhood Hunger Relief Act. I support the goals of that bill, and over the past several years I have worked very hard to help achieve those goals.

In my view there are major problems facing the entire, entire public welfare system. We need genuine reform rather than more Band-Aids. We need reform that will include budgetary, regulatory, tax, and welfare reform. Real assistance, real assistance for families will not be achieved under the measure before us today.

Since 1983 when I became the ranking member of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition of the Committee on Agriculture, I have been concerned about the system, the system that provides assistance to families in need. On the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition our jurisdiction is, obviously, the Food Stamp Program.

However, it soon became apparent to me that families participating in the Food Stamp Program do have other needs as well. They need financial assistance. They need job training assistance. They need housing. They need medical assistance. These are some of the major problems facing poor families.

The system then, as now, with the lack of coordination and resolution of the differences among these myriad programs, is very troublesome, one of the most troublesome issues in our society today.

The time is ripe for change. There is great interest among liberals and conservatives, Democrats and Republicans, in looking at the present welfare system and making necessary changes that benefit families looking for help and the administrators running the programs.

I recently met with former President Carter on the issue that we are talking about here. He is initiating a program in Atlanta that I think is a very good idea, through the Carter Center. It is called the Atlanta Project to Provide Help to Families in Need Through Coordinated Programs. He in turn has met with President Bush, who also maintains a vital interest in this matter.

President Carter told me and other Members with whom he met that more money per se is not the answer to reforming welfare, but that waivers and consolidation and integration of different aspects of the program, flexibility to the States in their administration of the program, is the answer. He flatout told us he was not looking for more money.

That President Carter and President Bush are able to seek common ground in a bipartisan manner is good for the country.

□ 1240

The fact that we have not done so in the House reflects poorly on this House, indeed that the minority in this House is gagged in making amendments to this bill.

I want to see changes that are going to improve the lives of our neediest citizens, and I am concerned that the bill before us is not going to give us that opportunity, because this is a bill that will be vetoed. There is no question about it. You know it and I know it. To move forward with this bill in its current form is to invite disaster.

I truly believe that when a family is in need of help that need often crosses program lines, and the hurdles that families must scale in applying for help are immense. They often must go to different agencies, meet different eligibility standards, and abide by different rules and regulations. That the people who need the assistance are able to get any is a reflection on their abilities rather than on the system that is presented to them.

Administrators of these programs, both at the State and local level, have similar problems. The resolution of these program differences is often not within their ability to achieve. Many efforts have been made by the States, but they have indeed gone as far as they can go.

I want to see a system in which we provide benefits to people in a coordinated and a simplified manner, and also to provide employment and training for able-bodied participants. We must maintain programs for those who are aged and disabled, but we must simplify the programs we have and provide a method to make taxpayers of those able-bodied people who are in need.

This will require the very best bipartisan cooperation that we can achieve, and it will require joint executive and legislative cooperation, and it should start right now. And it cannot be furthered in a partisan posturing, political atmosphere.

My goal has been to have the experts look at the families in need of help and how they work their way through the present system and improve it. I want these experts to look at the present people on the front lines, and those caseworkers who evaluate the needs of families in order to simplify and coordinate the programs. The system needs major surgery, not just another Band-Aid with vast political overtones. There is a better way to provide assistance. I have always believed that we could find that better way.

But H.R. 3603 as it is structured exacerbates the present system and puts States in straitjackets rather than solving the problems. So I regret that I cannot support the bill that is before us. I regret that the leadership of the majority party has chosen to have an issue rather than an improved public welfare system. They will end up with neither, because this bill will be vetoed.

They want to raise taxes and spend money and not allow Members to consider serious alternatives that give States the flexibility to help families in crisis situations. That is a sad state of affairs in this country. The people at large want to stop the gridlock, they want to see bipartisan cooperation between the legislative and the executive branches, and they certainly are not getting it with this bill.

Again I thank the gentleman for yielding me the time.

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Chairman, I thank the gentleman for yielding the time, and I congratulate him, the gentleman from New York [Mr. DOWNEY], the gentleman from Illinois [Mr. ROSTENKOWSKI], and the gentleman from Texas, Chairman DE LA GARZA, for crafting a very responsible bill. I rise in support of it.

Mr. Chairman, what can be more important than keeping our families together and feeding our children?

It is incomprehensible to me that Congress will likely vote to send aid to the Soviet Union today and some will vote against sending aid to America's families and to America's children.

I stand here today in strong support of the Family Preservation Act—which will take steps to reform some of our outdated welfare programs while helping some of our most needy.

The bill calls for $3.5 billion to keep our families together. It calls for $3.5 billion to feed our hungry children who are falling through the cracks. And it calls for $1.2 billion to reduce our country's deficit.

The second portion of this bill—a scaled down version of the Mickey Leland Childhood Hunger Relief Act—focuses on feeding our children through reforms. It alleviates the moral dilemma facing many of our poor families of choosing between a decent home or food. It alleviates the moral dilemma facing some of our single parents of deciding between child support payments or receiving food stamps to feed their children. Basically, it fine tunes the Food Stamp Program—which in many ways is strapped with antiquated provisions.

This bill also calls for a millionaire's surtax to finance these much needed programs. The tax, my dear friends, will only be levied on individual taxpayers who have taxable incomes in excess of $1 million. The tax will not touch any of our struggling middle- or low-income families.

The bill, however, will touch, in a most positive way, many of our most needy families. This bill does what we talk about daily—preserve and strengthen families.

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I have reservations about the method of financing of this measure, but this is a bill that ought to be forwarded, and I recommend it.

I think most Members agree that this bill should move forward on its merit. This bill is prochild and profamily and will go a long way to help troubled families remain together.

I did not agree with the financing of this bill when it was considered by the Ways and Means Committee. I would have preferred that the committee come up with an alternative funding mechanism. However, a vote in committee to change the funding mechanism lost by a 2-to-1 vote and I believe the same thing would happen again. Therefore, there is nothing to be gained by recommitting this bill. However, as this bill moves through the other body, I hope we can reexamine how it is financed.

This motion to recommit does not provide for a funding alternative—it merely reallocates present funding. In effect, the substitute does nothing to change the status quo. While I understand the minority's concerns that this bill creates a new entitlement program, their proposal is simply not realistic.

I urge my colleagues to support this legislation.

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I am very pleased that section 206 of H.R. 3603 expands the definition of children with special needs. As cochairman of the congressional coalition on adoption, I am concerned, however, about a provision in this section that would preclude some adoptive families from eligibility for title IV-E adoption assistance. As I understand the State care provision in subparagraph B of section 206, it holds that children who developed special needs disabilities after finalization of the adoption are eligible for adoption assistance only in the situation where those children were under the care of or supervised by a State agency. I am concerned that this provision, as it stands, would preclude families who adopt children through private agencies from eligibility for adoption assistance in cases where no information was available at the time of finalization of the adoption that the child might develop special needs disabilities.

This language would create a double standard and an unfair burden, which we could have corrected with a floor amendment, but since the bill is being considered under a closed rule, the only opportunity to adjust this language would be in conference. Therefore, I would urge Chairman DOWNEY to work in the conference committee to modify the State care provision in order to enable families to qualify for title IV-E adoption assistance in situations where, at the time of finalization of

adoption, no information was available to indicate that the child could develop special needs disabilities. I greatly appreciate the chairman's consideration of this request. I know that from our previous conversation on this matter that he will make every effort to incorporate the change I have recommended in the course of the House Senate conference on H.R. 3603.

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, I rise in support of the bill and its funding mechanism.

Mr. Chairman, I rise in strong support of this legislation intended to promote services for family preservation and to lessen the need of foster care, and to improve the quality of and delivery of child walfare, foster care, and adoption services.

The hellish conditions that thousands of children are made to live in here in America are some of this country's worst secrets. Secrets—because so many of the decisionmaking adults in this Nation would rather bury their heads, than admit the truth of this gross negligence.

Children are certainly the most precious gift bestowed upon us. They come into this world ignorant of society's racial, ethnic, and class divisions. They come into this world not understanding how thousands of others just like them will not even live to see a first birthday.

In New York City alone, 4,852 newborns were born, already exposed to the deadly AIDS virus, HIV, between 1987 and 1990. Of these cases, 1,348 were in my congressional district of the South Bronx.

In the richest Nation of the planet, over 5 million children go to sleep at night hungry, and/or malnourished.

The Federal Government must do all that it can to help families with children raise those children when it appears that the well-being of a child is in jeopardy. After the safety of the child has been assured, we can then begin to help heal the whole family, so to prevent an unnecessary breakup of that family.

If a separation must occur, then it is the Government's job to make certain that these emotionally frail children spend as little time as necessary in foster care, and are properly placed with loving families.

State and local child welfare organizations need to better coordinate their individual child care services, and the Federal Government needs to better communicate with and assist them.

Mr. Chairman, closing the gaps in the child welfare system that thousands of children fall through will require a sustained national commitment to action. I am encouraged by measures such as the Family Preservation Act to protect our children and foster healthier family units.

Mr. Chairman, I urge the unanimous passage of this bill.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Chairman, I rise in support of this important legislation, which is an investment in the future of our children and our Nation.

Today we have the opportunity to stop talking about the importance of the family and actually do something to preserve it. We can continue to use family values as a political issue to divide us or we can work together to help America's struggling families stay together. We can express our sympathy to those children who will go to sleep tonight hungry or we can feed them. We can speak with admiration of those families who have reached out to help those children without homes and parents or we can ensure that foster and adoptive families have the support needed to care for those children. We can listen in horror as we hear the rising number of abused and neglected children or we can ensure that family services are available to prevent such a tragedy. The choice is ours.

As a Representative from a State with one of the highest levels of childhood poverty in the country, I consider this measure an essential step in addressing this ever growing problem. More than one in every four children in West Virginia lives in poverty. This measure will serve to increase the benefits and expand eligibility of families for the Food Stamp Program. In addition, this bill will provide a $70 million increase in funding for the Emergency Food Assistance Program, which has made important progress in feeding our Nation's poor working families by stocking food banks across the country. Importantly, this measure will give States the flexibility to address their own unique needs and problems effectively.

Finally, this legislation will serve as a deficit reduction measure. By imposing a very small tax on a few of our Nation's wealthiest citizens, we will be able to provide essential services to our Nation's neediest children and reduce the deficit by more than $1 billion over the next 5 years. In addition, by investing in family preservation services now, we will save the $10,000 it would cost in the future for a year of foster family care for one child.

I urge my colleagues to support the Family Preservation/Mickey Leland Childhood Hunger Relief Act; this is an important investment in our country's most precious resource for the future our children.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, this is one of those bills where you feel very good about supporting it, because you can make a difference with this legislation.

We have been talking about family values. We are actually doing something about it.

We have been talking about investing in children, and we are doing something about it.

We have been talking about local control and giving local communities and States flexibility, and we are doing that.

We have been talking about being fiscally responsible, and we do it in this bill. This legislation actually reduces the deficit by $1.2 billion over the next 5 years.

We have been talking about doing something about child abuse, and this legislation does it.

Mr. Chairman, seldom does the Congress vote on bills that can make a difference for those who have been left behind. Here we have an opportunity to do something about hunger, about children, about investing in people.

Mr. Chairman, this is good legislation and it deserves the support of this House.

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I rise in support of H.R. 3603.

This legislation is the product of many months of study and is greatly needed.

The children of America are our future. Many of them are now endangered. This legislation will help to give them a better present and a better future. The method of financing of this bill is also thoughtful and proper—a surtax on the wealthiest of our country.

In the years when I practiced law in Jacksonville, I was very active in trying to solve the problems of children and served on the boards of the Childrens' Home Society of Florida and the Boys Home Association of Jacksonville. Also, on special request from Juvenile Judge Walter Criswell, I undertook as a volunteer the solution of a variety of problems among the young of Jacksonville. All of this gives me some perspective on such problems, and I feel that the legislation before us today is greatly needed and should be passed.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. TALLON], the chairman of the subcommittee of the Committee on Agriculture that deals with this issue.

Mr. TALLON. Mr. Chairman, I rise in strong support of the entire children's initiative because it is the only way we in Congress can address the financial insecurity facing so many American families today.

I support the bill with its child welfare provisions, food stamp improvements and the surtax on personal incomes over a million dollars. As the chairman of the Subcommittee on Nutrition with jurisdiction over food stamps, I firmly believe that passing this entire package is the only way that the food stamp provisions of the Mickey Leland Childhood Hunger Act will ever become law.

We have been trying for more than 2 years to make the simple adjustments to the food stamps programs in order to better reflect current housing, transportation, and food costs. It is time to make the difficult choice of

raising revenue to do the right thing. We must vote for the children's initiative.

Mr. Chairman, the food stamp constituency is over 25 million strong. This is 2 million more people on food stamps than when we originally passed the Mickey Leland childhood hunger provisions that were part of the 1990 farm bill but which were scrapped as part of the infamous 1990 budget agreement.

Twenty-five million strong and yet their voice is seldom heard here in Washington. As such a large group it is hard to find the typical food stamp recipient. Some are disabled. Some are uneducated. Some have Ph.D.'s. Some are unemployed. Some are employed. Some are underemployed. Some are the poorest of the poor. Some are only in need of short-term relief. Our food stamp citizens are as varied as the population of America itself.

But they have a few things in common. One, is that they are shut out, either for a short time or for a long term, of the economic opportunities that this wonderful country provides to all citizens. Thus, they spend most of their time and energy thinking about where their next meal will come from. They do not have time to lobby Congress.

Another common denominator is children. Over 80 percent of food stamp households are households with children. More than half of all food stamp recipients are children. The adults in these households hold the future of 12.5 million Americans in their hands. Is this not our future, too?

Among all recipients the average benefit is 70 cents per person per meal. These days, families generally run out of their food stamps by the 20th day of the month. The struggle for food security is a time-consuming, painful, and frustrating task for far too many families. They do not have time to worry about DAN QUAYLE or Murphy Brown values.

Shut out of the economic promise of this Nation, the vast food stamp constituency is in danger of being shut out of the political process of this Nation.

We, the elected officials of this great Nation, have the responsibility to uphold the basic tenet of this democracy—that is, the American Government should be by, of, and for the citizens of this Nation. It is up to us to measure the needs of all constituencies and to make tough choices.

The food stamps constituency of 25 million citizens dwarfs the millionaire constituency of 60,000 which is charged with paying for the children's initiative. Moreover, the 12.5 million children on food stamps are our Nation's future. We must take care of them now, so that they can be productive members of society. We must not let the struggle for food be the defining element of their developing years. The future of this Nation is too important.

Let us try to hear the voices of this large and desperate constituency. Let us try to understand a life of struggle that few of us in this House know. Let us make the best long-term solution to address the problems of American families today.

I urge my colleagues to vote yes on the entire children's initiative.

Mr. COLEMAN of Missouri. Mr. Chairman, if the gentleman from California is going to close debate with the chairman's remarks, we have no further requests for time, and I yield back the balance of our time.

□ 1250

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in very strong support of this commendable bill which really does do something for family values.

Mr. PANETTA. Mr. Chairman, I yield 4 minutes, the balance of my time, to the gentleman from Texas [Mr. DE LA GARZA], the distinguished chairman of the Committee on Agriculture and one who has worked a great deal on this legislation.

Mr. DE LA GARZA. Mr. Chairman and my colleagues, I rise in support of H.R. 3603, the children's initiative. This legislation is designed to reach the most deprived families of our country. This bill is geared towards strengthening our country's efforts to end hunger among children and their families and to curtail the abuse and neglect of children.

Title VI of this bill—the Mickey Leland Childhood Hunger Relief Act—makes several long-needed changes and improvements in the Food Stamp Program.

Our efforts to strengthen the Food Stamp Program through passage of the Mickey Leland Childhood Hunger Relief Act go back to 1990, when the Committee on Agriculture included the Mickey Leland bill as part of its version of the 1990 farm bill. The House took a strong position in favor of the food stamp provisions when it rejected an effort to strike major portions of the Mickey Leland bill from the farm bill—provisions designed to help poor families and households—by a margin of 336-83.

Unfortunately, the budget summit agreement that year, which contained the pay-as-you-go provisions, forced the Agriculture Committees to delete these worthwhile but costly provisions from the farm bill conference report.

We did not give up the fight for needy children. We renewed the fight last year when Congressman PANETTA, the lead sponsor of the Mickey Leland bill, myself, and other members of the Agriculture and Hunger Committees introduced H.R. 1202, the Mickey Leland Childhood Hunger Relief Act. More than 100 Members of the House have cosponsored this legislation.

Today I am pleased we are finally able to bring a major portion of the Mickey Leland bill to the floor today as part of the children's initiative in this legislation.

Congressman DOWNEY and Chairman ROSTENKOWSKI of the Committee on Ways and Means have developed a funding mechanism for this bill.

Mr. Speaker, I am sure that our Nation's economic difficulties are forcing more and more low-income Americans to turn to the Food Stamp Program to help them meet the food needs of our families.

Participation levels have grown from 22.4 million in fiscal year 1981 to over 25.6 million this year. The most recent data from the U.S. Department of Agriculture indicates an 11-percent increase in food stamp participation compared to May of last year.

Yet, even with increasing participation of families with children—who comprise nearly 80 percent of the food stamp caseload—there are a reported 5 million children in America under the age of 12 who still go hungry each month. In fact, the Children's Defense Fund has reported that 11.2 million were living in poverty in 1989, an increase of 1.1 million from the decade of the 1980's.

Mr. Chairman, our country which has the best food production system in the world cannot allow its most precious resource, our children, to suffer from hunger. I believe one of our Nation's goals must be to reach that last hungry child and end hunger in our Nation. This legislation will go a long way in reaching that goal. At the same time, our committee will continue our constant oversight over the program, to address fraud or abuse and seeing to it that we reach all those in need.

I am submitting a summary of title VI, Childhood Hunger Relief, for the RECORD. I urge my colleagues to support this legislation for the sake of millions of our Nation's children.

TITLE VI—CHILDHOOD HUNGER RELIEF

SECTION 601—SHORT TITLE

Section 601 provides that the title may be cited as the "Mickey Leland Childhood Hunger Relief Act", and sets out the table of contents of the bill.

SECTION 602—REFERENCES TO ACTS

Section 602 provides that references in the bill to "the Act" are references to the Food Stamp Act of 1977.

Subtitle A—Ensuring Adequate Food Assistance

SECTION 611—FAMILIES WITH HIGH SHELTER EXPENSES

Section 611 amends section 5(e) of the Act to provide that households without elderly or disabled members, for purposes of determining Food Stamp Program eligibility and benefits levels, may deduct from income high shelter costs in the same way that elderly and disabled households do at present.

Under current law, households may deduct shelter expenses that exceed 50% of their incomes, but this deduction is capped, currently at $194 a month in the 48 contiguous States, for households that do not contain elderly or disabled members.

Section 101(a) removes the cap for such households effective January 1, 1997. Section 101(b) establishes increased shelter deduction caps for the interim period. Section 101(c) makes a conforming change to section 5(e) of the Act.

SECTION 602—CONTINUING BENEFITS TO ELIGIBLE HOUSEHOLDS

Section 602 amends the definition of "initial month" in section 8 of the Act to mean the first month for which an allotment is issued to a household following any period of more than one month in which the household was not participating in the Food Stamp Program, after previous participation in the program.

The effect of this provision is that eligible households reapplying during the first month following the end of their prior certification period will receive full benefits, rather than pro-rated benefits as required by current law, for that month. This rule currently applies to migrant and seasonal farmworkers.

SECTION 613—HOMELESS FAMILIES IN TRANSITIONAL HOUSING

Section 613 amends section 5 of the Act to exclude from income, for purposes of determining Food Stamp Program eligibility and allotment levels, the full amount of vendor payments (payments made to third parties) for transitional housing for homeless households.

The Food Stamp Act generally excludes vendor payments from calculations of food stamp income. However, in those states that have shelter allowance components within their payments to families under the Aid to Families With Dependent Children (AFDC) program, current law excludes that portion of the vendor payments for transitional housing for the homeless only up to an amount equal to half of the AFDC maximum shelter allowance. The amount of a vendor payment that exceeds the AFDC maximum shelter allowance is also excluded. The majority of states have no separate AFDC shelter allowance, and therefore the entire vendor payment is excluded for the purposes of the Food Stamp Program under the general rule to exclude vendor payments. This section would treat vendor payments for transitional housing the same in all states by excluding the entire vendor payment from income for purposes of determining Food Stamp Program eligibility and allotment levels.

SECTION 614—IMPROVING THE NUTRITIONAL STATUS OF CHILDREN IN PUERTO RICO

Section 614 amends section 19 of the Act to increase funding for the Nutrition Assistance Program (NAP) in Puerto Rico. In 1981, the Food Stamp Act was amended to replace the Food Stamp Program in Puerto Rico with a block grant, the Nutrition Assistance Program. For 1993, the block grant funding for NAP funding is increased from $1.051 billion to $1.066 billion; for 1994 it is increased from $1.091 billion to $1.116 billion; and for 1995, funding is increased from $1.133 billion to $1.168 billion.

SECTION 615—HOUSEHOLDS BENEFITING FROM GENERAL ASSISTANCE VENDOR PAYMENTS

Section 615 amends section 5 of the Act to include only general assistance (GA) vendor payments provided for housing expenses, but excluding energy or utility-cost assistance, as income for determining food stamp eligibility and benefit levels.

Under current law, GA vendor payments are excluded from consideration as income if they are made under state laws that prohibit making direct GA payments to households. In other states, they are counted as income if they are made for normal living expenses.

The 1990 Farm Bill established the current exclusion from income for those GA vendor payments made under state laws prohibiting direct GA payments to households. The provisions of section 106 of the H.R. 1202 were included in the Food Stamp and Related Provisions of the 1990 Farm Bill, as approved by the Committee on Agriculture and passed by the House, but were not subsequently enacted into law.

SECTION 616—HELPING LOW-INCOME HIGH SCHOOL STUDENTS

Section 616 amends section 5 of the Act to exclude the income of high school students for the purpose of calculating eligibility and benefit levels for the food stamp program. Current law excludes the income of high school students only up to their eighteenth birthday.

Subtitle B—Promoting Self-Sufficiency

SECTION 621—CHILD SUPPORT DISREGARD

Section 621 amends section 5 of the Act to exclude from consideration as household income in determining Food Stamp Program eligibility and allotment levels the first $50 a month received for child support, including those payments made on time but received in a later month. Under current law, the State agency has the option to exclude the first $50 in child support payments received by households participating in the AFDC program, but must reimburse to the Federal government, from state funds, the value of increased food stamp benefits.

SECTION 622—CHILD SUPPORT PAYMENTS TO NON-HOUSEHOLD MEMBERS

Section 622 amends section 5 of the Act to exclude from consideration as income for purposes of determining Food Stamp Program eligibility and allotment levels any child support payments a household member makes to support a child outside of the household, if the payments are a legal obligation. Current law provides no such exclusion.

SECTION 623—VEHICLES NEEDED TO SEEK AND CONTINUE EMPLOYMENT AND FOR HOUSEHOLD TRANSPORTATION

Section 623 amends section 5 of the Act to require the annual indexing of the current asset threshold for the fair market value of vehicles owned by households. Current law imposes the eligibility requirement, generally, that households not have assets above $2,000 if they do not contain an elderly member, or $3,000 if they do contain an elderly member. The amount of the fair market value of each household vehicle (other than those that are totally disregarded) that exceeds $4,500 is calculated toward the asset limit. Section 623 requires that the $4,500 threshold be adjusted, beginning October 1, 1996, and on each October 1 thereafter, to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, for new cars, rounded to the nearest $50.

Subtitle C—Simplifying the Provision of Food Assistance

SECTION 631—SIMPLIFYING THE HOUSEHOLD DEFINITION FOR HOUSEHOLDS WITH CHILDREN AND OTHERS

Section 631 amends section 3 of the Act to delete a provision that requires siblings living together and parents living with adult children to be considered as one household even if they do not purchase and prepare meals together.

Section 631 amends the definition of "household" in section 3 of the Act to include (1) an individual who lives alone, (2) an individual who lives with others but customarily purchases food and prepares meals separate and apart from the others, and (3) a group of individuals who live together and customarily purchase food and prepare meals together. Parents and their minor children who live together and spouses who live together would continue to be treated as a group of individuals who customarily purchase and prepare meals together even if they do not do so.

SECTION 632—ASSURING ADEQUATE FUNDING FOR THE FOOD STAMP PROGRAM

Section 632 amends section 18 of the Act to delete from the Act provisions that authorize the reduction of benefits to households and notification to State if the Secretary of Agriculture determines that Food Stamp Program funding is insufficient.

Subtitle D—Commodity Distribution to Needy Families

SECTION 641—COMMODITY PURCHASES

Section 641 amends section 214 of the Emergency Food Assistance Act of 1983 to require that the Secretary spend an additional $70 million in fiscal year 1993 to purchase, process, and distribute additional commodities. These commodities are to be in addition to those commodities from Commodity Credit Corporation stocks distributed under the authority of the Emergency Food Assistance Act of 1983.

Subtitle E—Implementation and Effective Dates

SECTION 651—EFFECTIVE DATES

Section 651 provides that sections 612, 615, 621, 622, and 631 will become effective and be implemented on July 1, 1993. Other provisions of the bill will become effective and must be implemented on October 1, 1992.

SECTION 652—PROHIBITION ON REDUCING AGRICULTURAL PRICE SUPPORT PROGRAMS

Section 652 provides that no reduction of any agriculture price or income support program shall be made to achieve offsets to provide for any provision of this Act.

Mr. Chairman, it is sad and unfortunate that we are being divided over the mechanism on how to fund this program. I have no problem with that, because the mechanism that is being utilized, I think, is fair. I do not think it is too much to ask for a little sacrifice from those that are well off to feed our children that have no resources of their own and, many times, inadequate assistance from the family or the community.

Let me assure you that, to me, this is a personal item, because my district has tremendous problems in this area, and I want to share just briefly with you a family that has one room, that is their house, one electric wire to a pole. Thank God for REA. A young child riding a little bike in the front yard, no grass, no flowers, nothing, and in visiting with the mother, she says, "My food stamps don't go far enough. I don't have any at the end of the month." And I said, "Well, what do you do with the children?" She says, "We

just measure out what is left." "We just measure out what is left."

Are we going to be arguing here over a few people that will be taxed and continue in this, the greatest country of the world, having a mother say, "I just give them what is left"?

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 3603, the Family Preservation Act. The plight of America's children has worsened over the past few decades. Nearly 1 in every 5 of our children is poor and hungry—1.4 million of them are in California, alone. Reports of child abuse and neglect have tripled over the last 10 years. Crack and cocaine addiction have escalated; 80 percent of California's children in crisis are in situations where substance abuse is part of the problem. Families are finding it more and more difficult to stay together.

According to Children Now, the nonpartisan, California-based childern's advocacy organization, almost 67,000 California children lived in foster homes, groups homes, residential facilities and emergency shelters. California's children are less likely to have health insurance, to go to college and to receive child support payments than other children in the country. Our children are more likely to grow up poor, have babies as teenagers, be victims of homicide, be unemployed, and to be abused or neglected than other children in the United States. These are the children who are at risk— the ones who end up in the juvenile justice system. And it is not getting any better for them.

This is not just a California problem, however. Children all over the country are in crisis, and our States and localities are overwhelmed with the responsibility of caring for their needs. They do not have the resources to help keep families together. So, many of our children are placed in foster care and other out-of-home situations, unnecessarily. They live in these situations too long and, even those who do return home, find themselves being taken away again because the situation at home has not improved. As a result, the costs of the Federal Foster Care Program are going through the roof.

On one hand we applaud family values and the importance of keeping the unit together. But on the other hand, we keep funneling our children into the Federal Foster Care Program and do not give needed support to the Federal program that provides families in trouble with the services and support that they need to stay together. In California, we spend 10 times as much to support a child already in foster care than we do to prevent a child from going into foster care. This year, the projected cost of foster care in California is $1.8 billion, nearly double our costs in 1989. What kind of a message is this?

H.R. 3603 improves our support system for children. It supports services to keep families together so that children can avoid the foster care system and it includes provisions for better addressing the special needs of families with substance-abuse problems. The concept of family preservation has proven itself to be effective in California, as well as a number of other States, including Maryland, Virginia, and Florida. In Kentucky, the initial family preservation program prevented 85 percent of foster care placements at half the cost of foster care.

To be eligible to receive the support in H.R. 3603, a State must submit a comprehensive family services plan—every year—and this plan must include a needs assessment, a description of plans already in place to address these needs, and the State's 5-year goals for improving services.

In exchange, States receive funding that will assist them in developing innovative family preservation programs. They have the flexibility to combine different kinds of funding to develop their own specialized, comprehensive programs for families in crisis and to fund a broad range of social services.

Almost half of the poor renters in this country pay over 70 percent of their incomes for shelter. In these situations, there is very little left for food and, even with food stamps, children in these situations go hungry. So, in addition to supporting services to keep families intact, H.R. 3603 attacks childhood hunger. It contains childhood hunger relief provisions which will make it easier for families to purchase the food they need for an adequate diet.

The new programs and services created by H.R. 3603 will cost money. Nobody disputes that. Opposition arises, however, because H.R. 3603 is funded by a 10-percent surtax on millionaries—a tax that will not only pay for the costs of the program, but that will also reduce the deficit by $1.2 billion over 5 years. And that it is why its opponents do not support it. This bill, which is supported by the children's defense fund, the Child Welfare League of America, the National PTA, the National Association of Counties, and the National Association of Social Workers—just to name a few—would be funded by 1 percent of our population—those who have taxable income in excess of $1 million.

The family is our basic social unit. Keeping the family unit intact is key to the foundation of this country. Although many of our single parents do an excellent job of providing loving, nurturing secure environments for their children, it has been proven that a two-parent family provides stronger support for children as they grow up. It is for this reason that we need to invest in strengthening and supporting the family unit up-front, instead of trying to pick up the pieces when things fall apart.

I urge my colleagues on both sides of the aisle to support passage of H.R. 3603, a bill which will provide some badly needed support for our families and children in crisis.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong support of H.R. 3603, the Family Preservation and Childhood Hunger Relief Act. This bill attempts to improve child welfare services, partly by creating a new child welfare program that would help keep families intact and avoid unnecessary foster care and out-of-home placements.

I cannot overemphasize the importance of this legislation which affects the well-being of our children. With increasing poverty, family breakup and growing substance abuse, the need for foster care has grown to outstrip the often meager services available in so many of our communities. Today the number of children who are in foster care has increased by nearly 50 percent, from 273,500 in 1986 to 407,000 in 1990. This explosive growth has come at a time when resources to deal with these problems are at their lowest, thereby preventing the Federal Child Welfare Services Program from adequately responding to the dramatic need.

This act would provide new Federal dollars to address this urgent need in States all across the country. It will supplement the existing child welfare program. H.R. 3603 is badly needed relief for agencies which are overburdened in almost every community in America.

H.R. 3603 will be applauded in my home district in Illinois since it allows both States and communities attempting to develop innovative strategies to prevent the splitting up of families which may be saved. It allows for flexibility so that each area can design strategies that help maintain fragile families.

Poor families in my district in Chicago will be particularly grateful for the relief provided by this act, which will alleviate childhood hunger by expanding eligibility for food stamps. In today's economy with the heads of many families unemployed or underemployed there can be no more important priority than insuring that the neediest among us have adequate food and care.

Mr. Chairman, we have many problems in our country today, but if we do not address the needs of our children, we are guaranteed a future of even greater poverty, less ability to compete with other nations, lower education standards and many other problems when this generation of uncared for and unprepared children grows up. I hope that my colleagues will rush to support this needed legislation.

Mr. WEISS. Mr. Chairman, I rise in support of H.R. 3603, the Family Preservation/Mickey Leland Childhood Hunger Relief Act. It is time for Congress to stop talking about preserving the American family and start taking action.

We are reminded of the American work ethic of working hard today, so that our children may have the opportunity to do better in the future. For the first time in America, that may not be possible. Our children may not do better.

Today, 1 in 5 American children lives in poverty. Last year, an estimated 5 million children under the age of 12 lived in hunger. From 1986 to 1990, the number of children in foster care increased 50 percent. And as the National Committee for the Prevention of Child Abuse reports, the number of recorded child abuse and neglect cases has tripled over the last 10 years to the terrifying number of 2.7 million. Our children did not bring these conditions upon themselves—and they certainly cannot escape them on their own. Our children need our help to survive.

We must invest in the children's initiative so that children have a chance to be young. This program will arm us with the weapons to fight the forces of poverty and homelessness that rob so many of our Nation's children of the pleasures of childhood. This is a program that strives to keep the family together. It is a smart program that addresses the diverse problems that contribute to family breakup. It funds services to combat substance abuse, child neglect, and child hunger. It will solidify the foster care system to avoid unnecessary family placements and assure that the appropriate welfare services are provided.

The children's initiative is a sound, responsible investment in the future of America. Even

in these tough economic times, we cannot forget that if we want America to thrive again we must feed those who will make it grow. Children are our future; and the family is the essential foundation upon which to build that future. I urge my colleagues to lay the groundwork for tomorrow by supporting this bill before us today.

Mr. FORD of Michigan. Mr. Chairman, I rise today in support of H.R. 3603, the Children's Initiative Act of 1992. This bill includes the provisions of H.R. 3603, the Family Preservation Act, originally introduced during the last session, and amendments to the demonstration provisions of that act which were added by the Committee on Education and Labor on July 29, 1992.

H.R. 3603, the Family Preservation Act of 1991, included demonstration authorities intended to decrease the incidence of child abuse, infant and child abandonment, and the need for foster care or adoption placements. The bill, originally referred to the Committee on Ways and Means, was reported by that committee on July 22, 1992.

After careful review, the Committee on Education and Labor identified a number of areas in which provisions of H.R. 3603 either duplicated or influenced current programs under the Child Abuse Prevention and Treatment Act, the Adoption Opportunities Act and the Abandoned Infants Act, which are within the jurisdiction of the Committee on Education and Labor. Specifically, the projects authorized by section 404, dealing with prevention of abandonment and abuse and expeditious handling of adoption and placement cases, fell within this category. For this reason, the committee requested and was granted sequential referral and took action on this section of the bill.

A consensus package of amendments was developed. The demonstration authorities were expanded and modified in the areas of assessment factors to be considered under specific grants, inclusion of urban unserved and underserved populations in target groups to be served under training grants, and by clarifying that training of judicial personnel and judges must include factors relating to the best interests of the child.

The Subcommittee on Select Education, Chaired by MAJOR OWENS, and the minority, led by Mr. GOODLING and Mr. BALLENGER, are to be congratulated for their past work in these areas done through hearings and research. This enabled us to work quickly and fruitfully, to see that the concerns and jurisdiction of the committee were protected.

I also want to express my thanks to the Committee on Rules, for including the substance of the committee reported amendments in the bill currently being made in order for consideration. We took the action of requesting sequential referral and making amendments to protect our jurisdiction over these vital areas and to be sure that any new activities augment and support those ongoing programs operated under authorities within our jurisdiction. I feel we have accomplished both purposes and have improved the bill in the process.

Mrs. MINK. Mr. Chairman, I rise in strong support of H.R. 3603, the Family Preservation Act of 1992 and the Mickey Leland Hunger Relief Act, included in the Downey-Panetta children's initiative.

H.R. 3603 corrects years of misguided Federal policy that saw fit to handout entitlements to the States rather than encourage the development of child welfare programs geared toward keeping families intact. H.R. 3603 is responsible legislation that addresses the needs of distressed children and families by fostering child welfare services, helping in the prevention of child abuse and neglect, and providing assistance to families at risk. It is Congress' acknowledgement of the primary desire of any child—to be a part of his or her own family—and our sincere effort to perpetuate a more sensible and sensitive system of support.

H.R. 3603 recognizes that the social problems confronting our society are many, varied, and complex. Shameful poverty rates, rampant homelessness, pervasive substance abuse, and child abuse and neglect, all combine to substantially increase the demand for child welfare services. Between 1980 and 1991, the number of reports of child abuse and neglect tripled from 900,000 to 2.7 million.

H.R. 3603 strengthens distressed families by helping them to develop the skills and resources to remain intact through increased funding and improvements in the existing State child welfare programs. This is often a far better solution to their problems than placing their children in foster care unnecessarily or for too long a period of time. The number of children who are in foster care nationwide has increased by an appalling 50 percent in recent years, from 273,500 in 1986 to 407,000, in 1990.

The unfortunate increase in foster care placements is due to misguided Government policies that provide States with entitlements for foster care placements instead of incentives to develop programs that keep families together. These policies must be corrected to stem the tide of neglect experienced by our Nation's children and to put the needs of the children first.

Another key provision of H.R. 3603, the Mickey Leland Hunger Relief Act, confronts the hunger that afflict too many American families and children. The Food Research and Action Center estimates that 11.5 million children under the age of 12 are hungry or at risk of hunger. This program will ensure that those unfortunate enough to be homeless or near homeless still have adequate diets to ward off disease and malnutrition, and it will promote self-sufficiency among food stamp recipients.

H.R. 3603 provides the necessary funding for its badly needed programs by imposing a modest surtax on those at the very highest end of the economic spectrum, those individuals with taxable incomes in excess of $1 million per year; $8 billion is projected to be raised over 5 years.

To this Republican administration, caring for the needs of distressed children and families means talking about family values. The President's threatened veto of this bill because its funding mechanism imposes a surtax on millionaires sends a clear message about whose side he's on. The critical needs of our Nation's families and children are too important to be ignored, and it's time for this Congress to set the record straight by voting for H.R. 3603.

Mr. Chairman, I urge my colleagues to stand up for children and families, and support the Downey-Panetta children's initiative.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise today in reluctant opposition to a piece of legislation that is designed to preserve families, assist children, and improve nutritional programs and services to children.

I am concerned about provisions in H.R. 3603, the Family Preservation Act, that would create a new capped entitlement for child welfare services. Under current law, there are six open-ended entitlement programs to provide adoption and foster care services to children. The bureaucracy of our child welfare system has grown astronomically, and this legislation does nothing to change that. Instead of freeing up social workers to spend more time working with children and families instead of administrative paperwork, H.R. 3603 increases the administrative burden on State child welfare systems.

Mr. Chairman, the costs of our current entitlement programs continue to mushroom. Just recently, the House considered the fiscal year 1993 appropriations bill for the Departments of Labor, Health and Human Services, and Education. The total cost of that bill was $244.1 billion, and 74 percent of the spending in the bill, or $179 billion, went for entitlement programs.

As many of my colleagues and I have mentioned, if we are ever gong to get control of the deficit, we must get control of entitlement spending. When I first came to Congress in 1985, Federal spending on Medicaid was $22.7 billion; in 1993, the Federal share of the Medicaid Program is estimated to be about $67 billion. In 8 years the cost has tripled. In 1985, AFDC was funded at $8 billion. Now, the cost of the AFDC Program is estimated to be between $12 and $13 billion. Food stamps were funded at $11.6 billion in 1985, and those costs are expected to reach $26.7 billion next year. The Federal costs of the Food Stamp Program have more than doubled in 8 years.

When we create entitlement programs, we relinquish control over spending for the program. As we have seen in other entitlement programs, the costs continue to mushroom out of control. The creation of yet another entitlement program, however well-intentioned, is not only unreasonable, but fiscally impossible.

Mr. Chairman, if we do not get control of our current entitlement spending, we will never be able to address the many pressing needs facing our Nation's children. If we really want to help the children of today and tomorrow, we should not leave them with a legacy of economic disaster.

Finally, I am concerned about the process by which this bill has come to the floor today. This bill was presented under a closed rule, without an opportunity to offer amendments. The President has indicated that he will veto this bill if it is presented to him in its current form. I am afraid that the process we have begun today is designed more to embarrass the President in an election year, rather than actually providing benefits to children and families.

Mr. HAYES of Illinois. Mr. Chairman, I rise today in support of the Family Preservation Act. In recent years, largely due to growing social problems, like poverty, increasing family breakup, drug abuse, and child abuse, insurmountable demands have been placed on the

already burdened shoulders of State and local child welfare systems. Family welfare systems across the Nation have been overwhelmed by the substantially increased need for services. According to the National Committee for the Prevention of Child Abuse, the number of reports of child abuse and neglect tripled from 900,000 to 2.7 million between 1980 and 1991. Since 1985, the number of children in foster care increased by 50 percent, to 407,000 children in 1990. Child welfare systems, as a result of the burden these statistics represent, are unable to provide the types of services that would encourage keeping families intact, and avoid foster care and other out of home placements.

The Family Preservation Act addresses the problems of an overburdened welfare system by providing $3.5 billion over 5 years to local agencies to encourage innovation in designing programs designed to keep families intact, and make improvements in foster care and adoption programs when restoration of a family is unrealistic. By addressing the inefficiencies in the child welfare system, and recognizing the importance of keeping families together the Family Preservation Act saves money by encouraging alternative solutions to expensive foster care and other out of home placements.

Perhaps the most attractive aspect of this legislation is the way in which it would be financed, the measure proposes a millionaires surcharge on taxable income in excess of $1 million. This tax would only affect a minuscule proportion of the population, only 60,000 millionaires earn enough income to be affected by this tax which would raise a total of $8.2 billion. Since the total cost of the program is $7 billion, $1.2 billion would be applied toward deficit reduction.

The Family Preservation Act addresses the urgent concerns of the American family, and the crises that faces the child welfare system. This legislation respects the sanctity of the family and provides the support necessary to help the institution in troubled times. In this day and age when the preservation of family values are the rallying cry for numerous campaigns, I am surprised this bill faces any opposition. It is painfully obvious that to some politicians, the preservation of family values is just an empty campaign slogan. As a cosponsor of this measure, rest assured that in my opinion the preservation of real family values, not conservative rhetoric, is one of the most important issues facing the Congress this decade.

Mr. DOOLEY. Mr. Chairman, I rise in reluctant opposition to H.R. 3603, the Family Preservation Act. It is a tragedy that our Nation has so many children with unmet needs. It is true that the number of children living in poverty has increased at an alarming rate. It is true that we need to do more to keep families intact. But the bill before the House is not the only proposal that can effectively achieve those objectives.

I am disappointed that the bipartisan substitute was not allowed to be debated on this floor. I am disappointed that once again this House has failed to develop a compromise that would receive bipartisan support and be signed into law by the President. By passing this bill we are not helping children. Once again, we are offering only a false promise that will delay the enactment of any needed reforms.

My district in the Central Valley of California has the lowest per capita income rate in that State. Earlier in this session my district was identified as having the highest unemployment rate in the Nation, hovering at over 17 percent. There are few regions of the country whose families suffer greater hardships than in central California. But I am not convinced that H.R. 3603 is the most effective means to alleviate the pain and suffering of the people of my district.

The proponents are paying for their program with a surtax on millionaires. I don't object to placing a surtax on millionaires, but if we are going to impose additional taxes, let us invest those revenues so we get the greatest return to our society. I am troubled that a few months ago we determined that the highest priority for a millionaire's surtax was to fund our tax bill. Governor Clinton has proposed a millionaire's surtax to fund his new initiatives. Today we have a different priority for that surtax.

The increase in child abuse, family dissolutions, and childhood poverty can in part be attributed to the deterioration of our economy and increasing unemployment rates. The plight of our children would be more effectively addressed by providing their parents with more and better employment opportunities. Let us invest those revenues to stimulate our economy, to rebuild our deteriorating infrastructure, and to create jobs for our families struggling on welfare.

I am committed to the children of our country, and I am convinced that we must effectively ensure a better future for them—not by creating another entitlement, but rather by giving the States greater flexibility in providing for the needs of children and by investing our tax dollars to create a more vibrant economy with greater employment opportunities for all of our citizens.

Mr. REED. Mr. Chairman, I rise today in strong support of H.R. 3603, the Family Preservation/Mickey Leland Childhood Relief Act.

Investment in our children is one of the most important commitments we as a nation can make. We must not only provide for quality education and job training but also early intervention which will allow children to develop and reach their full potential.

We are all familiar with the sobering statistics. Children have become the poorest members of our society; 20 percent of all children live in poverty and over 5 million children under age 12 go to bed hungry every month. H.R. 3603 addresses this problem by investing in America's families.

The legislation before us today attempts to keep troubled families together instead of pulling them apart. As my friend from New York, Mr. DOWNEY, said earlier, we cannot legislate strong families. We can, however, give families in crisis the resources they need to, in many cases, defeat the odds and raise healthy children in their own homes.

As a member of the Education and Labor Committee, I am committed to improving our education system and providing the best education for our children. The success of our schools rests in large part on our commitment to keep our children healthy so they come to school ready and able to learn.

If you are truly profamily, you will support this profamily legislation. Today we have the opportunity to put our money where our hearts are.

I urge my colleagues to recognize that our children are our most precious resource and to vote in support of H.R. 5600.

Mr. CAMP. Mr. Chairman, as a member of the Select Committee on Children, Youth, and Families, I rise in strong opposition to yet another blatantly political tax hidden behind the facade of helping America's families and children.

You cannot buy family values with taxpayer dollars. You will not find family values on a dollar bill. Yet this bill is crafted with the simplistic idea that the problem with America's families is a lack of new Government spending.

In fact, one problem America's families face is that there is too much Government spending on too many programs that take too much in taxes from those families.

Today, the typical American family pays close to 40 percent of its income in taxes—not on food or clothing, housing or education—but on taxes. This bill shakes down American families for another $8 billion to create an additional $3.5 billion entitlement program.

This bill is yet another ill-conceived attempt to impose tax fairness by soaking the rich. Congress tried to soak the rich in 1990 with the boat tax, and the jobs of 20,000 middle Americans set sail for foreign shores.

The tax increase contained in this bill will hit millions of small business men and women across this Nation. It will shut their doors and put them out of business, costing another 90,000 Americans their jobs.

There is no question that the problems of child abuse, AIDS, family breakup, and drug abuse, exist and they are serious. I support efforts that effectively deal with them.

There already exists open-ended entitlement programs designed to address the very issues that this bill targets. And these programs already cost taxpayers tens of billions of dollars.

In addition, this year we are spending: $23 billion for food stamps, $12 billion for aid for dependent children, $2.9 billion for WIC, $2.6 billion for foster care and adoption, $2 billion for Head Start, and $1.5 billion on LIHEAP.

That's nearly $45 billion alone on these programs to help American families and children.

If they are not doing the job then we need to find out why and fix them before creating more programs.

Furthermore, this bill contains an incredible provision that requires the States to spend more money than they need.

Now that is a new concept.

The Federal Government says to the States if you spend more than we estimate, then we pay the difference. If you spend less than we estimate, we give you the difference anyway.

Mr. Chairman, the American people are saying enough. There is too much spending on programs by a Government that has grown too big.

The American people know that these programs are not working and that it is time to try a new approach. Vote "no" on this business-as-usual bill that wastes taxpayers dollars.

And let's look for a new and better approach to deal with the problems facing American families.

Mr. HOUGHTON. Mr. Chairman, why must once again we be dealt a bill at the last

minute, with no prior knowledge, no chance for even one new idea, dealing with billions of dollars with the incongruous label of family preservation. Really, if the issue and needs weren't so serious, one might want to think that this was a wicked political curve ball, intending to embarrass all of us who vote "no." Can you imagine a more Machiavellian plot than to put two issues side by side—this one, and Russian aid.

So you know what this bill does—under the guise of helping needy children, it socks a huge administrative staff into an entitlement program.

Is this important? You bet it is. The taxpayer swallowed a 2000-percent administrative cost increase in the last 10 years. How do you like that for controlling spending?

Do we help the needy? Of course not. This bill doesn't, among other things, give out one more food stamp to one new needy family. It just pushes more into the hands of those already receiving help.

No, Mr. Chairman. This just doesn't pass muster.

Ms. DELAURO. Mr. Chairman, a nation should be judged by the way it treats its children. They are not only the weakest and most vulnerable among us, they are our hope and our future. Yet hunger, homelessness, and lack of health care are the background against which tens of thousands of America's young spend their childhoods.

This bill begins the process of extending greater help to our children. But we have a long way to go to reverse the trends of the last decade, during which 22 percent more children have slipped into poverty, and 13 percent more children are not living with their families.

Nothing we do will help our children more than fighting to ensure that they have a solid, stable life at home. This bill makes some important strides toward improving foster care, encouraging the adoption of hard-to-place children, and enhancing efforts to keep families, that could break up, intact.

Aid to States to help with foster care programs is significantly increased in this bill in response to the sharp increase in the number of children living in foster homes. In recent years, the number of children who are in foster care nationwide has increased by 50 percent—from 237,500 in 1986 to 407,000 in 1990.

Children who seek to be adopted but are difficult to place will also be aided by this legislation, which funds State programs for adoptive families.

But most importantly, this bill seeks to promote innovative programs that will keep families together. It provides States with funds to establish programs that will prevent the need for unnecessary foster care, reunite foster children with their original families when possible, and provide followup service to families whose children have returned home.

Mr. Speaker, it is increasingly difficult for families to raise their children. More families have single parents, families face shrinking incomes and greater expenses, local and State governments have fewer resources to address family needs, health care costs are soaring, and parents find themselves working longer hours with less time to spend with their children.

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All these factors place an increasing strain on children and on family life. This bill takes important steps to begin addressing some of these problems and it deserves the support of every Member of this House. A vote for this bill is not only a vote for the well being of our children, it is a vote for the future of this country.

Mr. RAMSTAD. Mr. Chairman, I rise in opposition to H.R. 3603.

I do so reluctantly because I, like many others in this body, believe that our child welfare system is in desperate need for reform.

The entitlement programs that currently comprise our child welfare system are too regulatory, too wasteful, and too restrictive on the States that administer them. Since 1981, the administrative costs alone of child welfare have gone up a whopping 2,000 percent.

The problem, Mr. Chairman, is that the bill before us doesn't even try to address this runaway increase in administrative costs. Instead, H.R. 3603 simply dumps an additional $3.5 billion into a badly broken system and pretends it's a cure all.

Over the next 5 years, the Federal Government will give the States $20 billion for child welfare programs. Clearly, we are willing to commit adequate funds to address the needs of our children. The real problem is how we choose to spend them.

Given that spending on child welfare has skyrocketed over the past decade, most people may wonder why there has been no marked improvement in child welfare programs.

Well, Mr. Chairman, it's because the money is not getting to the children who need it. It's because social workers are spending 80 percent of their time filling out paperwork, rather than taking care of our kids. And it's because our bloated system is taking Federal candy out of the hands of babies and putting it into hands of bureaucrats.

The Democrat leadership claims that H.R. 3603 reforms the child welfare system. But all it amounts to is the tired old social policy of tax and spend, spend and tax. And all at the cost of $3.5 billion of taxpayers' money.

Today, the Democrat leadership has refused to even listen to an alternative proposal, offered by our colleague NANCY JOHNSON, which I strongly support and which enjoys widespread, bipartisan support.

In spite of the fact that the Johnson bill offers real reform and reasonable spending limits, the Democrat-controlled Rules Committee would not even allow it to be discussed on the House floor. Perhaps, the Democrat leadership feared that the support for this alternative proposal would put an abrupt end to their irresponsible political game.

In my opinion, this gag rule is an insult to all of us who serve in the House and believe in the principle of open debate.

The heart of the Johnson proposal is to take almost $9 billion out of wasteful entitlement programs and move it into a new capped entitlement program that would be completely controlled by the States.

Rather than forcing States to spend outrageous amounts on administration and training, the Johnson proposal makes $9 billion available for whatever child welfare programs that States deem most effective.

For example, child welfare administrators argued before the House Ways and Means Committee that if dollars were available for preventive services, they could save a lot of money while caring for our children. The Johnson proposal takes child welfare administrators at their word; H.R. 3603 doesn't.

In short, the Johnson proposal increases State flexibility, reduces administration, and promotes efficient use of limited resources, all without costing new money.

Mr. Chairman, despite the efforts of the Rules Committee, we still have a choice.

We have a choice between creating a flexible system that slashes Federal redtape or throwing more money into a broken system without repairs. We have a choice between providing vital services to needy children or larger paychecks to faceless bureaucrats. We have a choice between improving the child welfare system or prolonging the stagnant policies of the failed welfare state.

Mr. Chairman, the choice is clear. I urge my colleagues to support the motion to recommit, or failing that, to oppose H.R. 3603.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 5600, as modified by the amendments printed in House Report 102-787, shall be considered as an original bill for the purpose of amendment and is considered as read.

The text of the amendment in the nature of a substitute, as modified, is as follows:

H.R. 5600

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Initiative".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Short title of titles I through V; amendment of Social Security Act.

TITLE I—CHILD WELFARE SERVICES

Sec. 101. Entitlement funding for child welfare services to strengthen and preserve families.
Sec. 102. Required protections for foster children.
Sec. 103. Reports on child welfare services and expenditures.
Sec. 104. Enhancing court procedures.
Sec. 105. State directory of services.
Sec. 106. States required to report on measures taken to comply with the Indian Child Welfare Act.

TITLE II—FOSTER CARE AND ADOPTION ASSISTANCE

Sec. 201. Comprehensive service projects.
Sec. 202. Abandoned children.
Sec. 203. Clarification of removal from home requirement.
Sec. 204. Dissolved adoptions.
Sec. 205. Respite care.
Sec. 206. Extension of definition of children with special needs.
Sec. 207. Study of reasonable efforts requirement by advisory committee.
Sec. 208. Automated systems.
Sec. 209. Periodic reevaluation of foster care maintenance payments.

Sec. 210. Accelerated dispositional hearing.
Sec. 211. Periodic review of children free for adoption.
Sec. 212. Time frame for judicial determinations on voluntary placements.
Sec. 213. Placement accountability.
Sec. 214. Treatment of assets of youth participating in independent living program.
Sec. 215. Elimination of foster care ceilings and of authority to transfer unused foster care funds to child welfare services programs.
Sec. 216. Regulations for training of agency staff and of foster and adoptive parents.
Sec. 217. Publication of program data.
Sec. 218. Review of child welfare activities.

TITLE III—SOCIAL SERVICES BLOCK GRANT

Sec. 301. Title XX social services block grant.

TITLE IV—RESEARCH, DEMONSTRATION, AND EVALUATION

Sec. 401. Advisory Commission on Children and Families.
Sec. 402. Research and evaluations to be conducted by the Advisory Commission on Children and Families.
Sec. 403. Other research and evaluations.
Sec. 404. Child welfare demonstration projects.
Sec. 405. Technical assistance.

TITLE V—MISCELLANEOUS HUMAN RESOURCES AMENDMENTS

Sec. 501. State option to use retrospective budgeting without monthly reporting under AFDC program.
Sec. 502. Increase in stepparent income disregard under AFDC program.
Sec. 503. Extension of period for demonstration projects for evaluating model procedures for reviewing child support awards.
Sec. 504. Technical corrections related to the income securit and human resources provisions of the Omnibus Budget Reconciliation Act of 1990.
Sec. 505. Technical corrections related to the human resource and income security provisions of Omnibus Budget Reconciliation Act of 1989.

TITLE VI—CHILDHOOD HUNGER REELIEF

Sec. 601. Short title.
Sec. 602. References to Act.

SUBTITLE A—ENSURING ADEQUATE FOOD ASSISTANCE

Sec. 611. Families with high shelter expenses.
Sec. 612. Continuing benefits to eligible households.
Sec. 613. Homeless families in transitional housing.
Sec. 614. Improving the nutritional status of children in Puerto Rico.
Sec. 615. Households benefiting from general assistance vendor payments.
Sec. 616. Helping low-income high school students.

SUBTITLE B—PROMOTING SELF-SUFFICIENCY

Sec. 621. Child support disregard.
Sec. 622. Child support payments to nonhousehold members.
Sec. 623. Vehicles needed to seek and continue employment and for household transportation.

SUBTITLE C—SIMPLIFYING THE PROVISION OF FOOD ASSISTANCE

Sec. 631. Simplifying the household definition for households with children and others.
Sec. 632. Assuring adequate funding for the food stamp program.

SUBTITLE D—COMMODITY DISTRIBUTION TO NEEDY FAMILIES

Sec. 641. Commodity purchases.

SUBTITLE E—IMPLEMENTATION AND EFFECTIVE DATES

Sec. 651. Effective dates.
Sec. 652. Prohibition on reducing agriculture price support programs.

TITLE VII—FUNDING

Sec. 701. Surtax on individuals with incomes over $1,000,000.

SEC. 2. SHORT TITLE OF TITLES I THROUGH V; AMENDMENT OF SOCIAL SECURITY ACT.

(a) SHORT TITLE OF TITLES I THROUGH V.—Titles I through V may be cited as the "Family Preservation Act of 1992".

(b) AMENDMENT OF SOCIAL SECURITY ACT.—Except as otherwise expressly provided, wherever in titles I through V of this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—CHILD WELFARE SERVICES

SEC. 101. ENTITLEMENT FUNDING FOR CHILD WELFARE SERVICES DESIGNED TO STRENGTHEN AND PRESERVE FAMILIES.

(a) IN GENERAL.—Part B of title IV (42 U.S.C. 620-628) is amended—

(1) by striking the heading and inserting the following:

"PART B—CHILD WELFARE AND FAMILY PRESERVATION SERVICES

"Subpart 1—Child Welfare Services";

(2) in section 423(a), by striking "this part" and inserting "this subpart";

(3) in section 428(b), by inserting "or 432, as appropriate" after "421"; and

(4) by adding at the end the following:

"Subpart 2—Family Preservation Services

"SEC. 430. ENTITLEMENT.

"(a) IN GENERAL.—For payments to which States are entitled under this subpart, there shall be available to the Secretary an amount equal to the sum of—

"(1) the basic entitlement amount for the fiscal year; and

"(2) the additional entitlement amount for the fiscal year.

"(b) DEFINITIONS.—As used in subsection (a):

"(1) BASIC ENTITLEMENT AMOUNT.—The term 'basic entitlement amount' means—

"(A) for fiscal year 1993, $200,000,000;

"(B) for fiscal year 1994, $350,000,000;

"(C) for fiscal year 1995, $450,000,000;

"(D) for fiscal year 1996, $550,000,000;

"(E) for fiscal year 1997, $600,000,000; and

"(F) for fiscal year 1998 and each succeeding fiscal year, $600,000,000, increased by the percentage (if any) by which—

"(i) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on July 31 of the immediately preceding fiscal year; exceeds

"(ii) the average of the Consumer Price Index (as so defined) for the 12-month period ending on July 31, 1995.

"(2) ADDITIONAL ENTITLEMENT AMOUNT.—The term 'additional entitlement amount' means, with respect to a fiscal year, 60 percent of the amount (if any) by which the adjusted baseline amount for the fiscal year exceeds the sum of—

"(A) the aggregate amount of Federal outlays under part E for the fiscal year; and

"(B) the aggregate of the amounts calculated pursuant to section 441(d)(1)(B) with respect to any State for the fiscal year.

"(3) ADJUSTED BASELINE AMOUNT.—The term 'adjusted baseline amount' means, with respect to a fiscal year, the sum of—

"(A) the baseline amount for the fiscal year; and

"(B) the adjustment amount for the fiscal year.

"(4) BASELINE AMOUNT.—The term 'baseline amount' means—

"(A) for fiscal year 1993, $2,775,000,000;

"(B) for fiscal year 1994, $3,122,000,000;

"(C) for fiscal year 1995, $3,519,000,000;

"(D) for fiscal year 1996, $3,952,000,000;

"(E) for fiscal year 1997, $4,416,000,000; and

"(F) for each of fiscal years 1998 and 1999, $4,416,000,000, increased by the percentage (if any) by which the GDP deflator for the 12-month period ending on March 31 of the calendar year in which the fiscal year begins exceeds the GDP deflator for the 12-month period ending on March 31, 1997.

"(5) ADJUSTMENT AMOUNT.—The term 'adjustment amount' means—

"(A) for fiscal year 1993, $227,000,000;

"(B) for fiscal year 1994, $222,000,000;

"(C) for fiscal year 1995, $181,000,000;

"(D) for fiscal year 1996, $261,000,000;

"(E) for fiscal year 1997, $336,000,000; and

"(F) for each of fiscal years 1998 and 1999, $336,000,000, increased by the percentage (if any) by which the GDP deflator for the 12-month period ending on March 31 of the calendar year in which the fiscal year begins exceeds the GDP deflator for the 12-month period ending on March 31, 1997.

"(6) GDP DEFLATOR.—The term 'GDP deflator' means the GDP deflator published by the Department of Commerce.

"SEC. 431. ANNUAL SUBMISSION OF STATE PLAN AMENDMENTS.

"To be eligible to receive its share of the funds available for expenditure under this subpart for a fiscal year after fiscal year 1993, a State shall annually submit to the Secretary, as an amendment to the State plan under this part, and in such form as the Secretary may require by regulation, a comprehensive family services plan that contains—

"(1) an assessment, as of the beginning of the fiscal year, of—

"(A) the service needs of families in the State any child of which has been or is at risk of being placed outside the home; and

"(B) the need for substance abuse treatment services for such families;

"(2) a description of the service programs available in the State, as of the beginning of the fiscal year, that address the service needs of such families;

"(3) the State's goals for the 5-year period beginning with the fiscal year for increasing the number and capacity of such service programs;

"(4) a strategy for the fiscal year to improve the coordination of services to such families with other State programs and services;

"(5) a certification from the Governor of the State that the State has provided for appropriate coordination of State substance abuse treatment programs and such service programs;

"(6) an assurance that the State will not use any funds provided under this subpart to supplant Federal, State, or local funds used for similar purposes;

"(7) an explanation of how the Federal assistance provided under this section will, during the fiscal year, expand services available to such families, including—

"(A) a description of the service programs to be provided with funds provided under this section;

"(B) the goals of such programs; and

"(C) a description of the populations to which the programs will be targeted, with an assurance that such populations will consist of—

"(i) families any child of which is, has been, or is at risk of being placed, in foster care; and

"(ii) at the option of the State, families any child of which is, has been, or is at risk of being placed, in the care of a mental health or juvenile justice agency; and

"(8) such other information as the Secretary may require by regulation.

"SEC. 432. ALLOTMENTS TO STATES.

"The Secretary shall allot the sum made available pursuant to section 430 for any fiscal year, for use by cooperating State public welfare agencies which have plans developed jointly by the State agency and the Secretary and which are located in States that are in compliance with section 431, as follows:

"(1) ALLOTMENTS TO TERRITORIES.—The allotment for any fiscal year to each of the jurisdictions of Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, and American Samoa shall be determined in the same manner in which the allotment to the jurisdiction was determined under section 421.

"(2) OTHER ALLOTMENTS.—

"(A) IN GENERAL.—The allotment for any fiscal year to each other State shall be the amount equal to—

"(i) the sum made available pursuant to section 430 for the fiscal year that remains unallotted after the application of paragraph (1) of this section; multiplied by

"(ii) the food stamp percentage of the State for the fiscal year.

"(B) FOOD STAMP PERCENTAGE DEFINED.—As used in subparagraph (A)(ii), the term 'food stamp percentage' means, with respect to a State and a fiscal year, the average number of children receiving food stamp benefits in the State for the 4th, 3rd, and 2nd preceding fiscal years, as determined from sample surveys made under section 16(c) of the Food Stamp Act of 1977, expressed as a percentage of the average number of children receiving food stamp benefits in all of the States (to which this paragraph applies) for such preceding fiscal years, as so determined.

"SEC. 433. REALLOTMENTS.

"(a) IN GENERAL.—The amount of any allotment to a State under section 432 for any fiscal year which the State certifies will not be required for carrying out the State plan under this part shall be available for reallotment, from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines—

"(1) are in compliance with section 431 for the fiscal year;

"(2) need sums exceeding the sums allotted to such States under sections 421 and 432, in carrying out their State plans under this part; and

"(3) will be able to use such excess sums during the fiscal year.

"(b) DISTRIBUTION FORMULA.—Any amount available for reallotment shall be reallotted among the other States referred to in subsection (a) on the same basis as allotments are made under section 432.

"(c) TREATMENT OF REALLOTMENTS.—Any amount reallotted to a State under this section is deemed to be part of the allotment of the State under section 432.

"SEC. 434. PAYMENTS TO STATES.

"(a) BASIC ENTITLEMENT AMOUNT.—

"(1) IN GENERAL.—From the sums appropriated therefor not exceeding the basic entitlement amount (as defined in section 430(b)(1)) and the allotment under this subpart of the basic entitlement amount, each State which has a plan developed in accordance with section 422 and is in compliance with section 431 for a fiscal year shall be entitled to receive from the Secretary, and the Secretary shall from time to time pay to each such State, an amount equal to 75 percent of the total amount expended by the State during the fiscal year under the plan (including administrative costs) in accordance with section 435.

"(2) ADMINISTRATIVE PROVISIONS.—

"(A) ESTIMATES.—Before each calendar quarter, the Secretary shall estimate the amount to be paid to each State under this subsection for the quarter.

"(B) PAYMENTS.—From that portion of the allotment of each State that is attributable to the basic entitlement amount, the Secretary shall pay the amount estimated under subparagraph (A), reduced or increased, as the case may be, by any sum (not previously adjusted under this subsection) by which the Secretary finds that any such estimate for a prior quarter was greater or less than the amount which should have been paid to the State under this subsection for such prior quarter.

"(b) ADDITIONAL ENTITLEMENT AMOUNT.—From the sums appropriated therefor equal to the additional entitlement amount (as defined in section 430(b)(2)) and the allotment under this subpart of the additional entitlement amount, each State which has a plan developed in accordance with section 422 and is in compliance with section 431 for a fiscal year shall be entitled to receive from the Secretary, and the Secretary shall, within 3 months after the end of the fiscal year, pay to each such State, the amount allotted to the State from the additional entitlement amount.

"SEC. 435. USE OF FUNDS.

"(a) BASIC ENTITLEMENT AMOUNT.—Each State which receives funds paid to the State under section 434(a) shall—

"(1) use part (but not all) of such funds to develop or expand specialized child welfare service programs, to families in crisis due to substance abuse, that—

"(A) emphasize comprehensive services;

"(B) are geared toward the whole family; and

"(C) encourage or expand the availability of programs for pregnant women and programs which allow mothers to reside with their children (and other caretaker relatives to reside with the children in their care) while receiving services or treatment; and

"(2) use the remaining part of such funds to develop or expand—

"(A) service programs designed to help children—

"(i) where appropriate, return to families (including adoptive families) from which they have been removed; or

"(ii) be placed for adoption, with a legal guardian, or, if adoption or legal guardianship is determined not to be appropriate for a child, in some other planned, permanent living arrangement;

"(B) preplacement preventive services programs, such as intensive family preservation programs (as defined in section 1144(c)(1)(B)(i)), that are designed to help children at risk of foster care placement remain with their families (including adoptive families); or

"(C) service programs designed to provide follow-up care to families (including adoptive families) to whom a child has been returned after a foster care placement.

"(b) ADDITIONAL ENTITLEMENT AMOUNT.—Each State which receives funds paid to the State under section 434(b) may use such funds for any purpose for which funds may be used under this part.

"(c) MAINTENANCE OF EFFORT.—Notwithstanding section 434, the amount that would otherwise be paid to a State under this subpart shall be reduced by the sum of—

"(1) any amount paid to the State under this subpart which is used to supplant any Federal, State, or local funds used for similar purposes;

"(2) the amount (if any) by which the total amount expended by the State and the political subdivisions thereof from State and local sources for the provision of child welfare services (excluding foster care maintenance payments and adoption assistance payments) during any fiscal year is less than the total amount so expended during fiscal year 1992; and

"(3) the amount (if any) by which the total amount expended by the State and the political subdivisions thereof from State and local sources for the provision of child welfare services during any fiscal year is less than the total amount so expended during fiscal year 1992.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1992, and shall apply to payments under part B of title IV of the Social Security Act for fiscal year 1993 and to such payments for any succeeding fiscal year.

SEC. 102. REQUIRED PROTECTIONS FOR FOSTER CHILDREN.

(a) ELIMINATION OF INCENTIVE FUNDING MECHANISMS.—

(1) IN GENERAL.—

(A) REPEAL.—Section 427 (42 U.S.C. 627) is hereby repealed.

(B) CONFORMING AMENDMENT.—Section 423(a) (42 U.S.C. 623(a)) is amended by striking "and in section 427".

(2) STATE PLAN REQUIRED TO PROVIDE FOR FOSTER CARE PROTECTIONS OF REPEALED SECTION 427.—Section 422(b) (42 U.S.C. 622(b)) is amended—

(A) by striking "and" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting "; and"; and

(C) by adding at the end the following:

"(9) provide that the State must—

"(A) conduct or have conducted an inventory of all children who have been in foster care under the responsibility of the State for a period of 6 months preceding the inventory, and determine or have determined—

"(i) the appropriateness of, and necessity for, the foster care placement;

"(ii) whether the child can or should be returned to the parents of the child or should be freed for adoption; and

"(iii) the services necessary to facilitate either the return of the child or the placement of the child for adoption or legal guardianship; and

"(B) implement and operate, to the satisfaction of the Secretary—

"(i) a statewide information system from which the status, demographic characteristics, location, and goals for the placement of every child who is in foster care, or who has been in such care within the preceding 12 months, can be readily determined;

"(ii) a case review system (as defined in section 475(5)) for each child receiving foster care under the supervision of the State; and

"(iii) a service program designed to help children—

"(I) where appropriate, return to families from which they have been removed; or

"(II) be placed for adoption, with a legal guardian, or in some other planned, permanent living arrangement.".

(3) CONFORMING AMENDMENTS.—

(A) Section 472(d) (42 U.S.C. 672(d)) is amended by striking "427(b)" and inserting "422(b)(9)".

(B) Section 425(a)(2) (42 U.S.C. 625(a)(2)) is amended by inserting "to comply with section 422(b)(9) or" before "to comply".

(4) EFFECTIVE DATE.—The amendments and repeal made by this subsection shall take effect on October 1, 1992, and shall apply to payments under part B of title IV of the Social Security Act for fiscal year 1993 and to such payments for any succeeding fiscal year.

(5) CONSTRUCTION OF SUBSECTION.—The amendments and repeal made by this subsection shall not be construed to permit any State to interrupt the provision of the foster care protections described in section 427 of the Social Security Act, as in effect before fiscal year 1993.

(b) ADDITIONAL PROTECTIONS.—

(1) IN GENERAL.—Section 422(b)(9) (42 U.S.C. 622(b)(9)), as added by subsection (a)(2) of this section, and as amended by sections 103(c)(1)(B) and 105(a)(1) of this Act, is amended—

(A) by striking "and" at the end of subparagraph (A)(iii); and

(B) by striking "and" at the end of subparagraph (B)(ii);

(C) by inserting "and" at the end of subparagraph (B)(iii); and

(D) by adding at the end the following:

"(iv) a preplacement preventive services program designed to help children at risk of foster care placement remain with their families; and

"(C)(i) review or have reviewed State laws, State administrative and judicial procedures, and agency legal representation in effect for children abandoned at or shortly after birth; and

"(ii) develop and implement such laws and procedures as the State determines are necessary to enable lasting permanent decisions to be made expeditiously with respect to the placement of such children;".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1994, and shall apply to payments under parts B and E of title IV of the Social Security Act for fiscal year 1995 and to such payments for any succeeding fiscal year.

(3) CONSTRUCTION OF SUBSECTION.—The amendments made by this subsection shall not be construed to permit any State to interrupt the provision of the foster care protections described in section 427 of the Social Security Act (as in effect before fiscal year 1993).

SEC. 103. REPORTS ON CHILD WELFARE SERVICES AND EXPENDITURES.

(a) PRE-EXPENDITURE REPORTS.—

(1) IN GENERAL.—Section 422(b)(5) (42 U.S.C. 622(b)(5)) is amended to read as follows:

"(5) include a report—

"(A) on the intended use of payments made to the State under this part, including information on the types of services to be provided and the geographic areas where such services will be available; and

"(B) which shall be made public within the State in such manner as to facilitate comment by any person (including any Federal or other public agency) during each stage of the development of the report.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to State plans under part B of title IV of the Social Security Act for fiscal year 1994 and such plans for any succeeding fiscal year.

(b) POST-EXPENDITURE REPORTS.—

(1) IN GENERAL.—Part B of title IV (42 U.S.C. 620-628) is amended by inserting after section 426 the following:

"SEC. 427. REPORT ON EXPENDITURES.

"(a) PREPARATION.—Each State shall prepare annual reports on the services provided with funds made available under this part during the most recently completed fiscal year, which shall be in such form and contain such information as the State finds necessary to—

"(1) provide an accurate description of such services;

"(2) secure a complete record of the purposes for which the funds were spent; and

"(3) enable a determination of the extent to which the funds were spent in a manner consistent with the reports required by section 422(b)(5).

"(b) DISSEMINATION.—Not later than the date prescribed by the Secretary as the due date for each report required by subsection (a), each State shall—

"(1) transmit to the Secretary a copy of each such report;

"(2) make copies of each such report available for public inspection in the State; and

"(3) provide copies of each such report, upon request, to any interested public agency, which may provide to the Congress the views of such agency on any such report.

"(c) ESTABLISHMENT OF UNIFORM DEFINITIONS.—The Secretary shall establish uniform definitions of services for use by the States in preparing the reports required by subsection (a) of this section, taking into consideration the uniform definitions established for the reports required by section 2006, and shall take such other steps as may be necessary or appropriate to ensure that compliance with this section will not be unduly burdensome on the States.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1993, and shall apply to expenditures under State plans under part B of title IV of the Social Security Act in or after fiscal year 1994.

(c) COMPARATIVE FINANCIAL CONTRIBUTION REPORTS.—

(1) IN GENERAL.—Section 422(b) (42 U.S.C. 622(b)), as amended by section 102(a)(2) of this Act, is amended—

(A) in paragraph (8), by striking "and" at the end;

(B) in paragraph (9), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(10) include information for the fiscal year second preceding the fiscal year covered by the plan, in such form as the Secretary may prescribe by regulation, on—

"(A) the aggregate amount expended by the State and the political subdivisions thereof for the provision of child welfare services (other than foster care maintenance payments and adoption assistance payments), broken down in a manner that shows the extent to which such amount was expended from funds provided by each of Federal, State, or local sources; and

"(B) the aggregate amount expended by the State and the political subdivisions thereof for foster care maintenance payments and adoption assistance payments, broken down in a manner that shows the extent to which such amount was expended from funds provided by each of Federal, State, or local sources.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to State plans under part B of title IV of the Social Security Act for fiscal year 1993 and to such plans for any succeeding fiscal year.

(3) REPORTS TO THE CONGRESS.—Section 422 (42 U.S.C. 622) is amended by adding at the end the following:

"(c) The Secretary shall annually transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a summary of the information received from States pursuant to subsection (b)(10), and shall make available to the public copies of the summary at a charge equal to the cost of printing.".

SEC. 104. GRANT PROGRAM FOR STATE COURT SYSTEMS TO ASSESS AND IMPROVE PROCEDURES IN CHILD WELFARE CASES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall make grants in accordance with this section to the highest State courts to conduct assessments of the procedures and functions of the State courts in carrying out parts B and E of title IV of the Social Security Act, and to implement recommendations for improvements in such procedures and functions based on the assessments.

(b) ASSESSMENTS.—The assessment described in this subsection is designed to assess how the State courts are performing the activities required of them by or under State laws enacted pursuant to parts B and E of title IV of the Social Security Act, and to make recommendations on how to improve the implementation of such parts, which shall include the following:

(1) A list of the requirements imposed on the State courts by or under State laws enacted pursuant to such parts, and a list of the State laws, regulations, and policies that govern the implementation of such requirements.

(2) A description of the extent to which State law requires procedural safeguards for children and their parents with respect to each type of proceeding held by State courts pursuant to the State laws referred to in paragraph (1).

(3) A quantitative and qualitative evaluation of how each requirement of such parts is being carried out in the State, including the following:

(A) The circumstances under which, and the frequency with which, the procedural safeguards described pursuant to paragraph (2) are provided.

(B) Whether, during court proceedings, evidence is presented and arguments are made that address the findings and determinations required by the State laws referred to in paragraph (1), and, if so, the amount and sufficiency of time devoted to the presentation of such evidence and the making of such arguments.

(C) The extent to which the procedures and practices of the State courts are reasonably in accord with recommended standards of national organizations concerned with permanent placement for foster children.

(4) The effect of judicial caseloads and case assignments on the quality of court proceedings.

(5) Recommendations on how to better meet the requirements of such parts, and to improve the implementation by the State courts of the State laws enacted pursuant to such parts, including any changes in law, regulation, procedure, judicial manpower, judicial case assignments, judicial caseloads, judicial data collection, judicial education, and requirements for court-appointed legal representatives for parents and children.

(c) APPLICATIONS.—

(1) FISCAL YEAR 1994.—In order for a highest State court to become eligible for a grant under this section for fiscal year 1994, the court shall submit to the Secretary an application which, at a minimum, contains the following:

(A) A timetable for conducting and completing the assessment described in subsection (b) during fiscal year 1994.

(B) A budget for the assessment described in subsection (b), the method which is to be used to conduct the assessment, and a statement of how courts are to be selected for inclusion in the assessment.

(C) A certification that the head of the State agency responsible for children in State-supervised foster care, and, if applicable, the State foster care citizen review board or the State organization of citizen review boards, has had an opportunity to review and comment on a draft of the application before its submission. Such certification must include a copy of such comments.

(D) A description of how the court is to consult and cooperate with the head of the State agency responsible for children in State-supervised foster care, and, if applicable, the State foster care citizen review board or the State organization of citizen review boards, in developing and conducting the assessment described in subsection (b).

(E) Such other information as the Secretary may require by regulation.

(2) FISCAL YEAR 1995.—In order for a highest State court to become eligible for a grant under this section for fiscal year 1995, the court shall submit to the Secretary an application which contains the following:

(A) A copy of the assessment described in subsection (b) that was conducted and completed with funds provided under this section.

(B) A description of the steps that were taken during the conduct of the assessment described in subsection (b), and that will be taken in the fiscal year for which the application is submitted, to consult and cooperate with the State agency responsible for children in State-supervised foster care and, if applicable, the State foster care citizen review board or the State organization of citizen review boards.

(C) A specification of the steps that will be taken to implement the recommendations described in subsection (b)(5) made in the assessment described in subsection (b), and to make other improvements in the judicial handling of child welfare and foster care cases.

(D) Assurances that the applicant will—

(i) coordinate with the head of the State agency responsible for children in State-supervised foster care, and provide the agency with a report on the actions to be taken by the applicant to implement the recommendations of the assessment;

(ii) after completion of the assessment described in subsection (b), use funds received under this section to—

(I) implement the recommendations of the assessment; and

(II) establish new activities or programs, or strengthen existing activities or programs, to carry out such recommendations; and

(iii) not use funds received under this section to supplant State or local funds used for similar purposes.

(E) Such other information as the Secretary may require by regulation.

(3) FISCAL YEARS 1996, 1997, AND 1998.—In order for a highest State court to become eligible for a grant under this section for fiscal year 1996 or thereafter, the court shall submit to the Secretary an application which contains the following:

(A) A description and evaluation of the activities of the State courts under the grant made with respect to an application submitted under paragraph (2) in improving their implementation of parts B and E of title IV of the Social Security Act.

(B) A description of the steps that were taken during the previous fiscal year, and that will be taken in the year for which the application is submitted, to consult and cooperate with the head of the State agency responsible for children in State-supervised foster care and, if applicable, the State foster care citizen review board or the State organization of citizen review boards, in implementing the recommendations made in the assessment described in subsection (b).

(C) A specification of the remaining steps that will be taken to implement the recommendations described in subsection (b)(5) made in the assessment described in subsection (b), and to make other related improvements in the judicial handling of child welfare and foster care cases.

(D) A reaffirmation of the assurances made pursuant to paragraph (2)(D).

(E) Such other information as the Secretary may require by regulation.

(d) GRANT AMOUNTS.—

(1) FISCAL YEAR 1994.—Of the amounts made available to carry out this section for fiscal year 1994, each highest State court that submits an application which meets the requirements of subsection (c)(1) shall be entitled to, and the Secretary shall pay such court, a grant in an amount equal to—

(A) $150,000; plus

(B) the amount which bears the same ratio to the remainder of such available amounts as the number of individuals in the State who have not attained the age of 21 years bears to the number of individuals who have not attained such age in the States the highest State courts of which have so submitted such applications.

(2) FISCAL YEARS 1995, 1996, 1997, AND 1998.—Of the amounts made available to carry out this section for each of fiscal years 1995, 1996, 1997, and 1998, each highest State court that submits an application which meets the requirements of paragraph (2) or (3) of subsection (c) shall be entitled to, and the Secretary shall pay such court, a grant in an amount equal to—

(A) $190,000; plus

(B) the amount which bears the same ratio to the remainder of the amounts available for the fiscal year as the number of individuals in the State who have not attained the age of 21 years bears to the number of individuals who have not attained such age in the States the highest State courts of which have so submitted such applications.

(3) NO STATE MATCH REQUIRED FOR FISCAL YEARS 1994 AND 1995; REDISTRIBUTION OF UNUSED FUNDS.—Grant amounts under this section shall be paid to, and redistributed among, highest State courts in the same manner in which funds made available pursuant to section 420(b) of the Social Security Act are paid to, and reallotted among, the States pursuant to sections 423 and 424 of such Act, except that—

(A) for each of fiscal years 1994 and 1995, section 423(a) of such Act shall be applied by substituting "100 percentum" for "75 percentum"; and

(B) amounts shall be redistributed on the same basis as amounts are distributed under paragraph (1)(B) or (2)(B), and amounts so redistributed shall be treated as part of the amounts distributed under paragraph (1)(B) or (2)(B), whichever is applicable.

(e) USE OF GRANTS.—

(1) FISCAL YEAR 1994.—

(A) CONDUCT ASSESSMENT.—Except as provided in subparagraph (B), each highest State court which receives a grant applied for under subsection (c)(1) shall use such grant to conduct the assessment described in subsection (b).

(B) AUTHORITY TO USE EXCESS GRANT FUNDS TO IMPLEMENT RECOMMENDATIONS.—Any highest State court which has grant funds remaining after completing the assessment may use the remainder of the grant to implement the recommendations made as part of the assessment, in fiscal year 1994 or fiscal year 1995.

(2) FISCAL YEARS 1995, 1996, 1997, AND 1998.—Each highest State court which receives a grant applied for under paragraph (2) or (3) of subsection (c) for a fiscal year shall—

(A) use the grant to implement the recommendations made as part of the assessment described in subsection (b); and

(B) expend such grant in the fiscal year or in the immediately succeeding fiscal year.

(f) ADMINISTRATIVE PROVISIONS.—

(1) GUIDELINES FOR GRANT APPLICATIONS.—Within 90 days after the effective date of this section, the Secretary shall issue guidelines for grant applications under subsection (c)(1) and transmit such guidelines to each highest State court.

(2) PROMPT ACTION ON APPLICATIONS.—The Secretary shall take prompt action on each application for a grant under this section.

(g) DEFINITIONS.—As used in this section:

(1) HIGHEST STATE COURT.—The term "highest State court" means, with respect to a State, the State court with final appellate jurisdiction over civil matters in which State courts perform a function assigned by or under State laws enacted pursuant to part B or E of the Social Security Act.

(2) STATE.—The term "State" shall have the same meaning such term has for purposes of parts B and E of title IV of the Social Security Act.

(h) REPORTS TO THE CONGRESS.—The Secretary shall submit to the Congress an interim report not later than September 30, 1996, and a final report not later than September 30, 1999, on—

(1) the information obtained from the assessments conducted with grants made under this section; and

(2) the impact of the grant program under this section on the procedures and functions of the State courts in carrying out parts B and E of title IV of the Social Security Act.

(i) GRANTS FUNDED THROUGH SET ASIDE OF PORTION OF CHILD WELFARE ENTITLEMENT FUNDS FOR CERTAIN FISCAL YEARS.—

(1) FISCAL YEAR 1994.—$15,000,000 of the sums made available pursuant to section 430 of the Social Security Act for fiscal year 1994 shall be used solely to make grants to highest State courts under this section, before applying section 432 of such Act.

(2) FISCAL YEARS 1995, 1996, 1997, AND 1998.—$25,000,000 of the sums made available pursuant to section 430 of the Social Security Act for each of fiscal years 1995, 1996, 1997, and 1998 shall be used solely to make grants to highest State courts under this section, before applying section 432 of such Act.

(j) EFFECTIVE DATE.—This section shall take effect on October 1, 1993.

SEC. 105. STATE DIRECTORY OF SERVICES.

(a) STATE PLAN REQUIREMENT.—Section 422(b) (42 U.S.C. 622(b)), as amended by sections 102(a)(2) and 103(c)(1) of this Act, is amended—

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

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following:

"(11) require the agency administering or supervising the administration of the plan, not less frequently than every 2 years, to—

"(A) compile a detailed directory of those service programs made available by the agency or by local child welfare agencies to families served by such agencies that are—

"(i) preplacement preventive services programs that are designed to help children at risk of foster care placement remain with their families;

"(ii) service programs designed to help children—

"(I) where appropriate, return to families from which they have been removed; or

"(II) be placed for adoption, with a legal guardian, or in some other planned, permanent living arrangement; or

"(iii) service programs designed to provide follow-up care to families to whom a child has been returned after a foster care placement;

"(B) identify in such directory which of the programs referred to in subparagraph (A) provides specialized child welfare services to families in crisis due to substance abuse;

"(C) include in such directory such information as the Secretary may require by rule;

"(D) include in such directory, for each of such programs—

"(i) the name and address of the program and the agency or organization that administers the program;

"(ii) a description of the services offered by the program;

"(iii) the number of individuals the program is capable of serving at one time; and

"(iv) a description of the criteria for eligibility for services under the program, including any priorities with respect to who will receive such services;

"(E) arrange the information in the directory geographically; and

"(F) provide a copy of such directory to the Secretary and to all judges and other judicial administrators, and all State agencies, that are involved in child protection, foster care, and adoption cases.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1993, and shall apply to payments under part B of title IV of the Social Security Act for fiscal year 1994 and to such payments for any succeeding fiscal year.

SEC. 106. STATES REQUIRED TO REPORT ON MEASURES TAKEN TO COMPLY WITH THE INDIAN CHILD WELFARE ACT.

(a) STATE PLAN REQUIREMENT.—Section 422(b) (42 U.S.C. 622(b)), as amended by sections 102(a)(2), 103(c)(1), and 105(a) of this Act, is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting "; and"; and

(3) by adding at the end the following:

"(12) contain a description, developed after consultation with tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act) in the State, of the specific measures taken by the State to comply with the Indian Child Welfare Act.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1993, and shall apply to payments under part B of title IV of the Social Security Act for fiscal year 1994 and to such payments for any succeeding fiscal year.

TITLE II—FOSTER CARE AND ADOPTION ASSISTANCE

SEC. 201. COMPREHENSIVE SERVICE PROJECTS.

(a) IN GENERAL.—Title IV (42 U.S.C. 601 et seq.) is amended by inserting after part B the following:

"PART C—COMPREHENSIVE SERVICE PROJECTS

"SEC. 441. COMPREHENSIVE SERVICE PROJECTS.

"(a) IN GENERAL.—

"(1) PURPOSE.—The purpose of this section is to grant States the flexibility and resources necessary to develop comprehensive and coordinated services designed—

"(A) to preserve and strengthen families with children at risk of placement outside their home;

"(B) to reunite children with their families expeditiously if an out-of-home placement is found to be necessary; and

"(C) to place children in adoptive homes or other permanent arrangements in a timely fashion if reunification with their families is not appropriate.

"(2) METHOD.—The method of this section is to permit any State to apply to the Secretary for permission—

"(A) to conduct a comprehensive service project in accordance with this section in such area or areas of the State as the State may select; and

"(B) to suspend certain requirements of parts B and E with respect to the activities of the State in such area or areas during the project.

"(3) ENTITLEMENT.—For payments to which States authorized to conduct projects under this section are entitled under this part, there shall be available to the Secretary for each fiscal year an amount equal to 10 percent of the aggregate of the amounts that would have been paid to such States under section 423 for the fiscal year, and the amounts that would have been paid to such States under section 434 for the fiscal year if the total sum available for such payments were equal to the basic entitlement amount (as defined in section 430(b)(1)), if the Secretary had approved the State plans of such States under part B for the fiscal year and had not authorized such States to conduct projects under this section for the fiscal year.

"(b) APPLICATIONS.—Not later than 3 months before the fiscal year in which a State intends to commence a comprehensive services project under this section, the State may submit to the Secretary an application to conduct the project which shall contain the following:

"(1) A plan and a timetable for assessing by the end of the fiscal year—

"(A) whether procedures and policies of the child welfare agency of the State, or of the area or areas of the State in which the project is to be conducted, provide for the coordinated delivery of services to children and their families, and the specific barriers that must be overcome to ensure such coordination;

"(B) the service needs of families in the area or areas of the State in which the project is to be conducted whose child or children are at imminent risk of placement outside their home or are in an out-of-home placement in the child welfare, juvenile justice, or mental health system;

"(C) specific service programs available in the area or areas of the State in which the project is to be conducted that address the service needs of such families; and

"(D) the extent to which common practices, policies, and procedures among the child welfare, juvenile justice, and mental health systems in the area or areas of the State in which the project is to be conducted govern the assessment of children and their families, the provision of case plans, the delivery of services to children and their families, and the periodic reviews of the services provided, particularly with regard to families whose child or children are at imminent risk of placement outside their home or are in an out-of-home placement;

"(2) a plan and a timetable for implementing—

"(A) procedures and policies of the child welfare agency of the State, or of the area or areas of the State in which the project is to be conducted, that will result in the coordinated and efficient delivery of the range of child welfare services to families in the child welfare system;

"(B) a comprehensive services program designed to—

"(i) preserve and strengthen families with children at imminent risk of placement outside their home;

"(ii) reunite children with their families expeditiously if an out-of-home placement is found to be necessary;

"(iii) place children in adoptive homes or other permanent arrangements in a timely fashion if reunification with their families is not appropriate;

"(iv) meet the primary service needs of targeted families in the area or areas of the State in which the project is to be conducted who are in the child welfare, juvenile justice, or mental health system and whose child or children are at imminent risk of placement outside their home or are in an out-of-home placement; and

"(v) include, at a minimum, access to substance abuse treatment, parenting education, health, mental health, crisis managment, and counseling services;

"(C) a common assessment tool for targeting which children and families who come to the attention of the child welfare, juvenile justice, and mental health systems will participate in the program described in subparagraph (B);

"(D) joint training of staff from the child welfare, mental health, and juvenile justice systems who will be involved in the program described in subparagraph (B);

"(E) a system for delivering services under the program described in subparagraph (B) to families targeted for the program which ensures a single point of entry and uses a unified case management approach, and thereby minimizes unnecessary and duplicative assessments and services;

"(F) an information system to track children and families across systems who participate in the program described in subparagraph (B), which provides data, not less frequently than annually, on the number of children and families served from each system and the nature of the services provided; and

"(G) a mechanism by which to ensure that relevant information on the service and treatment needs and outcomes of children and their families which is developed through their participation in the program described in subparagraph (B) is made available, as appropriate, to case managers and service providers in the relevant agencies who are charged with making service, placement, and other decisions with respect to the children and their families;

"(3) a statement of the specific outcomes the State expects by conducting the project, which shall include outcomes in at least the following areas—

"(A) an increase in the well-being of children;

"(B) a reduction in placements and expenditures for out-of-home care relative to what would have occurred otherwise;

"(C) an increase in the level and mix of preventive services available to families in the child welfare, juvenile justice, and mental health systems; and

"(D) an increase in coordination and cooperation among the child welfare, juvenile justice, and mental health agencies;

"(4) an assurance that, in developing the application, the State consulted with and received technical assistance from the Advisory Commission on Children and Families established under section 1144;

"(5) a statement from the Advisory Commission on Children and Families containing its recommendation to the Secretary regarding the application;

"(6) a specification of the area or areas of the State in which the project is to be conducted, in which must reside not fewer than 300,000 individuals in the aggregate at the time the application is submitted;

"(7) a certification that all cost savings resulting from the project will be used to provide child welfare services to families;

"(8) a certification that the State will provide the Secretary with such information about the project and the State programs carried out pursuant to parts B and E as the Secretary may request, and will cooperate with the Advisory Commission on Children and Families if the Commission evaluates the project;

"(9) a certification that—

"(A) the State will not use any funds provided under this section to supplant any Federal, State, or local funds used for similar purposes;

"(B) the aggregate amount expended from State and local sources by the State and the political subdivisions thereof for the provision of child welfare services (excluding foster care maintenance payments and adoption assistance payments) during any fiscal year will be not less than the aggregate amount so expended during fiscal year 1992; and

"(C) the aggregate amount expended from State and local sources by the State and the political subdivisions thereof for the provision of child welfare services during any fiscal year will be not less than the aggregate amount so expended during fiscal year 1992;

"(10) a certification that the individual or agency referred to in section 422(b)(1)(A) shall have lead responsibility for the operation and administration of the project under this section;

"(11) a certification by the Governor of the State that project activities will be coordinated among the State child welfare, juvenile justice, and mental health agencies, and other appropriate State agencies; and

"(12) a list of those requirements of parts B and E which are to apply to the project, in addition to the requirements imposed by the provisions specified in subsection (c)(6)(A) of this section.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) NOTIFICATION TO STATES OF APPLICATION REQUIREMENTS.—Not later than 6 months after the date of the enactment of this section, the Secretary shall prepare and transmit to each State a detailed explanation of the requirements for conducting a project under this section.

"(2) CONSIDERATION OF APPLICATIONS.—The Secretary shall consider all applications (and amendments thereto) received from States desiring to conduct a project under this section.

"(3) AMENDMENT OF APPLICATIONS.—A State may, at any time and for any fiscal year, submit to the Secretary 1 or more amendments to any application submitted to the Secretary under this section.

"(4) NOTIFICATION TO ADVISORY COMMISSION IF ITS RECOMMENDATIONS ARE NOT FOLLOWED.—If the Secretary takes action on an application submitted under this section in a manner contrary to a recommendation of the Advisory Commission on Children and Families established under section 1144, the Secretary shall provide the Commission with the reasons therefor.

"(5) APPROVAL OF APPLICATIONS.—

"(A) IN GENERAL.—The Secretary shall approve any application of a State to conduct a project under this section, and any amendment thereto, that meets the requirements of this section to the satisfaction of the Secretary.

"(B) CERTAIN APPLICATIONS DEEMED APPROVED.—Except as provided in subsection (h)(2), any application to conduct a project under this section, and any amendment thereto, that is received by the Secretary from a State, is not withdrawn by the State, and is not disapproved by the Secretary within 45 days after receipt shall be deemed to have been approved by the Secretary.

"(C) FREEDOM OF STATES TO SELECT AREAS IN WHICH TO CONDUCT THE PROJECT.—The Secretary may not, as a condition of approval of a State application to conduct a project under this section or of any amendment thereto, require the State to select any particular area or areas of the State in which to conduct the project.

"(D) FREEDOM OF STATES TO SELECT PROVISIONS OF PARTS B AND E TO APPLY TO THE PROJECT.—The Secretary may not, as a condition of approval of a State application to conduct a project under this section or of any amendment thereto, require the project to comply with any provision of part B or E not specified in paragraph (6)(A) of this subsection.

"(6) AUTHORITY TO CONDUCT PROJECT; GRANT AUTHORITY.—If the Secretary approves the application of a State to conduct a project under this section, then—

"(A) the Secretary shall authorize the State to conduct the project in accordance with the approved application therefor and any approved amendments thereto, and the requirements of section 422(b)(9), the provision of section 471(a)(1) requiring the State plan to provide for adoption assistance in accordance with section 473, paragraphs (8), (9), (10), (12), (13), (15), and (16) of section 471(a), and sections 472(h), 473, and 479 shall apply to the project; and

"(B) in lieu of receiving the funds that would otherwise be provided to the State for any fiscal year pursuant to sections 423, 434(a), and 474 (other than with respect to adoption assistance) with respect to the activities of the State in the area or areas of the State in which the project is to be conducted, the State shall be entitled to receive a grant, in accordance with subsection (d) of this section, for each fiscal year, from the amount allotted to the State for the fiscal year under section 421, the amount allotted to the State for the fiscal year under section 432 from the basic entitlement amount (as defined in section 430(b)(1)), the amount to which the State is entitled for the fiscal year under part E, and the amount made available pursuant to subsection (a)(3) of this section.

"(d) ANNUAL GRANTS.—

"(1) AMOUNT OF GRANT.—

"(A) IN GENERAL.—The amount of the grant to be paid under this subsection to a State for a fiscal year shall be the amount determined by the Secretary to be—

"(i) the sum of—

"(I) 110 percent of the aggregate of the amount that would have been paid to the State under section 423 for the fiscal year, and the amount that would have been paid to such States under section 434 for the fiscal year if the total sum available for such payments were equal to the basic entitlement amount (as defined in section 430(b)(1)), if the Secretary had approved the State plan under part B for the fiscal year and had not authorized the State to conduct a project under this section for the fiscal year; and

"(II) the aggregate of the expenses for which the State would properly have submitted a claim for reimbursement under section 474 (other than with respect to adoption assistance) for the fiscal year if the Secretary had approved the State plan under part E for the fiscal year and had not authorized the State to conduct a project under this section for the fiscal year;

multiplied by

"(ii) the quotient equal to—

"(I) the number of children in the area or areas in which the project is to be conducted under this section with respect to whom the State would have made foster care maintenance payments under section 472 for the fiscal year if the Secretary had approved the State plan under part E for the fiscal year and had not authorized the State to conduct the project; divided by

"(II) the total number of children in the State with respect to whom the State would have so made such payments for the fiscal year.

"(B) CALCULATION OF GRANT AMOUNT.—The Secretary shall calculate the expenses for which a State would properly have submitted a claim for reimbursement under section 474 (other than with respect to adoption assistance) for a fiscal year by—

"(i) determining the amount paid to the State with respect to such expenses for the fiscal year immediately preceding the fiscal year in which the State commenced (or is to commence) the project under this section;

"(ii) adjusting such amount annually by a rate which reflects the average annual rate at which expenditures by the State on behalf of foster care children under part E have increased for the 3-year period ending with the commencement of the project; and

"(iii) increasing such amount, to the extent the Secretary deems appropriate, by taking into account—

"(I) any estimate made by the State of the expenses for which the State would properly have submitted such a claim for reimbursement for the fiscal year;

"(II) the projected rate of inflation for the fiscal year;

"(III) the rate at which the number of children on whose behalf the Federal Government has reimbursed foster care maintenance payments made by States not participating in the project has recently increased (emphasizing those nonparticipating States which have similar child welfare programs and similar foster care caseload characteristics), as determined by the Secretary;

"(IV) changes in State laws or procedures that have the effect of changing the rate at which children are placed in foster care or changing the costs of maintaining children in foster care;

"(V) the amount (if any) by which—

"(aa) the national average number of children per State who, as of the end of the fiscal year immediately preceding the commencement of the project, have not attained the

age of 18 years and were eligible for benefits under the respective State plan under part E (expressed as a percentage of the total population of children in the respective State who have not so attained such age); exceeds

"(bb) the number of such children in the State (expressed as a similar percentage); and

"(VI) other factors deemed appropriate by the Secretary.

"(2) NOTIFICATION TO STATES OF AMOUNT OF GRANTS.—The Secretary shall notify each State of the amount of the grant to be made to the State for a fiscal year under this subsection, not later than—

"(A) in the case of the first grant with respect to an approved application, the later of—

"(i) 45 days after the Secretary receives the application therefor; or

"(ii) August 1 of the fiscal year immediately preceding the fiscal year for which the grant is to be made; and

"(B) in any other case, August 1 of such immediately preceding fiscal year.

"(3) GRANTS TO BE PAID IN EQUAL QUARTERLY INSTALLMENTS.—The Secretary shall pay each grant under this subsection in equal quarterly installments.

"(e) PRESERVATION OF CERTAIN BENEFITS.—During the period in which a State is conducting a project under this section—

"(1) the State may not carry out the project in a manner which impairs the entitlement of any child to—

"(A) the foster care benefits the child would have received under a State plan approved under part E if the Secretary had approved the State plan under part E for the fiscal year and had not authorized the State to conduct a project under this section for the fiscal year; or

"(B) any other benefit to which the child is entitled by law; and

"(2) the State shall, for purposes of section 402(a)(20), be deemed to have in effect a State plan approved under part E.

"(f) REPORT ON EXPENDITURES.—

"(1) IN GENERAL.—Not later than April 1 of the fiscal year immediately following each fiscal year for which a State conducts a project under this section, the State shall prepare and submit to the Secretary and the Advisory Commission on Children and Families established under section 1144 a report on the funds expended under the project.

"(2) FORM AND CONTENT.—

"(A) IN GENERAL.—The report required by paragraph (1) shall be in such form and contain such information as the State finds necessary to—

"(i) accurately describe how the grant made under this section for the fiscal year was used;

"(ii) provide a complete record of how the grant funds were expended; and

"(iii) enable a determination of the extent to which the funds were spent in a manner consistent with the application therefor.

"(B) INCLUSION OF INFORMATION ON COMPARATIVE FINANCIAL CONTRIBUTIONS.—The report required by paragraph (1) for a fiscal year shall include the information described in section 422(b)(10) for the 2nd preceding fiscal year.

"(g) ADMINISTRATIVE REMEDIES FOR UNSUCCESSFUL PROJECTS.—If the Secretary has determined that the State is not conducting the project in accordance with this section or is not making satisfactory progress toward the achievement of the plans of the State, the Secretary may—

"(1) provide technical assistance to the project;

"(2) require the State to take corrective action with respect to the project; or

"(3) after notice and opportunity for hearing, reduce the payments that would otherwise be due the State under this section by an amount which the Secretary determines is appropriate.

"(h) TERMINATION OF PROJECTS.—

"(1) IN GENERAL.—Any State authorized to conduct a project under this section shall discontinue the project at the end of a fiscal year—

"(A) if the State has notified the Secretary that the State intends to discontinue the project at the end of the fiscal year; or

"(B) if the Secretary has determined that the State is not conducting the project in accordance with this section or is not making satisfactory progress toward the achievement of the plans of the State, and the Secretary does not plan to take action under subsection (g) during the fiscal year with respect to the project.

"(2) EFFECT OF PROJECT TERMINATION.—

"(A) IN GENERAL.—On the discontinuance of a project of a State under this section, parts B and E shall apply with respect to the population of, and the activities of the State in, the area or areas of the State in which the project was conducted.

"(B) PROJECT MAY NOT BE RESUMED FOR 5 YEARS.—A State may not conduct a project under this section during the 5-year period beginning with the discontinuance of a project of the State under this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1992.

SEC. 202. ABANDONED CHILDREN.

(a) ELIGIBILITY FOR FOSTER CARE MAINTENANCE PAYMENTS.—Section 472 (42 U.S.C. 672), as amended by section 204(a) of this Act, is amended—

(1) in subsection (b), by striking "or (i)" and inserting ", (i), or (j)"; and

(2) by adding at the end the following:

"(j) Any State with a plan approved under this part may make foster care maintenance payments with respect to any child in the State entering foster care on or after October 1, 1993—

"(1) who has been abandoned by his or her parents, as determined by a court of competent jurisdiction;

"(2) for whom the State child welfare agency cannot, despite diligent efforts, determine the financial circumstances and living arrangements of the parents of the child; and

"(3) who meets the requirements of subsection (a)(2).".

(b) ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENTS.—Section 473(a)(7) (42 U.S.C. 673(a)(7)), as added by the amendment made by section 204(b) of this Act, is amended by striking "section 472(i)" and inserting "subsection (i) or (j) of section 472".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993, and shall apply to payments under part E of title IV of the Social Security Act in or after fiscal year 1994.

SEC. 203. CLARIFICATION OF REMOVAL FROM HOME REQUIREMENT.

(a) FOSTER CARE MAINTENANCE PAYMENTS PROGRAM.—Section 472 (42 U.S.C. 672) is amended—

(1) in the first sentence of subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "or from the legal custody" after "removal from the home";

(B) in paragraph (1)—

(i) by inserting "or from such legal custody, as the case may be" after "from the home"; and

(ii) by striking "therein" and inserting "in the home or of such legal custody, as the case may be,";

(C) in paragraph (2), by inserting "and" after the semicolon;

(D) in paragraph (3), by striking "; and" and inserting a period; and

(E) in paragraph (4), by inserting "or from the legal custody" after "removal from the home";

(2) in the second sentence of subsection (a), by inserting "or from the legal custody of a relative (specified in section 406(a))" after "from the home";

(3) in subsection (d), by inserting "or from the legal custody of their relatives" after "their homes";

(4) in subsection (e), by inserting "or from the legal custody of his or her relative" after "his or her home"; and

(5) in subsection (g)—

(A) in paragraph (2), by inserting "or into their legal custody or into the legal custody of a relative" before the comma; and

(B) in the matter following paragraph (2), by inserting "or into such legal custody, as the case may be," after "such home".

(b) ADOPTION ASSISTANCE PROGRAM.—Section 473 (42 U.S.C. 673) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(i)—

(i) by inserting "or from the legal custody" after "removal from the home"; and

(ii) by striking "therein" and inserting "in the home or of such legal custody, as the case may be,"; and

(B) in subparagraph (B)(i), by inserting "or from such legal custody, as the case may be" after "removal from the home"; and

(2) in subsection (c)(1), by inserting "or legal custody" after "home".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1992, and shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1993 and to such payments for any succeeding fiscal year.

(d) RETROACTIVE APPLICATION OF CLARIFIED REQUIREMENT.—

(1) IN GENERAL.—Any State may, in accordance with paragraph (2), submit to the Secretary of Health and Human Services a claim for reimbursement of amounts expended by the State during the 10-year period that begins with October 1, 1982—

(A) with respect to children placed in foster care or for adoption; and

(B) for which the State would have received reimbursement under section 474 of the Social Security Act had the amendments made by this section been in effect at the time of the expenditure.

(2) DEADLINE FOR SUBMISSION OF CLAIM.—

(A) OLDER EXPENDITURES.—Any claim described in paragraph (1) with respect to an amount expended during the period beginning October 1, 1982, and ending 1 year before the date of the enactment of this Act shall be submitted not later than 1 year after such date of enactment.

(B) NEWER EXPENDITURES.—Any claim described in paragraph (1) with respect to an amount expended during the period beginning 1 year before the date of the enactment of this Act and ending on September 30, 1992, shall be submitted not later than 2 years after the date of the expenditure.

SEC. 204. DISSOLVED ADOPTIONS.

(a) ELIGIBILITY FOR FOSTER CARE MAINTENANCE PAYMENTS.—Section 472 (42 U.S.C. 672) is amended—

(1) in subsection (b), by inserting "or (i)" after "subsection (a)"; and

(2) by adding at the end the following:

"(i) Any State with a plan approved under this part may make foster care maintenance payments under this part on behalf of a child—

"(1) with respect to whom such payments were previously made;

"(2) whose adoption has been set aside by a court;

"(3) who meets the requirements of paragraphs (1), (2), and (3) of subsection (a); and

"(4) who fails to meet the requirements of subsection (a)(4) but would meet such requirements if—

"(A) the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for such payments; and

"(B) the adoption were treated as having never occurred.".

(b) ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENTS.—Section 473(a) (42 U.S.C. 673(a)) is amended by adding at the end the following:

"(7) Any State with a plan approved under this part may enter into an adoption assistance agreement with the adoptive parents of any child with respect to whom the State may make foster care maintenance payments under section 472(i).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1992, and shall apply to payments under part E of title IV of the Social Security Act in or after fiscal year 1993.

SEC. 205. RESPITE CARE.

(a) IN GENERAL.—

(1) STATE PLAN OPTION.—Section 471(a) (42 U.S.C. 671(a)) is amended—

(A) by striking "and" at the end of paragraph (16);

(B) by striking the period at the end of paragraph (17) and inserting "; and"; and

(C) by adding at the end the following:

"(18) at the option of the State, provides for respite care in accordance with section 480, and specifies the factors and conditions used by the State to identify children with special needs.".

(2) RESPITE CARE PROGRAM.—Part E of title IV (42 U.S.C. 670–679) is amended by adding at the end the following:

"SEC. 480. RESPITE CARE.

"(a) IN GENERAL.—Each State with a plan approved under this part that provides for respite care shall provide such care to any family which operates a foster family home for 1 or more foster children who the State determines have special needs (whether or not foster care maintenance payments are made under the State plan with respect to such child or children), in accordance with all applicable State and local standards and guidelines and in the least restrictive setting consistent with the special needs of such child or children.

"(b) RESPITE CARE DEFINED.—As used in this section, the term 'respite care' means, with respect to the family of a foster child, care authorized by a State, or provided by a public or private agency designated by a State, to provide temporary relief for the foster parent caregiver or caregivers of the child.

"(c) LIMITATION ON EXPENSES ELIGIBLE FOR REIMBURSEMENT.—Expenditures for only the first 14 days of respite care provided during a fiscal year with respect to a child are eligible for reimbursement under section 474(a). As used in the preceding sentence, the term 'day' means any period of 24 consecutive hours.".

(3) PAYMENTS TO STATES.—Section 474(a)(1) (42 U.S.C. 674(a)(1)) is amended by inserting "plus the amount expended during such quarter for the provision of respite care that is eligible for reimbursement under section 480" before the semicolon.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1993, and shall apply to payments under part E of title IV of the Social Security Act for expenditures made in or after fiscal year 1994.

SEC. 206. EXTENSION OF DEFINITION OF CHILDREN WITH SPECIAL NEEDS.

(a) IN GENERAL.—Section 473(c) (42 U.S.C. 673(c)), as amended by section 203(b)(2) of this Act, is amended to read as follows:

"(c)(1) For purposes of this section, a child shall not be considered a child with special needs unless the State determines that the child meets the requirements of subparagraph (A) or (B):

"(A) A child meets the requirements of this subparagraph if all of the following clauses apply to the child:

"(i) The child cannot or should not be returned to the home or the legal custody of the parents of the child.

"(ii) There exists a specific factor or condition (such as his ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps), or information available and known about the child's genetic or social history indicating a high risk of medical conditions or physical, mental, or emotional handicaps, which makes it reasonable to conclude that the child cannot be placed for adoption without providing adoption assistance under this section or medical assistance under title XIX.

"(iii) Except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in their care as a foster child or a relative, a reasonable but unsuccessful effort has been made to place the child with appropriate adoptive parents without providing adoption assistance or medical assistance under title XIX.

"(B) A child meets the requirements of this subparagraph if the child—

"(i) has been adopted;

"(ii) immediately before the adoption was under the care and responsibility of the State agency administering or supervising the administration of the State programs under this part; and

"(iii) has a mental, physical, or emotional handicap that—

"(I) existed before the adoption but was not diagnosed until after the adoption; or

"(II) first manifests itself after the adoption but is congenital or was caused before the adoption.

"(2) Each State shall submit to the Secretary the factors and conditions used by the State to identify children with special needs for purposes of this section, and any modifications to such factors and conditions.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1993, and shall apply with respect to children who are adopted after September 30, 1993, and who become eligible for adoption assistance payments under section 473 of the Social Security Act in or after fiscal year 1994.

SEC. 207. STUDY OF REASONABLE EFFORTS REQUIREMENT BY ADVISORY COMMITTEE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish an Advisory Committee on Foster Care Placement (in this section referred to as the "Advisory Committee") to study and make recommendations concerning the implementation of the requirements imposed under section 471(a)(15) of the Social Security Act.

(b) MEMBERSHIP.—The Advisory Committee shall consist of not fewer than 9 members. In appointing persons to the Advisory Committee, the Secretary shall include representatives of the following types of organizations and agencies:

(1) Private, nonprofit organizations with an interest in child welfare (including such organizations that provide child protective services, foster care services, adoption services, or family support services).

(2) Agencies of States and political subdivisions thereof responsible for child protective services, foster care services, or adoption services.

(3) Judicial bodies of States and political subdivisions thereof responsible for adjudicating issues of family law (as defined and determined by the Secretary).

(4) Attorneys and others who represent children and their parents.

(c) COMPENSATION OF COMMITTEE MEMBERS.—

(1) MEMBERS WHO ARE NOT FULL-TIME FEDERAL OFFICERS OR EMPLOYEES.—Each member of the Advisory Committee who is not a full-time officer or employee of the United States shall, while engaging in the business of the Advisory Committee (including travel time) be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the daily rate specified at the time of such service under GS–18 of the General Schedule established under section 5332 of title 5, United States Code.

(2) PROHIBITION AGAINST COMPENSATION OF FULL-TIME FEDERAL OFFICERS OR EMPLOYEES.—Each member of the Advisory Committee who is a full-time officer or employee of the United States may not receive additional pay, allowances, or benefits by reason of service on the Commission.

(3) TRAVEL EXPENSES.—While away from their homes or regular places of business and on the business of the Advisory Committee, the members of the Advisory Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

(d) HIRING AUTHORITY.—The Advisory Committee may employ and fix the level of compensation for 1 individual.

(e) REPORT.—Not later than April 1, 1994, the Advisory Committee shall submit a report to the Secretary and to the Congress that includes legislative or other recommendations concerning the implementation of the requirements imposed under section 471(a)(15) of the Social Security Act.

SEC. 208. AUTOMATED SYSTEMS.

(a) ENHANCED MATCH.—

(1) PAYMENTS TO STATES.—

(A) IN GENERAL.—Section 474(a)(3) (42 U.S.C. 674(a)(3)) is amended—

(i) by striking "and" at the end of subparagraph (B);

(ii) by redesignating subparagraph (C) as subparagraph (E); and

(iii) by inserting after subparagraph (B) the following:

"(C) 90 percent of so much of such expenditures as are for the planning, design, development, or installation of statewide mechanized data collection and information re-

trieval systems (including 90 percent of the full amount of expenditures for hardware components for such systems) but only to the extent that such systems—

"(i) meet the requirements imposed by regulations promulgated pursuant to section 479(b)(2);

"(ii) to the extent practicable, are capable of interfacing with the State data collection system that collects information relating to child abuse and neglect; and

"(iii) are determined by the Secretary to be likely to provide more efficient, economical, and effective administration of the programs carried out under the State plan approved under part B or the State plan approved under this part; and

"(D) 50 percent of so much of such expenditures as are for the operation of the statewide mechanized data collection and information retrieval systems referred to in subparagraph (C); and".

(B) TREATMENT OF STATE EXPENDITURES FOR DATA COLLECTION AND INFORMATION RETRIEVAL SYSTEMS.—Section 474 (42 U.S.C. 674) is amended by adding at the end the following:

"(e) The Secretary shall treat as necessary for the proper and efficient administration of the State plan approved under this part all expenditures of a State that are necessary in order for the State to plan, design, develop, install, and operate data collection and information retrieval systems described in subsection (a)(3)(C), without regard to whether the systems may be used with respect to foster or adoptive children other than those on behalf of whom foster care maintenance payments or adoption assistance payments may be made under this part.".

(C) CONFORMING AMENDMENT.—Section 473(a)(6)(B) (42 U.S.C. 673(a)(6)(B)), as amended by section 505(b) of this Act, is amended by striking "474(a)(3)(C)" and inserting "474(a)(3)(E)".

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to payments under part E of title IV of the Social Security Act for expenditures made on or after the date of the enactment of this Act.

(2) TERMINATION OF ENHANCED MATCH.—

(A) IN GENERAL.—Section 474(a)(3)(C) (42 U.S.C. 674(a)(3)(C)), as amended by paragraph (1)(A)(iii) of this subsection, is amended by striking "90" each place such term appears and inserting "50".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect at the end of the calendar quarter in which occurs the end of the 3-year period beginning on the date of the enactment of this Act.

(C) CONSTRUCTION.—The amendment made by subparagraph (A) of this paragraph shall not be construed to affect any right, entitlement, or duty granted or imposed by, or arising by reason of, the amendments made by paragraph (1).

(b) IMPLEMENTATION OF AUTOMATED SYSTEMS.—

(1) DEFERRAL OF IMPLEMENTATION DEADLINE.—Section 479(b)(2) (42 U.S.C. 679(b)(2)) is amended by striking "October 1, 1991" and inserting "1 year after the date such regulations are promulgated".

(2) ESTABLISHMENT OF GROUP TO ADVISE SECRETARY ON PLANNING AND IMPLEMENTATION.—Section 479 (42 U.S.C. 679) is amended by adding at the end the following:

"(d) The Secretary shall establish a work group to advise the Secretary on the planning and implementation of the system to be used for the collection of data relating to adoption and foster care in the United States. Such group shall include representatives of—

"(1) organizations described in subsection (a)(4)(B)(ii); and

"(2) other appropriate groups.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 209. PERIODIC REEVALUATION OF FOSTER CARE MAINTENANCE PAYMENTS.

(a) IN GENERAL.—Section 471(a)(11) (42 U.S.C. 671(a)(11)) is amended to read as follows:

"(11)(A) provides for periodic review of the standards referred to in paragraph (10) to assure their continuing appropriateness; and

"(B) provides for the review, not less frequently than once every 3 years, of the amounts paid as foster care maintenance payments and adoption assistance to assure their continuing appropriateness, and a report to the Secretary and the public on the results of such review at such time and in such form and manner as the Secretary may by regulation require, which contains, at a minimum—

"(i) a statement of the manner in which the foster care maintenance payment level is determined, including information on the cost of foster care with respect to which such payments are made;

"(ii) information with respect to the basic foster care maintenance payment level, whether such payment level includes an amount to cover the cost of clothing, and whether such payment level varies by the type of care or the special needs or age of the child, and if so, the payment levels for each special needs, care, or age category;

"(iii) if such payments are not made at a different rate for children with special needs who test positive for human immunodeficiency virus, have acquired immune deficiency syndrome, are addicted to drugs, or suffer from complications due to exposure to drugs or alcohol, the reasons therefor; and

"(iv) information on any limitations imposed by the State on adoption assistance payments levels;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1992, and shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1993 and to such payments for any succeeding fiscal year.

SEC. 210. ACCELERATED DISPOSITIONAL HEARING.

(a) IN GENERAL.—Section 475(5)(C) (42 U.S.C. 675(5)(C)) is amended by striking "eighteen months" and inserting "12 months".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994, and shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1995 and to such payments for any succeeding fiscal year.

SEC. 211. PERIODIC REVIEW OF CHILDREN FREE FOR ADOPTION.

(a) IN GENERAL.—Section 475(5)(C) (42 U.S.C. 675(5)(C)) is amended by striking "which hearing shall determine" and all that follows through "independent living; and" and inserting "which hearing shall—

"(i) determine the future status of the child, including whether the child should be returned to the parent, should be continued in foster care for a specified period, should be placed for adoption, or should (because of the child's special needs or circumstances) be continued in foster care on a permanent or long-term basis;

"(ii) if the hearing determines that the child should be placed for adoption, determine and document the measures needed to enhance the likelihood of making the child legally eligible for adoption and of finding an adoptive home for the child;

"(iii) if the child is legally eligible for adoption, determine and document—

"(I) the specific measures which have been taken, and the specific measures which need to be taken, to make an adoptive placement; or

"(II) a finding that placement of the child in an adoptive family would be inappropriate; and

"(iv) if the child has attained age 16, determine the services needed to assist the child to make the transition from foster care to independent living; and".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994, and shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1995 and to such payments for any succeeding fiscal year.

SEC. 212. TIME FRAME FOR JUDICIAL DETERMINATIONS ON VOLUNTARY PLACEMENTS.

(a) IN GENERAL.—Section 472(e) (42 U.S.C. 6762(e)) is amended—

(1) by striking "No" and inserting "(1) Except as provided in paragraph (2), no"; and

(2) by adding at the end the following:

"(2) If the judicial determination referred to in paragraph (1) is made after the 180-day period described therein, the payments referred to therein may not be made for the period that begins at the end of the 180-day period and ends 180 days after the date of the judicial determination, but may be made for periods thereafter.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1992, shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1993 and to such payments for any succeeding fiscal year, and shall apply to foster care placements made on or after October 1, 1992.

SEC. 213. PLACEMENT ACCOUNTABILITY.

(a) CASE PLAN PROVISIONS REQUIRED FOR CHILDREN IN OUT-OF-STATE FOSTER CARE PLACEMENTS.—Section 475(1) (42 U.S.C. 675(1)) is amended by inserting after subparagraph (C) the following:

"(D) In the case of a child receiving foster care maintenance payments under section 472 who is placed in a facility outside the State, a finding that—

"(i) efforts have been made to place the child in a facility in the State;

"(ii) the child needs services not available in the State;

"(iii) the placement is in the least restrictive (most family like) setting available, consistent with the best interest and the special needs of the child; and

"(iv) the placement has been approved by—

"(I) a court; or

"(II) a committee (such as a foster care review board), established by the State, that reviews placements outside the State and that, in addition to the appropriate State personnel, includes child advocates, parents, and other individuals the State deems appropriate.".

(b) STATUS OF CHILDREN IN OUT-OF-STATE FOSTER CARE PLACEMENTS TO BE JUDICIALLY REVIEWED ANNUALLY WITH THE CHILD PRESENT.—Section 475(5)(B) (42 U.S.C. 675(5)(B)) is amended by adding at the end the following: "and in the case of a child who is placed by a State in a foster care facility outside the State, the status of the child shall be reviewed by a court, not less frequently than annually, with the child

present, unless the court determines that due to the age or condition of the child, or for some other good cause, the presence of the child would be detrimental to the child or would not accomplish a useful purpose,".

(c) STATE PLAN REQUIREMENT.—Section 471(a) (42 U.S.C. 671(a)), as amended by section 205(a)(1) of this Act, is amended—

(1) by striking "and" at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) and inserting "; and"; and

(3) by adding at the end the following:

"(19) provides that the State agency must ensure that any facility outside the State in which a child eligible for foster care maintenance payments under section 472 is placed meets all originating State standards applicable to child care facilities, or is operated in accord with recommended standards of national organizations concerned with standards for such facilities, including standards of the types described in paragraph (10).".

(d) COLLECTION OF DATA ON NUMBERS OF CHILDREN IN OUT-OF-STATE FOSTER CARE PLACEMENTS.—Section 479(c)(3)(C) (42 U.S.C. 679(c)(3)(C)) is amended—

(1) by striking "and" at the end of clause (i); and

(2) by adding at the end the following:

"(iii) children placed in foster care outside the State, and".

(e) EFFECTIVE DATES.—

(1) CASE PLAN AND STATE PLAN CHANGES.—The amendments made by subsections (a), (b), and (c) shall take effect on October 1, 1993 and shall apply to payments under part E of title IV of the Social Security Act for expenditures made in or after fiscal year 1994.

(2) DATA COLLECTION.—The amendments made by subsection (d) shall take effect on October 1, 1994 and shall apply to payments under part E of title IV of the Social Security Act for expenditures made in or after fiscal year 1995.

(f) STUDY OF REASONS FOR MAKING OUT-OF-STATE FOSTER CARE PLACEMENTS.—In order for a State to receive payments under section 474 of the Social Security Act for amounts expended after fiscal year 1994 for foster care maintenance payments under section 472 of such Act made with respect to children placed by the State in foster care outside the State, the State shall, by the end of such fiscal year, conduct and submit to the Secretary a study designed to identify—

(1) the number of such children and the characteristics (if any) common to such children; and

(2) the reasons why such children were not placed in foster care in the State.

SEC. 214. TREATMENT OF ASSETS OF YOUTH PARTICIPATING IN INDEPENDENT LIVING PROGRAM.

(a) ACCUMULATION OF ASSETS.—Section 477 (42 U.S.C. 677) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

"(i) Notwithstanding any other provision of this title, with respect to a child who is included in a program established under subsection (a), an amount of the assets of the child which would otherwise be regarded as resources for the purposes of determining eligibility for programs under this title may be disregarded for the purpose of allowing the child to establish a household. Such amount may not exceed an amount determined by the State agency responsible for the administration of the program as reasonable for the purpose of establishing a household.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1992, and shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1993 and to such payments for any succeeding fiscal year.

SEC. 215. ELIMINATION OF FOSTER CARE CEILINGS AND OF AUTHORITY TO TRANSFER UNUSED FOSTER CARE FUNDS TO CHILD WELFARE SERVICES PROGRAMS.

(a) REPEAL.—Subsections (b) and (c) of section 474 (42 U.S.C. 674 (b) and (c)) are hereby repealed.

(b) CONFORMING AMENDMENTS.—Section 474 (42 U.S.C. 674), as amended by sections 208(a)(1)(B) and 218(f)(1) of this Act, is amended—

(1) in subsection (d)—

(A) by striking "subsections (a), (b), and (c)" and inserting "subsection (a)"; and

(B) by striking "the provisions of such subsections" and inserting "subsection (a)"; and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1992, and shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1993 and to such payments for any succeeding fiscal year.

SEC. 216. REGULATIONS FOR TRAINING OF AGENCY STAFF AND OF FOSTER AND ADOPTIVE PARENTS.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish an advisory committee which shall include representatives of—

(1) nonprofit organizations with an interest in child welfare (including organizations that train professional social workers in the field of child welfare services); and

(2) organizations representing State and local governmental agencies with responsibility for foster care and adoption services.

(b) FINAL REGULATIONS.—Not later than 9 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall, after consultation with the advisory committee established under subsection (a), issue final regulations setting forth detailed guidelines to assist States in using Federal matching funds authorized to be provided under section 474(a)(3) of the Social Security Act for the purpose of training for—

(1) individuals who are employed, or preparing for employment, by the agencies with responsibility for administering the foster care and adoption assistance programs of the States under part E of title IV of such Act; and

(2) foster and adoptive parents.

SEC. 217. PUBLICATION OF PROGRAM DATA.

(a) IN GENERAL.—Section 479 (42 U.S.C. 679) is amended by adding after the subsection added by section 208(b)(2) of this Act the following:

"(e) Not later than January 31 of each year, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, and shall make available to the public at a charge equal to the cost of printing, a report containing the following information, at least for the most recent fiscal year for which such information is available:

"(1) A detailed summary, and a breakdown by State, of—

"(A) the expenditures of each State for the program during the fiscal year for each of the programs funded under part B, part C, or this part, broken down in a manner that shows the extent to which such expenditures were made from funds provided by each of Federal or State sources; and

"(B) to the extent available, the number of children or families participating in each of such programs.

"(2) Information detailing the schedule and result of the reviews conducted under the regulatory review system established in accordance with section 491, including information on payments withheld, reduced, or sought, or intended by the Secretary to be withheld, reduced, or sought, from each State as a result of such reviews.

"(3) The information described in clauses (ii) and (iii) of section 471(a)(11)(B).

"(4) An analysis of the services provided with funds made available under part B.

"(5) A listing and summary of ongoing research, training, and demonstration projects funded under section 426 or 1144(c) of this Act or under section 504 of the Family Preservation Act of 1992, and the expected date for the publication of any evaluations of, conclusions based on, or analyses of such projects.

"(6) Any other information the Secretary deems useful to monitor the operations of the program.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1992.

SEC. 218. REVIEW OF CHILD WELFARE ACTIVITIES.

(a) NEW SYSTEM FOR REVIEWING CHILD WELFARE ACTIVITIES.—

(1) IN GENERAL.—Title IV (42 U.S.C. 601 et seq.) is amended by adding at the end the following:

"PART G—CHILD WELFARE REVIEW SYSTEM

"SEC. 491. CHILD WELFARE REVIEW SYSTEM.

"(a) ESTABLISHMENT BY REGULATION.—

"(1) IN GENERAL.—The Secretary shall establish, by regulation, a system for—

"(A) the review of each State child welfare program for the purposes of—

"(i) assessing whether the program is being carried out as required by parts B and E;

"(ii) identifying any area in which the program is not being carried out as so required, and the degree to which the program is not being so carried out; and

"(iii) in cases of a substantial failure to comply with certain requirements of part B or E, imposing financial penalties proportional to the degree of such failure to comply, unless action is taken to correct such failure; and

"(B) the provision of technical assistance to any such program.

"(2) STATE CHILD WELFARE PROGRAM DEFINED.—As used in this section, the term 'child welfare program' means, with respect to a State—

"(A) all activities engaged in by, or under contract with, the State for the purpose of carrying out the State plan for child welfare services under part B; and

"(B) all activities engaged in by, or under contract with, the State for the purpose of carrying out the State plan approved by the Secretary under part E.

"(b) CONTENT OF REGULATIONS.—The regulations required by subsection (a) shall—

"(1) require each State child welfare program to be reviewed on a fiscal year basis to determine—

"(A) whether and, where appropriate, the degree to which, the program complies with the requirements of the State plans referred to in subsection (a)(2); and

"(B) the extent to which the amounts claimed to have been expended by the State for foster care maintenance payments under section 472 and for adoption assistance payments under section 473 are eligible for reimbursement under part E;

"(2) specify the criteria that are to be used to assess, with respect to each subparagraph of paragraph (1)—

"(A) whether the program has complied with the requirements that apply to the matters described in such subparagraph; and

"(B) the degree of such compliance;

"(3)(A) after taking into account the average performance of all States in carrying out the State plans referred to in subsection (a)(2), establish, with respect to each subparagraph of paragraph (1) of this subsection (and, for each subparagraph, with respect to such conduct as the Secretary may deem especially important)—

"(i) thresholds beyond which the program will be determined to have failed to comply with the requirements that apply to the matters described in such subparagraph; and

"(ii) thresholds beyond which a failure of the program to comply with such applicable requirements will be determined to be substantial; and

"(B) notwithstanding subparagraph (A), for the first review of any State under this section, establish and apply such initial thresholds of the types described in subparagraph (A) as the Secretary deems appropriate;

"(4) require the thresholds established under paragraph (3)(A) to be periodically reviewed and, if necessary, revised to take into account information from completed reviews under such regulations and changes in State performance;

"(5) require that the procedures used to determine the degree to which a State child welfare program is carried out in compliance with the applicable requirements—

"(A) enable a single, integrated, and timely review of all matters referred to in paragraph (1);

"(B) include the sampling of foster care maintenance payments made under section 472, adoption assistance payments made under section 473, and payments for such other activities under the State plan approved under part E as the Secretary deems appropriate;

"(C) be applied uniformly to each State program; and

"(D) be periodically reviewed and, if necessary, revised to take into account information from completed reviews under such regulations;

"(6) provide that a deficiency or error in the State child welfare program is not to be taken into account if the deficiency or error is—

"(A) due to the State's failure to properly implement changes in Federal statute within the 6-month period beginning with the date the statute takes effect or, if later, within the 6-month period beginning with the date the regulation is issued if the regulation is reasonably necessary to construe or apply the statute;

"(B) due to the State's reliance upon and correct use of erroneous information provided by the Secretary about matters or fact;

"(C) due to the State's reliance upon and correct use of written statements of Federal policy provided to the State by the Secretary; or

"(D) of a technical nature and does not materially affect the performance of the program or the protection of children who are in, or at risk of being placed in, foster care;

"(7) establish the method by which a financial penalty is to be calculated, with respect to each subparagraph of subsection (b)(1), if a failure of the State child welfare program to comply with the requirements that apply to the matters described in such subparagraph is determined to be substantial; and

"(8) provide that the financial penalty to be imposed for a failure described in paragraph (7) is—

"(A) proportional to the degree of the failure; and

"(B) to the extent appropriate, based on the formula used to determine the amount of a disallowance under section 408(f).

"(c) FREQUENCY OF REVIEWS.—Not less frequently than once every 3 years, the Secretary shall complete a review of each State child welfare program for the most recently completed fiscal year under the regulatory review system established in accordance with this section.

"(d) EFFECTS OF DETERMINATIONS OF NONCOMPLIANCE.—

"(1) NOTIFICATION.—The Secretary shall provide timely notification to any State of any determination under this section that the State child welfare program has failed, with respect to any subparagraph of subsection (b)(1), to comply with the requirements that apply to the matters described in such subparagraph, and shall include with such notice—

"(A) the basis for the determination; and

"(B) the amount of the financial penalty (if any) imposed on the State under the regulations issued under this section.

"(2) ACTIONS AUTHORIZED IN CASES OF NONCOMPLIANCE OTHER THAN SUBSTANTIAL NONCOMPLIANCE.—If, under the regulatory review system established in accordance with this section, a State child welfare program is determined to have failed, with respect to any subparagraph of subsection (b)(1), to comply with the requirements that apply to the matters described in such subparagraph, and the failure is not substantial, the Secretary—

"(A) may require the State to submit to the Secretary a plan and a timetable for taking action to correct the deficiencies or errors constituting the failure to comply;

"(B) may annually review the progress of the State in carrying out the corrective action plan; and

"(C) shall offer to the State technical assistance in such areas of the program as the Secretary may deem appropriate.

"(3) ACTIONS REQUIRED IN CASES OF SUBSTANTIAL NONCOMPLIANCE.—If, under the regulatory review system established in accordance with this section, the failure of a State child welfare program is determined to be substantial with respect to any subparagraph of subsection (b)(1), the Secretary shall—

"(A) impose upon the State the financial penalty required by the regulatory review system;

"(B) make available to the State technical assistance designed to enable the State to carry out the program in compliance with the requirements that apply to the matters described in such subparagraph; and

"(C) annually review the progress of the State in complying with such requirements, until the State carries out the program in substantial compliance with such requirements.

"(e) SUSPENSION OF FINANCIAL PENALTIES.—

"(1) IN GENERAL.—The Secretary shall suspend any financial penalty that the Secretary has imposed on a State under this section—

"(A) if the State submits to the Secretary a plan and a timetable for taking action to correct the deficiencies or errors constituting the failure to comply with respect to which the penalty was imposed, and the Secretary approves the corrective action plan and timetable; and

"(B) for so long as the Secretary finds that the plan is being fully implemented in accordance with the timetable.

"(2) AUTHORITY TO REVISE CORRECTIVE ACTION PLAN AND TIMETABLE.—The Secretary may approve such changes to any corrective action plan and timetable submitted by a State under paragraph (1) as the Secretary deems appropriate to enable the State to correct the deficiencies or errors with respect to which the plan and timetable were submitted.

"(f) RESCISSION OF FINANCIAL PENALTIES.—The Secretary shall rescind any financial penalty that the Secretary has imposed on a State under this section, upon a finding by the Secretary that—

"(1) the State has fully implemented the plan in accordance with the timetable; and

"(2) the State is in substantial compliance with the requirements with respect to which the penalty was imposed.

"(g) ADMINISTRATIVE REVIEW.—

"(1) IN GENERAL.—Within a reasonable time after a State is notified of a determination under this section that the failure of a State child welfare program to comply with applicable requirements is substantial, and of the amount of the financial penalty imposed on the State under this section with respect to such failure, the State may appeal the determination and the imposition of the penalty (in whole or in part) to the Departmental Appeals Board established in the Department of Health and Human Services, by filing an appeal with the Board.

"(2) AUTHORITY OF BOARD TO ADJUST PENALTY.—The Board may adjust the amount of the financial penalty to be imposed under this section, taking into account—

"(A) the amount of the financial penalty imposed by the Secretary;

"(B) the proportionality of the penalty to the degree of the failure; and

"(C) where appropriate, whether the failure materially affected the protection of children who are in, or at risk of being placed in, foster care.

"(h) JUDICIAL REVIEW.—

"(1) IN GENERAL.—Within a reasonable time after a decision by the Departmental Appeals Board with respect to the imposition of a penalty under the regulatory review system established in accordance with this section, the State may obtain judicial review of the decision by filing an action in—

"(A) the district court of the United States for the judicial district in which the principal or headquarters office of the agency responsible for administering the State child welfare program is located; or

"(B) the United States District Court for the District of Columbia.

"(2) PROCEDURAL RULES.—The district court shall review the decision of the Board on the record established in the proceedings before the Board, in accordance with the standards of review prescribed by subparagraphs (A) through (E) of section 706(2) of title 5, United States Code.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) FINAL REGULATIONS.—

(1) DEADLINE FOR ISSUANCE.—Not later than April 1, 1993, the Secretary of Health and Human Services shall issue, in final form,

the regulations required by section 491 of the Social Security Act.

(2) APPLICABILITY.—Such regulations shall apply to conduct occurring on or after October 1, 1993.

(c) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Section 471(b) (42 U.S.C. 671(b)) is amended by striking all that follows the first sentence.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1993.

(d) ALL STATE CHILD WELFARE PROGRAMS TO BE REVIEWED BY THE END OF FISCAL YEAR 1997.—Not later than September 30, 1997, the Secretary of Health and Human Services shall complete at least 1 review of each State child welfare program (as defined in section 491 of the Social Security Act) under the regulatory review system established in accordance with such section.

(e) PROHIBITION AGAINST COLLECTING DISALLOWANCES IMPOSED FOR NONCOMPLIANCE WITH CHILD WELFARE SERVICES REQUIREMENTS.—The Secretary of Health and Human Services shall not—

(1) on or after the date of the enactment of this Act, reduce any payment to, withhold any payment from, or seek any repayment from, any State under part B or E of title IV of the Social Security Act by reason of a determination made in connection with any review of State compliance with—

(A) the foster care protections of section 427 of the Social Security Act (as in effect before fiscal year 1993) for any fiscal year before fiscal year 1993; or

(B) section 422(b)(9) of such Act for fiscal year 1993 or 1994;

(2) before October 1, 1994, reduce any payment to, withhold any payment from, or seek any repayment from, any State under part E of title IV of the Social Security Act by reason of a determination made in connection with any on-site Federal financial review, or any audit conducted by the Inspector General using similar methodologies.

(f) TREATMENT OF DEFERRAL ACTIONS UNDER PART E.—

(1) IN GENERAL.—Section 474 (42 U.S.C. 674) is amended by adding after the subsection added by section 208(a)(1)(B) of this Act the following:

"(f)(1) The Secretary may not take any action to suspend payment with respect to any claim for reimbursement under this part, after the end of the 30-day period that begins with the date the Secretary receives the quarterly statement of expenditures required under section 403 that contains the report of the claim.

"(2) Within 10 months after the Secretary takes any action to suspend payment with respect to such a claim, the Secretary shall—

"(A) determine the allowability of the claim; or

"(B) if unable to make such a determination, make payment with respect to the claim, subject to a later determination of allowability.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply to actions taken before, on, or after such date.

TITLE III—SOCIAL SERVICES BLOCK GRANT

SEC. 301. TITLE XX SOCIAL SERVICES BLOCK GRANT.

(a) INCREASE IN FUNDING.—Section 2003 (42 U.S.C. 1397b) is amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking "and";

(B) in paragraph (5), by striking "fiscal year after fiscal year 1989." and inserting "of fiscal years 1990, 1991, 1992, 1995, 1996, and 1997;"; and

(C) by adding at the end the following:

"(6) $2,900,000,000, for each of fiscal years 1993 and 1994; and

"(7) the amount calculated under subsection (d) for fiscal year 1998 and each succeeding fiscal year."; and

(2) by adding at the end the following:

"(d) The amount calculated under this subsection for a fiscal year is $2,800,000,000, increased by the percentage (if any) by which—

"(1) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on July 31 of the immediately preceding fiscal year; exceeds

"(2) the average of the Consumer Price Index (as so defined) for the 12-month period ending on July 31, 1996.".

(b) ALLOCATION OF FUNDS TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—Section 2003 (42 U.S.C. 1397b) is amended by adding after the subsection added by subsection (a) of this section the following:

"(e)(1) If, with respect to any State—

"(A) the Secretary receives a request from a tribal organization in the State that assistance under this title be provided directly to the tribal organization for a fiscal year; and

"(B) the tribal organization has submitted an application for the fiscal year that meets such criteria as the Secretary may prescribe by regulation,

the Secretary shall reserve from the amounts that would otherwise be allotted to the State for the fiscal year not less than the amount that bears the same ratio to the allotment for the State for the fiscal year under subsection (b) (before the application of this subsection) as the population of Indians residing in the State on the reservation or reservations of the tribal organization, or on trust lands adjacent to such reservation or reservations, bears to the population of the State, and shall pay to the tribal organization an amount equal to the amount so reserved.

"(2) For purposes of this subsection, the terms 'tribal organization' and 'Indian' have the meaning given such terms by section 4 of the Indian Self-Determination and Education Assistance Act.".

TITLE IV—RESEARCH, DEMONSTRATION, AND EVALUATION ACTIVITIES

SEC. 401. ADVISORY COMMISSION ON CHILDREN AND FAMILIES.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301–1320b–13) is amended by adding at the end the following:

"SEC. 1144. ADVISORY COMMISSION ON CHILDREN AND FAMILIES.

"(a) ESTABLISHMENT.—The Director of the Office of Technology Assessment (in this section referred to as the 'Director' and the 'Office', respectively) shall establish a commission to be known as the 'Advisory Commission on Children and Families' (in this section referred to as the 'Commission').

"(b) GENERAL DUTIES.—The Commission shall identify cost-effective approaches to protect and enhance the physical, mental, emotional, and financial well-being of children and their families, by—

"(1) collecting and assessing information on—

"(A) measures of the economic, social, and physical well-being of children;

"(B) the causes and effects of maltreatment of children;

"(C) the effectiveness of social services and income supports in strengthening the family unit;

"(D) the effects of substitute care on the well-being of children;

"(E) the adequacy and effectiveness of cash assistance and tax policies in maintaining family incomes;

"(F) the incentive effects of family policies;

"(G) the effect of family breakup on family economics;

"(H) ways to promote the parental support of children;

"(I) participation in Federal programs supporting children and their families;

"(J) program management and service delivery by public organizations working with families and children; and

"(K) such other issues related to children and their families as the Commission deems it appropriate to study; and

"(2) in collecting and assessing such information—

"(A) use existing information, whether or not published, where possible, collected and assessed by Commission staff or under arrangements made in accordance with this paragraph;

"(B) carry out or award grants or contracts for original research and experimentation where existing information is inadequate for the development of useful and valid information by the Commission; and

"(C) adopt procedures to allow any interested person to submit to the Commission information on issues relating to social and support services, and income security, for children and their families, which information the Commission shall consider in making reports and recommendations to the Secretary and to the Congress.

"(c) MEMBERSHIP.—

"(1) NUMBER; APPOINTMENT.—

"(A) IN GENERAL.—The Commission shall be composed of 15 individuals appointed by the Director, not later than April 1, 1993.

"(B) DIRECTOR REQUIRED TO SOLICIT NOMINATIONS.—The Director shall solicit nominations to the Commission from a wide variety of individuals and groups, including—

"(i) national organizations representing State welfare directors;

"(ii) national organizations representing children or families, or both; and

"(iii) public and private organizations which provide services directly to children and their families.

"(C) QUALIFICATIONS OF MEMBERS.—The Director shall appoint individuals to the Commission from among those who are able to provide expertise and experience in the evaluation and administration of programs and policies relating to social and support services, and income security, for children and their families, including issues relating to child welfare, foster care and adoption assistance, preventive and supportive services, child support, and cash assistance.

"(2) TERMS OF OFFICE.—Each member shall be appointed for a term of 3 years, except that the Director may provide initially for such shorter terms to ensure that (on a continuing basis) the terms of not more than 7 members expire in any 1 year.

"(d) COMMISSION POWERS, COMPENSATION, ACCESS TO INFORMATION, AND SUPERVISION.—The first sentence of subparagraph (C), the first and third sentences of subparagraph (D), subparagraph (F) (except with respect to the conduct of medical studies), subparagraph (G), and subparagraph (H) of section 1886(e)(6) shall apply to the Commission in the same manner in which such provisions

apply to the Prospective Payment Assessment Commission.

"(e) EXEMPTION FROM TERMINATION REQUIREMENT OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Commission.

"(f) ANNUAL STATUS REPORTS.—The Office shall report annually to the Congress on—

"(1) the functioning and progress of the Commission; and

"(2) the status of the assessment by the Commission of issues relating to social and support services, and income security, for children and their families.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 402. RESEARCH AND EVALUATIONS TO BE CONDUCTED BY THE ADVISORY COMMISSION ON CHILDREN AND FAMILIES.

(a) IN GENERAL.—Section 1144, as added by section 401(a) of this Act, is amended by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively, and by inserting after subsection (b) the following:

"(c) RESEARCH AND EVALUATION PROJECTS.—

"(1) EVALUATION OF CHILD WELFARE SERVICES PROGRAMS.—

"(A) IN GENERAL.—The Commission shall, directly or under contract with 1 or more independent research organizations, evaluate child welfare services programs receiving funds under part B, including programs of each of the 3 types described in the subparagraphs of section 435(a)(2), in accordance with such criteria as the Commission deems appropriate. To the maximum extent practicable, the evaluations shall use treatment and control groups of statistically appropriate sample sizes to measure the effects of the program. The evaluations shall consider short-term and long-term program effects.

"(B) INTENSIVE FAMILY PRESERVATION PROGRAMS.—

"(i) IN GENERAL.—An appropriate portion of the evaluations referred to in subparagraph (A) shall be of intensive family preservation programs. For purposes of this subsection, the term 'intensive family preservation programs' means family-based crisis intervention programs which are—

"(I) designed to maintain children safely in their homes and prevent the need for foster care; and

"(II) characterized by small caseloads for workers, limited duration of services, 24-hour-a-day availability of staff, and the provision of services primarily in the child's home or in another environment familiar to the child.

"(ii) EVALUATION REQUIREMENTS.—(I) The evaluation of any intensive family preservation program shall provide information on the extent (if any) to which the success of the program depends on—

"(aa) the philosophical approach of the program;

"(bb) the types of services provided by the various kinds of programs;

"(cc) the administrative techniques employed by the various kinds of programs;

"(dd) the characteristics of families participating in the various kinds of programs; and

"(ee) other relevant factors.

"(II) Only programs that have a plan for targeting families that are at imminent risk of a foster care placement shall be evaluated, and a portion (deemed appropriate by the Commission) of the programs evaluated must target families in crisis due to substance abuse.

"(III) A control group and a treatment group shall be established consisting of families at imminent risk of a foster care placement.

"(IV) Families in the control group shall receive the array of preplacement preventive services available to families in the areas in which the programs are located.

"(V) The services received by the families in the control group and the services received by the families in the treatment group shall be described, and an assessment of the need for post-program services for families participating in the programs shall be made.

"(VI) Each group of families shall be monitored for at least 3 years after participation in the programs to determine the effectiveness of such programs.

"(VII) The effectiveness of any program shall be determined by using specific outcome measures deemed appropriate by the Commission, including—

"(aa) whether the program resulted in the placement of fewer children in foster care over the short- and long-term;

"(bb) whether the program increased the well-being of children and improved family functioning;

"(cc) whether the program provided valuable diagnostic information and promoted earlier and more successful permanent placements; and

"(dd) whether the benefits of the program exceeded the costs of the program.

"(2) FOSTER CARE EVALUATIONS.—In order to promote more appropriate and effective foster care for children in need of long-term foster care, the Commission shall, directly or under contract with 1 or more independent research organizations, and in accordance with such criteria as the Commission deems appropriate, evaluate the effects of alternative foster care arrangements and services on the well-being of children who—

"(A) have little prospect of being reunited with their families, or of being adopted; and

"(B) represent a challenging group of foster children who are in need of specialized services or care.

"(3) LONGITUDINAL CHILD WELFARE DATA BASES; STUDIES OF CHILD WELFARE POPULATION DYNAMICS.—

"(A) CONTRACT AUTHORITY.—In order to develop more appropriate and effective intervention strategies with respect to children and their families who are referred or reported to the child welfare system, the Commission shall, directly or under contract with 1 or more independent research organizations—

"(i) plan, design, develop, and implement not more than 5 child welfare data bases that provide detailed longitudinal information on children and their families to whom the local public child welfare system provides services, from the time such children are first referred or reported to such system; and

"(ii) using data from such data bases, conduct such studies on children and their families served by public child welfare systems, as the Commission deems appropriate, including a study of the extent to which a lack of affordable housing is a factor in the placement of children in foster care, and (at the option of the Commission) studies of—

"(I) the movements of subgroups of children and their families into, through, and out of the various parts of the child welfare system;

"(II) the characteristics of those children or families who stay in the system or various parts of the system for short time periods versus those who stay for long time periods;

"(III) the type and intensity of, and effectiveness of, services that families receive in the system;

"(IV) the frequency of contact between and among foster children, their parents, and caseworkers;

"(V) the factors associated with repeat occurrences of child abuse and neglect, and other outcomes; and

"(VI) the condition of children in the system in areas that may include educational performance, health, and personal and social adjustment.

"(B) AGREEMENTS WITH STATES.—

"(i) IN GENERAL.—Not later than October 1, 1993, the Secretary shall, taking into account recommendations made by the Commission, enter into agreements with not more than 5 States or localities to—

"(I) participate in the planning, design, development, and operation of a longitudinal child welfare data base described in subparagraph (A) in the participating State or locality involved; and

"(II) reimburse such States or localities for expenditures incurred with respect to such activities.

"(ii) PAYMENTS TO STATES.—Under each such agreement, the Secretary shall be obligated to pay the State or locality participating in the establishment of the data base—

"(I) from amounts available for payments under section 474(a)(3)(C), 90 percent of such expenditures as are incurred during the 3-year period beginning on October 1, 1993, for the planning, design, development, installation, or operation of the data base; and

"(II) from amounts available for payments under section 474(a)(3)(D), 50 percent of such expenditures as are incurred after the end of such 3-year period for the operation of the data base.

"(C) DATA BASE REQUIREMENTS.—The Secretary shall ensure that each longitudinal data base established under this paragraph—

"(i) includes information on the receipt, by children and their families in the data base, of particular child welfare services, including—

"(I) child protective services;

"(II) services designed to strengthen and preserve families;

"(III) foster care and adoption services; and

"(IV) other services made available by the child welfare system;

"(ii) to the extent feasible, includes information on the receipt of services, or the placement of children, through the public mental health or juvenile justice agencies;

"(iii) includes only data that are reliable and developed using uniform definitions and methodologies that are consistent over time and, to the extent feasible, among jurisdictions; and

"(iv) to the extent appropriate, is implemented with the State data collection and information retrieval systems described in section 474(a)(3)(C).

"(4) COMPREHENSIVE SERVICE PROJECTS EVALUATIONS.—

"(A) IN GENERAL.—The Commission shall, directly or under contract with 1 or more independent research organizations, evaluate the effectiveness of 1 or more comprehensive service projects authorized under section 441 that the Commission considers likely to yield significant information not available elsewhere, in accordance with such criteria as the Commission deems appropriate.

"(B) EVALUATION REQUIREMENTS.—Each such evaluation shall measure, using criteria

the Commission deems appropriate, the extent to which the project—

"(i) increased the well-being of children and their families;

"(ii) resulted in cost savings due to a reduction in the number of placements of children outside their homes or in the length of stay in out-of-home placements;

"(iii) increased coordination within the child welfare agency, and among the child welfare, mental health, and juvenile justice agencies;

"(iv) increased the level and mix of preventive services available to children and their families in the child welfare, mental health, and juvenile justice systems; and

"(v) resulted in such other outcomes as the Commission deems it appropriate to measure.

"(C) TECHNICAL ASSISTANCE.—The Commission shall provide technical assistance, upon request, to any State preparing an application to conduct a comprehensive services project, and shall provide to any State, upon request, a statement containing the Commission's recommendations to the Secretary with respect to the application.

"(5) CHILD SEPARATION GUIDELINES STUDY.—

"(A) IN GENERAL.—The Commission shall conduct a study designed to answer the following questions:

"(i) How do the criteria for removal of children from the home, and the tools for assessing the risk to the child if not removed from the home, vary from State to State? In considering this question, the Commission should examine—

"(I) the decisionmaking process at the caseworker level in at least 3 States, at least 1 of which has a significantly higher than average rate of removing children from the home, at least 1 of which has an approximately average rate of removing children from the home, and at least 1 of which has a significantly lower than average rate of removing children from the home; and

"(II) other factors that may affect placement rates such as State laws and policies, interpretations by the State child welfare agency of the reasonable efforts requirement of section 471(a)(15), and the tendency to place or not place children as a result of economic incentives provided by various State and Federal funding sources.

"(ii) What guidelines should be used to assess such risk and determine the need for removal of children from the home, and what kind of training would ensure the consistent application of such guidelines? The Commission should review and compile all current research relevant to this question.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 403. OTHER RESEARCH AND EVALUATIONS.

(a) IN GENERAL.—Section 426(a) (42 U.S.C. 626(a)) is amended—

(1) in paragraph (1), by striking "and" the second place such term appears;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(3) to enable the Secretary—

"(A) under contract with an independent research organization, to conduct a study to assess the prevalence and nature of risks to the safety of employees of child welfare systems, under which empirical information shall be obtained on—

"(i) the incidence of violence toward, or harassment of, such employees;

"(ii) the types of such employees exposed to the greatest risk;

"(iii) the types of harm threatened or inflicted;

"(iv) the characteristics of perpetrators of such violence or threats;

"(v) the most dangerous child welfare settings; and

"(vi) the differences (if any) between urban and rural areas in the above respects; and

"(B) to make the results and recommendations of the study described in subparagraph (A) available for dissemination;

"(4) to enable the Secretary—

"(A) to enter into a contract with an organization or organizations with demonstrated experience in the field of workload measurement for human service agencies—

"(i) under which the organization is to conduct a 3-year study to examine methodologies for measuring the workloads of providers of child welfare services and providers of community mental health services; and

"(ii) which, at a minimum, requires the organization to—

"(I) examine and document which methodologies are used to measure caseworker and supervisor workloads;

"(II) develop general standards for measurement and size of workloads;

"(III) apply and validate standards for measurement and size of workloads; and

"(IV) develop software that enables agencies to use appropriate methodologies to measure workloads; and

"(B) to consult with an advisory body selected by the Secretary, in planning and carrying out the study described in subparagraph (A); and

"(C) to make the results and recommendations of the study described in subparagraph (A) available for dissemination; and

"(5) to enable the Secretary—

"(A) under contract with an independent research organization, to conduct a study that—

"(i) is designed to evaluate strategies for the recruitment and retention of foster parents, and the effects of foster parent training programs on the retention of foster parents; and

"(ii) shall identify successful recruitment techniques and recommend steps which could be taken at the Federal, State, or local level to improve the recruitment, retention, and training of foster parents; and

"(B) to make the results and recommendations of the study described in subparagraph (A) available for dissemination.".

(b) CONFORMING AMENDMENTS.—Section 426 (42 U.S.C. 626) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 404. CHILD WELFARE DEMONSTRATION PROJECTS.

(a) GENERAL PROVISIONS.—

(1) MINIMUM NUMBER OF PROJECTS OF EACH TYPE.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall authorize at least 1 demonstration project to be conducted under each paragraph of subsection (b), and at least 1 demonstration project to be conducted under each clause of subsection (b)(2)(A), during the 4-year period beginning with fiscal year 1994.

(2) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—For demonstration projects approved by the Secretary under this section, there are authorized to be appropriated to the Secretary not to exceed $45,000,000 for each of fiscal years 1994, 1995, 1996, and 1997.

(b) SPECIFIC TYPES OF PROJECTS.—

(1) EXPEDITIOUS PERMANENT PLACEMENT OF CHILDREN.—

(A) IN GENERAL.—The Secretary may make no more than 10 grants to States or localities to conduct demonstration projects, throughout the State or in areas selected by the State as having the greatest need, designed to—

(i) review statutes, administrative and judicial procedures, and agency legal representation, in effect in the State or locality, that govern determinations of abandonment of children, termination of parental rights, and permanent placement of children, particularly with respect to children abandoned at or shortly after birth;

(ii) assess which of such procedures or laws cause delays in the permanent placement of such children or the consideration of termination of parental rights;

(iii) assess the extent, or lack, of training of judges and child protection service workers on the timelines for determinations involving termination of parental rights or permanent placement of such children;

(iv) assess the provision of (and the impact of providing) coordinated comprehensive social services, particularly in relation to reunification or maintenance of families;

(v) assess the impact of the designation of entities or individuals that have or could be granted standing to initiate placement or termination of parental rights proceedings with respect to children who have been placed under protective care or public supervision;

(vi) assess the extent of the current presence of individuals either employed by a social service agency or a private entity, who are specifically responsible for expediting consideration of the termination of parental rights and permanent placement, particularly with respect to children abandoned at or shortly after birth, and the impact of such individuals on the timelines for such considerations;

(vii) assess the success of programs which concurrently provide planning for, and services to, preadoptive and natural parents; and

(viii) implement new procedures or make other improvements (as determined by the assessments conducted pursuant to this paragraph) that ensure more timely hearing of, and final decisions on, cases involving termination of parental rights and the permanent placement of children, with the goal of substantially reducing the amount of time that elapses from the time the child is removed from a home setting and is permanently placed in a stable adoption placement, including, at the option of the State or locality, improvements that include activities that—

(I) provide additional personnel identified as necessary under any provision of this paragraph to pursue or process cases involving termination of parental rights or expeditious permanent placements;

(II) expand the standing of foster parents and others to bring actions involving the termination of parental rights and permanent placements; and

(III) require certain children to be placed in foster care in homes that are likely to become permanent adoptive homes of such children.

(B) APPLICATION.—Each State or locality desiring to conduct a demonstration project under this paragraph shall submit to the Secretary an application containing—

(i) an assurance that the State or locality will develop and carry out the project jointly with appropriate judicial administrators, and with appropriate agencies of the State or locality that provide services to children abandoned at or shortly after birth; and

(ii) such other information as the Secretary may require by regulation.

(C) APPROVAL OF CERTAIN APPLICATIONS.—

(i) IN GENERAL.—The Secretary shall approve not more than 10 applications to conduct projects which appear likely to contribute significantly to the achievement of the purpose of this paragraph, particularly as they relate to changes in the legislative, judicial, and administrative practices with respect to permanent placement and termination of parental rights.

(ii) DISTRIBUTION CRITERION.—In determining whether to approve applications under this paragraph, the Secretary shall ensure that grants under this paragraph are made to applicants whose positions on consideration of parental rights and the termination of such rights reflect the range of statutory and judicial positions taken by States on such matters.

(iii) GRANT PERIOD.—Subject to the availability of appropriations therefor, the Secretary shall make grants under this paragraph for a period of 4 years.

(D) EVALUATIONS; REPORT.—Each State and locality that conducts a demonstration project under this paragraph shall develop and carry out a plan for evaluating the effects of the project, and shall submit to the Secretary a report on such evaluation.

(E) DISSEMINATION OF REPORTS.—The Secretary shall make available to the Congress and the public the reports submitted pursuant to subparagraph (D).

(F) REVIEW AND EVALUATION BY THE SECRETARY.—The Secretary shall periodically review and evaluate the conduct of each demonstration project conducted under this paragraph.

(G) AUTHORITY TO SUSPEND OR TERMINATE PROJECTS.—Notwithstanding subparagraph (C)(iii), the Secretary may suspend for any period or terminate the authority to conduct a demonstration project under this paragraph, and may discontinue the provision of grants under this paragraph for the project, if the Secretary determines that the project has not been conducted in a satisfactory manner.

(2) CULTURALLY SENSITIVE AND SPECIAL NEEDS CHILD WELFARE WORKER TRAINING DEMONSTRATION.—

(A) IN GENERAL.—

(i) TRAINING TO DELIVER CHILD WELFARE SERVICES IN BORDER REGIONS.—The Secretary shall authorize not more than 5 eligible institutions to conduct demonstration projects to train eligible individuals to deliver culturally sensitive and bilingual child welfare services in areas of the United States that border on Mexico.

(ii) TRAINING TO DELIVER CHILD WELFARE SERVICES TO HISTORICALLY UNSERVED OR UNDERSERVED POPULATIONS IN CERTAIN URBAN CENTERS.—In addition, the Secretary may make no more than 5 grants to eligible institutions to conduct projects to train eligible individuals to deliver culturally sensitive and bilingual welfare services in urban centers which have a high proportion of historically unserved or underserved populations.

(B) APPLICATIONS.—

(i) APPLICATIONS UNDER SUBPARAGRAPH (A)(i).—The Secretary shall approve an application of an eligible institution to conduct a demonstration project under subparagraph (A)(i) for a fiscal year if the Secretary has approved not more than 4 other such applications for the fiscal year and the application meets the following requirements:

(I) HISTORY OF, OR PLAN FOR, TRAINING STUDENTS TO DELIVER CHILD WELFARE SERVICES IN BORDER AREAS.—The application demonstrates that the applicant has a history of, or a plan for, training students to deliver child welfare services in an area of the United States that borders on Mexico.

(II) TRAINING CURRICULUM REQUIREMENTS.—The application describes the curriculum of the training program. Such curriculum must be sensitive to the culture of the area that borders on Mexico and the State in which the applicant is located, and must include training for the identification of health problems of children and their families and of child abuse and neglect.

(III) SCOPE AND LENGTH OF TRAINING.—The application includes an assurance that the training program meets all requirements established under subparagraph (C) governing the scope and length of the training to be provided.

(IV) PLAN FOR PLACING INDIVIDUALS COMPLETING THE TRAINING IN BORDER AREA FAMILY ASSISTANCE AGENCIES.—The application contains a plan for placing each eligible individual who completes the training under the project in a family assistance agency that provides services directly to residents of the border county in which the agency is located.

(V) COMMITMENT TO CONSULT WITH STATE CHILD WELFARE AGENCY.—The application contains a commitment by the applicant to consult with the child welfare agency of the State in which the applicant is located to ensure that the project is designed to provide individuals with child welfare skills that are needed for work with disadvantaged individuals in the area of the State that borders on Mexico.

(ii) APPLICATIONS UNDER SUBPARAGRAPH (A)(ii).—The Secretary shall approve an application of an eligible institution to conduct a demonstration project under subparagraph (A)(ii) for a period of 4 fiscal years (subject to the availability of funds and satisfactory performance) if the Secretary has not approved more than 4 other applications for such projects and the application meets the following requirements:

(I) The applicant demonstrates that it has a history of, expertise in, and commitment to, providing training for individuals to deliver child welfare services to historically unserved or underserved populations in urban centers.

(II) The applicant describes how the application was developed in consultation with State and local child welfare agencies, community-based organizations serving the area to be affected, and the residents of the area, including public notice and opportunity to comment on the training program to be offered, and a plan for a continuing consultation process with these entities.

(III) The curriculum to be offered includes the broad range of Federal, State, and local programs available to provide services to historically unserved or underserved populations in urban centers, and the identification of health problems in children and their families which may lead to child abuse or neglect and the presence of such conditions.

(IV) The application includes an assurance that the training program meets all the requirements of subparagraph (C) governing the scope and length of the training to be provided.

(V) The application includes a plan for placing each eligible individual who completes the training under the project in a public or private nonprofit family assistance agency that provides services directly to unserved or underserved populations in urban centers with high concentrations of such populations.

(iii) GRANTS SUBJECT TO APPROPRIATIONS.—The Secretary shall make grants for projects authorized under subparagraph (A)(ii) subject to the availability of appropriations therefor.

(iv) REVIEW AND EVALUATION BY THE SECRETARY.—The Secretary shall periodically review and evaluate the conduct of each demonstration project authorized to be conducted under subparagraph (A)(ii).

(v) AUTHORITY TO SUSPEND OR TERMINATE PROJECTS.—The Secretary may suspend for any period or terminate the authority to conduct a demonstration project under subparagraph (A)(ii), and may discontinue the provision of grants under subparagraph (A)(ii) for the project, if the Secretary determines that the project has not been conducted in a satisfactory manner.

(C) TRAINING REQUIREMENTS.—The Secretary, in consultation with the State child welfare agencies of the eligible States, shall develop criteria regarding the scope and length of the training program to be provided under any demonstration project conducted under this paragraph to ensure that training under the program adequately prepares trainees for the work they will perform after completion of the training program. The Secretary shall treat participation in a program leading to a bachelor's or a master's degree in social work as providing such adequate preparation.

(D) GRANTS.—

(i) ALLOCATION AMONG STATES WITH APPROVED PROJECTS.—Each eligible State in which is located an eligible institution whose application to conduct a demonstration project under subparagraph (A)(i) for a fiscal year has been approved by the Secretary shall be allocated for the fiscal year that portion of the funds available to carry out subparagraph (A)(i) for the fiscal year that is represented by—

(I) the number of disadvantaged individuals who, as of the close of the second preceding fiscal year, resided in the border counties of the State; divided by

(II) the total number of disadvantaged individuals who, as of the close of the second preceding fiscal year, resided in the border counties of all such eligible States.

(ii) GRANT AUTHORITY.—The Secretary shall make a grant to each eligible institution that the Secretary authorizes to conduct a demonstration project under subparagraph (A)(i) for a fiscal year in an amount equal to—

(I) the amount allocated for the fiscal year under clause (i) to the State in which the institution is located; divided by

(II) the number of eligible institutions in the State that are so authorized.

(E) USE OF GRANTS.—Each eligible institution that receives a grant under this paragraph—

(i) shall use the grant to equip eligible individuals with the knowledge and skills necessary to perform the range of child welfare work, from case management to supervisory skills; and

(ii) may use the grant to pay the tuition, room and board, travel, and other living expenses of eligible individuals.

(F) DEFINITIONS.—As used in this paragraph:

(i) BORDER COUNTY.—The term "border county" means—

(I) in the State of Texas, the counties of Cameron, Brooks, Hidalgo, Kenedy, Willacy, Jim Hogg, Starr, Webb, Zapata, Duval, La-Salle, Maverick, Dimmit, Zavala, Uvalde, Kinney, Val Verde, Edwards, Crockett, Terrell, Pecos, Brewster, Presidio, Jeff

Davis, Reeves, Culberson, Hudspeth, Bexar, and El Paso;

(II) in the State of New Mexico, the counties of Otero, Sierra, Dona Ana, Luna, Hidalgo, Grant, Lea, Roosevelt, Chaves, Eddy, and Lincoln;

(III) in the State of Arizona, the counties of Cochise, Graham, Greenlee, Maricopa, Pinal, Pima, Yuma, La Paz, and Santa Cruz; and

(IV) in the State of California, the counties of Imperial, San Diego, Riverside, and Orange.

(ii) CHILD WELFARE AGENCY.—The term "child welfare agency" means, with respect to a State, the individual or agency that administers or supervises the administration of the State plan for child welfare services under part B of title IV of the Social Security Act.

(iii) DISADVANTAGED INDIVIDUAL.—The term "disadvantaged individual" means an individual whose income does not exceed 130 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size of the individual's family.

(iv) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means any individual who—

(I) is, or intends to become, an employee of a family assistance agency in an eligible State; and

(II) enters into an agreement with an eligible institution in the State under which—

(aa) the institution agrees to train the individual to deliver culturally sensitive and bilingual child welfare services in the area of the United States that borders on Mexico; and

(bb) the individual agrees to so deliver such services at or from a site approved by the child welfare agency of the State for at least 1 year beginning within a reasonable time after the individual completes the training under a project conducted under subparagraph (A)(i), or for a period of 1 year for each year of assistance or training received beginning upon completion of the training under a project conducted under subparagraph (A)(ii).

(v) ELIGIBLE INSTITUTION.—The term "eligible institution" means any institution of higher education that is located in an eligible State.

(vi) ELIGIBLE STATE.—The term "eligible State" means Texas, New Mexico, Arizona, and California.

(vii) FAMILY ASSISTANCE AGENCY.—The term "family assistance agency" means a child welfare agency, family planning agency, hospital, clinic, community mental health facility, or drug and alcohol treatment program.

(viii) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means—

(I) an institution of higher education (as defined in section 1201(a) or 481(a) of the Higher Education Act of 1965); and

(II) an area vocational education school (as defined in subparagraph (C) or (D) of section 521(3) of the Carl D. Perkins Vocational Education Act).

(ix) The term "urban centers" means an area in a metropolitan statistical area, as designated by the Director of the Office of Management and Budget, which has a high incidence of individuals in historically unserved or underserved populations who are in need of social services, as determined by the Secretary using the most recent and best available information. A list of such urban centers shall be published by the Secretary in the Federal Register no more than 180 days after the date of the enactment of this Act.

(x) The term "historically unserved or underserved populations" includes—

(I) minority populations;

(II) persons with limited English proficiency;

(III) populations residing in urban areas and exhibiting a high incidence of child abuse, neglect, or abandonment, as determined by the Secretary;

(IV) homeless persons (within the meaning of section 103 of the Stewart B. McKinney Homeless Assistance Act);

(V) persons who are, or are in danger of becoming, infected with the human immunodeficiency virus; and

(VI) persons who abuse alcohol or drugs.

(G) RECOVERY OF ASSISTANCE IN CERTAIN CASES.—Any individual participating in a project conducted under subparagraph (A) who breaches the agreement referred to in subparagraph (F)(iv)(II) shall repay to the Secretary an amount equal to the amount or value of assistance received by the individual under the project, ratably reduced, if applicable, by a proportion representing that portion of the year during which the individual complied with the agreement. The Secretary shall establish guidelines and repayment schedules to carry out this subparagraph.

(3) STAFF RECRUITMENT AND RETENTION DEMONSTRATION.—

(A) IN GENERAL.—The Secretary may make grants under this paragraph to not more than 10 State or local government agencies to conduct demonstration projects designed to develop and implement innovative recruitment or retention strategies for trained staff in public and private nonprofit agencies working with children and adolescents at risk of being placed in foster care.

(B) ELIGIBILITY.—To be eligible to conduct a demonstration project under this paragraph, a State or local government agency shall submit to the Secretary a 3-year plan for the recruitment and retention of trained direct services staff (for public and private nonprofit agencies that contract for the care of children in the custody of public agencies), which contains such information as the Secretary may prescribe by regulation, including a description of the planned outreach activities and the steps that will be taken to encourage recruitment and retention of staff.

(C) GRANT REQUIRED TO BE MADE FOR ELIGIBLE PROJECT DESIGNED FOR MINORITY COMMUNITY SERVICE.—The Secretary shall make a grant under this paragraph to at least 1 State or local government agency which submits to the Secretary an application for a demonstration project designed to expand the capacity of minorities to provide services within their communities if the application otherwise meets the requirements of this paragraph.

(D) PRIORITY TO BE GIVEN TO CERTAIN PROJECTS.—In considering proposed demonstration projects under this paragraph, the Secretary shall give priority to—

(i) proposed projects that demonstrate intersystem cooperation among child welfare, juvenile justice, mental health, or substance abuse agencies; and

(ii) proposed projects that are designed to test urban and rural strategies in a variety of geographic areas.

(E) APPROVAL OF CERTAIN APPLICATIONS.—The Secretary shall approve not more than 10 applications to conduct projects which appear likely to contribute significantly to the achievement of the purpose of this paragraph.

(F) USE OF GRANTS.—Each agency that receives a grant under this paragraph shall use the grant to carry out the plan submitted to the Secretary as described in subparagraph (B).

(G) STATE REQUIRED TO PARTIALLY MATCH GRANTS MADE FOR CONSECUTIVE YEARS.—Each agency which receives a grant under this paragraph for 2 or more consecutive years shall provide from non-Federal sources—

(i) for the 2nd consecutive year, an amount equal to 20 percent of the grant made for such year; and

(ii) for the 3rd consecutive year, an amount equal to 25 percent of the grant made for such year.

(H) EVALUATIONS; REPORT.—Each State and locality that conducts a demonstration project under this paragraph shall develop and carry out a plan for evaluating the effects of the project, and shall submit to the Secretary a report on such evaluation.

(I) DISSEMINATION OF REPORTS.—The Secretary shall make available to the Congress and the public the reports submitted pursuant to subparagraph (H).

(4) JOINT TRAINING DEMONSTRATION.—

(A) IN GENERAL.—The Secretary may make grants under this paragraph, on a competitive basis, to not more than 10 State or local government agencies to conduct demonstration projects designed to test the effect of joint training programs for the staff of child welfare, mental health, and juvenile justice agencies, and for judicial personnel and judges.

(B) ELIGIBILITY.—To be eligible for a grant under this paragraph, a State or local government agency shall designate a public agency which provides services to children in the State and demonstrate that at least 2 such agencies will participate in the project by contributing financial resources, staff resources, and trainees.

(C) APPROVAL OF CERTAIN APPLICATIONS.—The Secretary shall approve not more than 10 applications to conduct projects which appear likely to contribute significantly to the achievement of the purpose of this paragraph.

(D) USE OF GRANT.—Each State or local government agency that receives a grant under this paragraph shall use the grant to train staff (including supervisors) of public and private agencies who provide services to children or adolescents at risk of requiring foster care or to the families of such children or adolescents. Such training shall be designed to—

(i) educate staff about the special needs of, and service programs for, certain populations of children or adolescents, such as those who have been sexually abused, suffer from serious emotional disturbances, are substance abusers, have acquired immune deficiency syndrome, or are infected with a human immunodeficiency virus;

(ii) coordinate the interagency delivery of services (including family preservation services, family reunification services, independent living services, and supportive services) to children at risk of being placed in foster care; and

(iii) provide training for judges or other administrative personnel, who are authorized to make final determinations as to termination of parental rights or placement of children in either temporary or permanent situations, to determine and incorporate into their decisions factors relating to the physical, mental, and social interests of the child.

(E) EVALUATIONS; REPORT.—Each State or local government agency that conducts a demonstration project under this paragraph shall develop and carry out a plan for evaluating the effects of the training provided under the project, and shall submit to the Secretary a report on such evaluation.

(F) DISSEMINATION OF REPORTS.—The Secretary shall make available to the Congress and the public the reports submitted pursuant to subparagraph (E).

(c) FOSTER CARE AND ADOPTION ASSISTANCE DEMONSTRATION.—

(1) IN GENERAL.—The Secretary may authorize not more than 5 States to conduct demonstration projects designed to test, for not more than 6 years, the feasibility of eliminating the requirements in sections 472 and 473 of the Social Security Act that relate to the income and resources of the child or of the family from which a child originated, and allowing States to receive reimbursement for foster care maintenance payments and for adoption assistance payments made with respect to children without regard to such income and resources.

(2) APPLICATION.—Each State desiring to conduct a demonstration project under this subsection shall submit to the Secretary an application in such form and containing such information as the Secretary may require by regulation.

(3) AGREEMENT ON FEDERAL MATCHING PAYMENTS AND STRATEGY FOR EVALUATION.—

(A) IN GENERAL.—As a condition precedent to approving any application to conduct a demonstration project under this subsection, the Secretary and the State shall reach agreement on—

(i) the rates at which the various types of expenditures under the project shall be reimbursed, in lieu of the rates at which such expenditures would otherwise be reimbursed under section 474 of the Social Security Act; and

(ii) a strategy for evaluating the effects of the project.

(B) LIMITATION.—The Secretary may not agree to any set of reimbursement rates under subparagraph (A)(i) of this paragraph, unless the Secretary determines that the set of rates is likely to result in an amount of Federal payments to the State under section 474 of the Social Security Act that does not exceed the amount that would have been so paid to the State if the State were not conducting the demonstration project.

(4) APPROVAL OF CERTAIN APPLICATIONS.—

(A) IN GENERAL.—The Secretary shall approve not more than 5 applications to conduct projects which appear likely to contribute significantly to the achievement of the purpose of this subsection.

(B) PROJECT LIFETIME.—

(i) 3 YEARS.—Each agreement under paragraph (3) shall be for a term of 3 years.

(ii) AUTHORITY TO RENEW PROJECT FOR 3 YEARS.—Upon the request of the State, the Secretary shall extend for 3 additional years the term of any agreement under paragraph (3).

(5) EVALUATIONS; REPORT.—Each State that conducts a demonstration project under this subsection shall develop and carry out a plan for evaluating the effects of the project, and shall submit to the Secretary a report on such evaluation.

(6) DISSEMINATION OF REPORTS.—The Secretary shall make available to the Congress and the public the reports submitted pursuant to paragraph (5).

SEC. 405. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 476 (42 U.S.C. 676) is amended by adding at the end the following:

"(c) The Secretary shall provide technical assistance to the States to assist the States in—

"(1) interpreting and implementing part B, part C, and this part;

"(2) disseminating information on innovative child welfare practices;

"(3) correcting problems identified through Federal audits and reviews, and carrying out corrective action plans required by this part;

"(4) implementing the foster care and adoption data collection system described in section 479; and

"(5) addressing such other matters as the Secretary may identify.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1992.

TITLE V—MISCELLANEOUS HUMAN RESOURCES AMENDMENTS

SEC. 501. STATE OPTION TO USE RETROSPECTIVE BUDGETING WITHOUT MONTHLY REPORTING UNDER AFDC PROGRAM.

(a) IN GENERAL.—Section 402(a)(13) (42 U.S.C. 602(a)(13)) is amended—

(1) by striking all that precedes subparagraph (A) and inserting the following:

"(13) provide, at the option of the State and with respect to such category or categories as the State may select and identify in the State plan, that—"; and

(2) in each of subparagraphs (A) and (B), by striking ", in the case of families who are required to report monthly to the State agency pursuant to paragraph (14)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1992, and shall apply to payments under part A of title IV of the Social Security Act for fiscal year 1993 and such payments for succeeding fiscal years.

SEC. 502. INCREASE IN STEPPARENT INCOME DISREGARD UNDER AFDC PROGRAM.

(a) IN GENERAL.—Section 402(a)(31) (42 U.S.C. 602(a)(31)) is amended by striking "$75" and inserting "$90".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1992, and shall apply to payments under part A of title IV of the Social Security Act for fiscal year 1993 and such payments for succeeding fiscal years.

SEC. 503. EXTENSION OF PERIOD FOR DEMONSTRATION PROJECTS FOR EVALUATING MODEL PROCEDURES FOR REVIEWING CHILD SUPPORT AWARDS.

(a) IN GENERAL.—Section 103(e)(4) of the Family Support Act of 1988 is amended by striking "2-year" and inserting "3-year".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 504. TECHNICAL CORRECTIONS RELATED TO THE INCOME SECURITY AND HUMAN RESOURCES PROVISIONS OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1990.

(a) AMENDMENT RELATED TO SECTION 5057.—Section 5057 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), and the amendment made by such section, are hereby repealed, and section 1139(d) of the Social Security Act shall be applied and administered as if such section 5057 had never been enacted.

(b) AMENDMENT RELATING TO SECTION 5060(a).—Clause (II) of section 402(g)(1)(A)(vi) of the Social Security Act (42 U.S.C. 602(g)(1)(A)(vi)(II)) is amended by moving such subclause 2 ems to the right so that the left margin of such subclause is aligned with the left margin of subclause (I) of such section.

(c) AMENDMENT RELATING TO SECTION 5061(a)(3).—Section 407(b)(1)(B)(v) of the Social Security Act (42 U.S.C. 607(b)(1)(B)(v)) is amended by striking "parents' needs" and inserting "parent's needs".

(d) AMENDMENT RELATED TO SECTION 5081(a).—Section 402(i)(6)(D) of the Social Security Act (42 U.S.C. 602(i)(6)(D)) is amended by striking "as as" and inserting "as".

(e) AMENDMENT RELATING TO SECTION 5105(a)(1)(B)(ii)(I).—Section 1631(a)(2)(C)(i) of the Social Security Act (42 U.S.C. 1383(a)(2)(C)(i)) is amended by inserting "a" before "representative".

(f) AMENDMENT RELATED TO SECTION 5105(d)(1)(B).—Section 5105(d)(1)(B) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) is amended to read as follows:

"(B) TITLE XVI.—Section 1631(a)(2)(F) (42 U.S.C. 1383(a)(2)(F)), as so redesignated by subsection (c)(2) of this section, is amended to read as follows:

'(F) The Secretary shall include as a part of the annual report required under section 704, information with respect to the implementation of the preceding provisions of this paragraph, including—

'(i) the number of cases in which the representative payee was changed;

'(ii) the number of cases discovered where there has been a misuse of funds;

'(iii) how any such cases were dealt with by the Secretary;

'(iv) the final disposition of such cases (including any criminal penalties imposed); and

'(v) such other information as the Secretary determines to be appropriate.'.".

(g) AMENDMENTS RELATED TO SECTION 5105(b).—Section 1631(a)(2)(C) of the Social Security Act (42 U.S.C. 1383(a)(2)(C)) is amended—

(1) by striking clause (ii);

(2) by redesignating clauses (iii), (iv), and (v) as clauses (ii), (iii), and (iv), respectively; and

(3) in clause (iv) (as so redesignated), by striking "(iii), and (iv)" and inserting "and (iii)".

(h) AMENDMENTS RELATED TO SECTION 5107(a)(2)(B).—Section 1631(c)(1)(B) of the Social Security Act (42 U.S.C. 1383(c)(1)(B)) is amended by striking "paragraph (1)" each place such term appears and inserting "subparagraph (A)".

(i) AMENDMENT RELATED TO SECTION 5109(a)(2).—Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended by redesignating the subsection (n) added by section 5109(a)(2) of the Omnibus Budget Reconciliation Act of 1990, as subsection (o).

(j) AMENDMENTS RELATED TO SECTION 11115(b)(2).—Section 1613(a) of the Social Security Act (42 U.S.C. 1382b(a)) is amended—

(1) in paragraph (9), by striking "and";

(2) in the first paragraph (10), by striking the period and inserting "; and"; and

(3) by redesignating the second paragraph (10) as paragraph (11).

(k) EFFECTIVE DATE.—Each amendment made by this section shall take effect as if the amendment had been included in the provision of the Omnibus Budget Reconciliation Act of 1990 to which the amendment relates, at the time the provision became law.

SEC. 505. TECHNICAL CORRECTIONS RELATED TO THE HUMAN RESOURCE AND INCOME SECURITY PROVISIONS OF OMNIBUS BUDGET RECONCILIATION ACT OF 1989.

(a) AMENDMENT RELATING TO SECTION 8004(a).—Section 408(m)(2)(A) of the Social Security Act (42 U.S.C. 608(m)(2)(A)) is amended by striking "a fiscal" and inserting "the fiscal".

(b) AMENDMENT RELATING TO SECTION 8006(a).—Section 473(a)(6)(B) of the Social Security Act (42 U.S.C. 673(a)(6)(B)) is amended by striking "474(a)(3)(B)" and inserting "474(a)(3)(C)".

(c) AMENDMENT RELATING TO SECTION 8007(b)(3).—Subparagraph (D) of section 475(5) of the Social Security Act (42 U.S.C. 675(5)(D)) is amended by moving such subparagraph 2 ems to the right so that the left margin of such subparagraph is aligned with the left margin of subparagraph (C) of such section.

(d) EFFECTIVE DATE.—Each amendment made by this section shall take effect as if the amendment had been included in the provision of the Omnibus Budget Reconciliation Act of 1989 to which the amendment relates, at the time the provision became law.

TITLE VI—CHILDHOOD HUNGER RELIEF

SEC. 601. SHORT TITLE.

This title may be cited as the "Mickey Leland Childhood Hunger Relief Act".

SEC. 602. REFERENCES TO ACTS.

Except as otherwise specifically provided in this title, references to "the Act" and sections thereof shall be deemed to be references to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) and the sections thereof.

Subtitle A—Ensuring Adequate Food Assistance

SEC. 611. FAMILIES WITH HIGH SHELTER EXPENSES.

(a) REMOVAL OF CAP.—The fourth sentence of section 5(e) of the Food Stamp Act of 1977 (hereinafter referred to as "the Act") (7 U.S.C. 2014(e)) is amended by striking ": *Provided*, That the amount" and all that follows through "June 30".

(b) TRANSITIONAL CAP.—Effective for the period beginning on October 1, 1992, and ending December 31, 1996, section 5(e), as amended by subsection (a), is amended by inserting after the fourth sentence the following: "In the period beginning on October 1, 1992, and ending September 30, 1993, such excess shelter expense deduction shall not exceed $218 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $379, $311, $265, and $161 a month, respectively; in the twelve months ending September 30, 1994, shall not exceed $238 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $414, $340, $289, and $176 a month, respectively; in the twelve months ending September 30, 1995, shall not exceed $257 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $447, $367, $312, and $190 a month, respectively; and in the fifteen months ending December 31, 1996, shall not exceed $278 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $483, $397, $337, and $205 a month, respectively.".

(c) CONFORMING AMENDMENT.—The sentence of section 5(e) of the Act (7 U.S.C. 2014(e)) beginning "In computing the excess shelter expense deduction" is amended by deleting the following: "under clause (2) of the preceding sentence".

SEC. 612. CONTINUING BENEFITS TO ELIGIBLE HOUSEHOLDS.

Section 8(c)(2) of the Act (7 U.S.C. 2017(c)(2)) is amended in subparagraph (B) by inserting after "following any period" the phrase "of more than one month in".

SEC. 613. HOMELESS FAMILIES IN TRANSITIONAL HOUSING.

Section 5(k)(2)(F) of the Act (7 U.S.C. 2014(k)(2)(F)) is amended to read as follows:

"(F) housing assistance payments made to a third party on behalf of a household residing in transitional housing for the homeless;".

SEC. 614. IMPROVING THE NUTRITIONAL STATUS OF CHILDREN IN PUERTO RICO.

Section 19(a)(1)(A) of the Act (7 U.S.C. 2028(a)(1)(A)) is amended:

(1) by striking "$1,051,000,000" and inserting "$1,066,000,000";

(2) by striking "$1,091,000,000" and inserting "$1,116,000,000"; and

(3) by striking "$1,133,000,000" and inserting "$1,168,000,000".

SEC. 615. HOUSEHOLDS BENEFITING FROM GENERAL ASSISTANCE VENDOR PAYMENTS.

Section 5(k)(1)(B) of the Act (7 U.S.C. 2014(k)(1)(B)) is amended to read as follows:

"(B) a benefit payable to the household for housing expenses, not including energy or utility-cost assistance, under—

"(i) a State or local general assistance program; or

"(ii) another basic assistance program comparable to general assistance (as determined by the Secretary).".

SEC. 616. HELPING LOW-INCOME HIGH SCHOOL STUDENTS.

Section 5(d)(7) is amended by striking ",who is a student, and who has not attained his eighteenth birthday" and inserting "and who is an elementary or secondary student".

Subtitle B—Promoting Self-Sufficiency

SEC. 621. CHILD SUPPORT DISREGARD.

Section 5 of the Act (7 U.S.C. 2014) is amended—

(1) in clause (13) of subsection (d)—

(A) by striking "at the option" and all that follows through "subsection (m)," and inserting "(A)"; and

(B) by adding at the end the following: "and (B) the first $50 of any child support payments for each month received in that month, and the first $50 of child support of each month received in that month if such payments were made by the absent parent in the month when due,"; and

(2) by striking subsection (m).

SEC. 622. CHILD SUPPORT PAYMENTS TO NONHOUSEHOLD MEMBERS.

Section 5(d)(6) of the Act (7 U.S.C. 2014(d)(6)) is amended by striking the comma at the end and inserting the following: ": *Provided*, That child support payments made by a household member to or for a person who is not a member of the household shall be excluded from the income of the household of the person making such payments if such household member was legally obligated to make such payments,".

SEC. 623. VEHICLES NEEDED TO SEEK AND CONTINUE EMPLOYMENT AND FOR HOUSEHOLD TRANSPORTATION.

Section 5(g)(2) of the Act (7 U.S.C. 2014(g)(2)) is amended by striking "$4,500" and inserting the following: "a level set by the Secretary, which shall be $4,500 through the period ending on September 30, 1996, and which shall be adjusted from $4,500 on October 1, 1996, and on each October 1, thereafter, to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, for new cars, for the twelve months ending the preceding June 30, and rounded to the nearest $50".

Subtitle C—Simplifying the Provision of Food Assistance

SEC. 631. SIMPLIFYING THE HOUSEHOLD DEFINITION FOR HOUSEHOLDS WITH CHILDREN AND OTHERS.

The first sentence of section 3(i) of the Act (7 U.S.C. 2012(i)) is amended—

(1) by striking "(2)" and inserting "or (2)";

(2) by striking ", or (3) a parent of minor children and that parent's children" and all that follows through "parents and children, or siblings," and inserting ". Parents and their minor children who live together and spouses"; and

(3) by striking ", unless one of" and all that follows through "disabled member".

SEC. 632. ASSURING ADEQUATE FUNDING FOR THE FOOD STAMP PROGRAM.

Section 18 of the Act (7 U.S.C. 2027) is amended by striking subsections (b), (c), and (d) and redesignating subsections (e) and (f) as subsections (b) and (c), respectively.

Subtitle D—Commodity Distribution to Needy Families.

SEC. 641. COMMODITY PURCHASES.

Section 214 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end the following new paragraph:

"(k) INCREASED ALLOTMENTS.—During fiscal year 1993, the Secretary shall spend $70,000,000 to purchase, process and distribute commodities in addition to those purchased with funds under subsection 202 and 203D(a). Commodities purchased under this subsection shall be distributed in accordance with subsection (f) and subject to the same terms and conditions as commodities purchased under subsection (e).".

Subtitle E—Implementation and Effective Dates

SEC. 651. EFFECTIVE DATES.

(a) Except as otherwise provided in this title, the provisions of this title shall become effective and be implemented on October 1, 1992.

(b) Sections 612, 615, 621, 622, and 631 of this Act shall become effective and be implemented on July 1, 1993.

SEC. 652. PROHIBITION ON REDUCING AGRICULTURAL PRICE SUPPORT PROGRAMS.

No agriculture price or income support program administered through the Commodity Credit Corporation under the Agricultural Act of 1949 may be reduced to achieve offsets to provide for any provision of this Act.

TITLE VII—FUNDING

SEC. 701. SURTAX ON INDIVIDUALS WITH INCOMES OVER $1,000,000.

(a) GENERAL RULE.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

"PART VIII—SURTAX ON INDIVIDUALS WITH INCOMES OVER $1,000,000

"Sec. 59B. Surtax on section 1 tax.

"Sec. 59C. Surtax on minimum tax.

"Sec. 59D. Special rules.

"SEC. 59B. SURTAX ON SECTION 1 TAX.

"In the case of an individual who has taxable income for the taxable year in excess of $1,000,000, the amount of the tax imposed under section 1 for such taxable year shall be increased by 10 percent of the amount which bears the same ratio to the tax imposed under section 1 (determined without regard to this section) as—

"(1) the amount by which the taxable income of such individual for such taxable year exceeds $1,000,000, bears to

"(2) the total amount of such individual's taxable income for such taxable year.

"SEC. 59C. SURTAX ON MINIMUM TAX.

"In the case of an individual who has alternative minimum taxable income for the taxable year in excess of $1,000,000, the amount of the tentative minimum tax determined under section 55 for such taxable year shall be increased by 2.5 percent of the amount by which the alternative minimum taxable income of such taxpayer for the taxable year exceeds $1,000,000.

"SEC. 59D. SPECIAL RULES.

"(a) SURTAX TO APPLY TO ESTATES AND TRUSTS.—For purposes of this part, the term 'individual' includes any estate or trust taxable under section 1.

"(b) TREATMENT OF MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—In the case of a married individual (within the meaning of section 7703) filing a separate return for the taxable year, sections 59B and 59C shall be applied by substituting '$500,000' for '$1,000,000'.

"(c) COORDINATION WITH OTHER PROVISIONS.—The provisions of this part—

"(1) shall be applied after the application of section 1(h), but

"(2) before the application of any other provision of this title which refers to the amount of tax imposed by section 1 or 55, as the case may be."

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 is amended by adding at the end the following new item:

"Part VIII. Surtax on individuals with incomes over $1,000,000."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

The CHAIRMAN. No amendment to the substitute, as modified, and no other amendment to the bill is in order.

The question is on the amendment in the nature of a substitute, as modified.

The amendment in the nature of a substitute, as modified, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. STUDDS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3603) to promote family preservation and the prevention of foster care with emphasis on families where abuse of alcohol or drugs is present, and to improve the quality and delivery of child welfare, foster care, and adoption services, pursuant to House Resolution 543, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ARCHER. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ARCHER moves to recommit the bill H.R. 3603, to the Committee on Ways and Means with instructions to report the same to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "State Initiatives in Child Welfare Act of 1992".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—CHILD WELFARE ENTITLEMENT PROGRAM

Sec. 101. Child welfare entitlement program.

TITLE II—FEDERAL OVERSIGHT AND TECHNICAL ASSISTANCE

Sec. 201. Child protections and State assurances.
Sec. 202. Technical assistance.
Sec. 203. Moratorium on child protection reviews and on disallowances and deferrals under part B of title IV of the Social Security Act.
Sec. 204. Commission on Child Welfare Accountability.
Sec. 205. Reports on State child welfare programs.

TITLE III—CREATING RELIABLE INFORMATION ON CHILD WELFARE

Sec. 301. Annual State data reports.
Sec. 302. Child welfare demonstration projects.
Sec. 303. Analysis of State data on foster care dynamics.

TITLE I—CHILD WELFARE ENTITLEMENT PROGRAM

SEC. 101. CHILD WELFARE ENTITLEMENT PROGRAM.

(a) IN GENERAL.—Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended by inserting after part B the following:

"PART C—CHILD WELFARE ENTITLEMENT

"SEC. 440. ENTITLEMENT.

"(a) PURPOSE.—The purpose of this part is to grant States the flexibility and resources necessary to provide such services and activities as the State deems appropriate to—

"(1) preserve and strengthen families with children at risk of needing placement outside their home;

"(2) reunite children with their families if an out-of-home placement is found to be necessary;

"(3) place children in adoptive homes or other permanent arrangements in a timely fashion if reunification with their families is not in the best interest of the child; and

"(4) ensure the well-being of children referred to public officials because of suspected or actual abuse or neglect.

"(b) ENTITLEMENT.—For payments under section 442(a) to which qualified States are entitled, there shall be available to the Secretary—

"(1) $1,267,000,000 for fiscal year 1993;

"(2) $1,456,000,000 for fiscal year 1994;

"(3) $1,646,000,000 for fiscal year 1995;

"(4) $1,866,000,000 for fiscal year 1996; and

"(5) $2,096,000,000 for fiscal year 1997.

"(c) QUALIFIED STATES.—As used in this part, the term 'qualified State' means a State which—

"(1) has a plan developed in accordance with section 422; and

"(2) has certified to the Secretary that—

"(A) the payments made to the State under this part will be used by the State in accordance with this part; and

"(B) not less frequently than every 2 years, the State will audit the expenditures of the amounts paid to the State under this part.

"SEC. 441. ALLOTMENTS TO QUALIFIED STATES.

"(a) IN GENERAL.—The Secretary shall allot to each qualified State, for use by the child welfare agency of the State, the amount that bears the same ratio to the sum remaining available pursuant to section 440(b) of this Act for the fiscal year after the application of section 202(b) of the State Initiatives in Child Welfare Act of 1992, as the aggregate amount the State was entitled to receive under section 474(a)(3) of this Act (as in effect immediately before the enactment of this part) for fiscal year 1991 bears to the total amount all States were entitled to receive under such section 474(a)(3) for fiscal year 1991.

"(b) NOTIFICATION OF ALLOTMENTS.—Not later than 60 days before the beginning of each fiscal year, the Secretary shall notify each qualified State of the amount allotted to the State for the fiscal year.

"SEC. 442. PAYMENTS TO STATES.

"(a) IN GENERAL.—For each fiscal year, the Secretary shall pay each qualified State the amount allotted to the State under section 441 for the fiscal year, in equal quarterly installments. The State share of expenditures under this part shall be an amount not less than the amount of the State share of expenditures for which payment was made under section 474(a)(3) (as in effect immediately before the enactment of this part) for fiscal year 1992.

"(b) SUPPLEMENTAL PAYMENTS.—

"(1) APPLICATION.—If the foster care caseload of a qualified State increases by more than 15 percent in any fiscal year, the State may, not later than the end of the next fiscal year, apply to the Secretary for a supplemental payment under this subsection.

"(2) PAYMENT.—

"(A) IN GENERAL.—Within 90 days after receipt of any application for a supplemental payment under this subsection, the Secretary shall determine whether to make the payment.

"(B) AMOUNT OF PAYMENT.—The amount of any payment to a State under this subsection with respect to a fiscal year shall be the product of—

"(i) 1/100 of the number of percentage points by which the increase in the foster care caseload of the State for the fiscal year exceeds 15 percent;

"(ii) the aggregate amount the State was entitled to receive under section 474(a)(3) (as in effect immediately before the enactment of this part) for fiscal year 1991, divided by the total amount all States were entitled to receive under such section for fiscal year 1991; and

"(iii) the sum made available pursuant to section 440(b) for the fiscal year.

"(C) SOURCE OF PAYMENT.—Any payment under this subsection shall be made from such amounts as may be provided in advance in appropriations Acts.

"SEC. 443. USE OF FUNDS.

"(a) IN GENERAL.—Except as provided in subsection (b), each State that receives funds under this part may use such funds—

"(1) in any manner that the State child welfare agency deems appropriate to accomplish the purpose of this part; and

"(2) for the planning, design, development, installation, and operation of such statewide mechanized data collection and information retrieval systems (including the hardware components for such systems) as—

"(A) meet the requirements imposed by regulations promulgated pursuant to section 479(b)(2);

"(B) to the extent practicable, are capable of interfacing with the State data collection system that collects information relating to child abuse and neglect; and

"(C) the Secretary determines are likely to provide more efficient, economical, and effective administration of the programs carried out under the State plan approved under part B or the State plan approved under part E.

"(b) PROHIBITIONS.—Each State that receives funds under this part may not, directly or indirectly, use such funds for—

"(1) foster care maintenance payments under section 472;

"(2) adoption assistance payments under section 473, other than nonrecurring adoption expenses described in section 473(a)(1)(B)(i); or

"(3) any other arrangement (other than respite care) that provides for the care of any child outside the home of the child.

"(c) PENALTY FOR MISUSE OF FUNDS.—Taking into account the results of any independent third party audit of State expenditures of amounts paid under this part, if any State has expended any such amount during a fiscal year in violation of subsection (b), the Secretary shall reduce, by such amount, the amount that would otherwise be paid to the State under this part for the immediately succeeding fiscal year.

"(d) ADMINISTRATION.—Notwithstanding any other provision of law—

"(1) the Secretary may not prescribe the manner in which States are to comply with the provisions of this part;

"(2) the Secretary may not, except as provided in section 205(d) of the State Initiatives in Child Welfare Act of 1992, conduct any review of State activities under this part; and

"(3) the Secretary may not withhold, suspend, or deny any payment under this part with respect to a State expenditure, unless an independent third party audit shows that the expenditure was not made in compliance with applicable requirements or assurances.".

(b) COORDINATION WITH STATE PLANS FOR CHILD WELFARE SERVICES.—Section 422(b) of such Act (42 U.S.C. 622(b)) is amended—

(1) in paragraph (1), by inserting "and will administer or supervise the administration of the activities of the State under part C of this title," before "and (B)";

(2) in paragraph (2), by inserting "under part C of this title," before "and under";

(3) in paragraph (3), by inserting ", and, if applicable, with respect to day care services under part C of this title" before the comma;

(4) in paragraph (5), by inserting "with respect to this part and part C," before "contain"; and

(5) in paragraph (8), by inserting ", with respect to this part and part C," before "such reports".

(c) CONFORMING AMENDMENTS.—

(1) Section 474(a) of such Act (42 U.S.C. 674(a)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3).

(2) Section 473(a)(6) of such Act (42 U.S.C. 673(a)(6)) is amended—

(A) by striking "(6)(A)" and inserting "(6)"; and

(B) by striking subparagraph (B).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1992, and shall apply to payments for fiscal years 1993, 1994, 1995, 1996, and 1997.

(e) SUNSET.—Effective October 1, 1997—

(1) title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended by striking part C;

(2) section 422(b) of such Act (42 U.S.C. 622(b)) is amended—

(A) in paragraph (1), by striking "and will administer or supervise the administration of the activities of the State under part C of this title,";

(B) in paragraph (2), by striking "under part C of this title,";

(C) in paragraph (3), by striking ", and, if applicable, with respect to day care services under part C of this title";

(D) in paragraph (5), by striking "with respect to this part and part C,"; and

(E) in paragraph (8), by striking ", with respect to this part and part C,";

(3) section 474(a) of such Act (42 U.S.C. 674(a)) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the matter stricken by section 101(c)(1)(A) of this Act; and

(4) section 473(a)(6) of such Act (42 U.S.C. 673(a)(6)) is amended—

(A) by striking "(6)" and inserting "(6)(A)"; and

(B) by adding after and below the end the matter stricken by section 101(c)(2)(B) of this Act.

TITLE II—FEDERAL OVERSIGHT AND TECHNICAL ASSISTANCE

SEC. 201. CHILD PROTECTIONS AND STATE ASSURANCES.

(a) STATE PROVISION OF CHILD WELFARE SERVICES.—

(1) STATE PLAN REQUIRED TO PROVIDE FOR FOSTER CARE PROTECTIONS.—

(A) IN GENERAL.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(i) by striking "and" at the end of paragraph (7);

(ii) by striking the period at the end of paragraph (8) and inserting "; and"; and

(iii) by adding at the end the following:

"(9) provide that the State must—

"(A) conduct or have conducted an inventory of all children who have been in foster care under the responsibility of the State for a period of 6 months preceding the inventory, and determine or have determined—

"(i) the appropriateness of, and necessity for, the foster care placement;

"(ii) whether the child can or should be returned to the parents of the child or should be freed for adoption; and

"(iii) the services necessary to facilitate either the return of the child or the placement of the child for adoption or with a legal guardian; and

"(B) implement and operate—

"(i) a statewide information system from which the status, demographic characteristics, location, and goals for the placement of every child who is in foster care, or who has been in such care within the preceding 12 months, can be readily determined;

"(ii) a case review system (as defined in section 475(5)) for each child receiving foster care under the supervision of the State;

"(iii) a service program designed to help children—

"(I) where appropriate, return to families from which they have been removed; or

"(II) be placed for adoption or with a legal guardian; and

"(iv) a preplacement preventive service program designed to help children remain with their families.".

(B) CONFORMING AMENDMENTS.—

(i) Part B of title IV of such Act (42 U.S.C. 620 et seq.) is amended by striking section 427.

(ii) Section 423(a) of such Act (42 U.S.C. 623(a)) is amended by striking "and in section 427".

(iii) Section 425(a)(2) of such Act (42 U.S.C. 625(a)(2)) is amended by inserting "to comply with section 422(b)(9) or" before "to comply".

(iv) Section 472(d) of such Act (42 U.S.C. 672(d)) is amended by striking "427(b)" and inserting "422(b)(9)".

(C) CONSTRUCTION OF PARAGRAPH.—The amendments made by this paragraph shall not be construed to permit any State to interrupt the provision of the foster care protections described in section 427 of the Social Security Act, as in effect immediately before the enactment of this Act.

(2) STATE PLAN REQUIRED TO CONTAIN CERTAIN CERTIFICATIONS AND ASSURANCES.—Section 422(b) of such Act (42 U.S.C. 622(b)), as amended by paragraph (1)(A) of this subsection, is amended—

(A) by striking "and" at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting "; and"; and

(C) by adding at the end the following:

"(10) contain—

"(A) a certification that the payments made to the State to carry out the State plan will be used by the State in accordance with this part; and

"(B) assurances from the chief executive officer of the State that the State will comply with paragraph (9) for the fiscal year; and

"(C) a certification that, not less frequently than every 2 years, the State will audit the expenditures of amounts paid to the State under this part.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1992, and shall apply to payments under part B of title IV of the Social Security Act for fiscal year 1993 and to such payments for any succeeding fiscal year.

(b) STATE PROVISION OF FOSTER CARE AND ADOPTION ASSISTANCE.—

(1) STATE PLAN REQUIRED TO CONTAIN CERTAIN CERTIFICATIONS AND ASSURANCES.—Section 471(a) of such Act (42 U.S.C. 671(a)) is amended—

(A) by striking "and" at the end of paragraph (16);

(B) by striking the period at the end of paragraph (17) and inserting "; and"; and

(C) by adding at the end the following:

"(18) contain—

"(A) a certification that the payments made to the State to carry out the State plan will be used by the State in accordance with this part; and

"(B) a certification that, not less frequently than every 2 years, the State will audit the expenditures of amounts paid to the State under this part.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1992, and shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1993 and to such payments for any succeeding fiscal year.

SEC. 202. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall provide or broker technical assistance to States on any aspect of child welfare, including program improvement, financial management, research, automated data systems, State laws and court procedures, and any other matter that the Secretary deems appropriate. Where possible, the Secretary is encouraged to facilitate the provision of technical assistance between and among States.

(b) FUNDING.—0.5 percent of the sum made available pursuant to section 440(b) of the Social Security Act for any fiscal year shall be available to the Secretary of Health and Human Services to carry out subsection (a).

SEC. 203. MORATORIUM ON CHILD PROTECTION REVIEWS AND ON DISALLOWANCES AND DEFERRALS UNDER PART B OF TITLE IV OF THE SOCIAL SECURITY ACT.

The Secretary of Health and Human Services shall not, before the end of the 2-year period that begins on the date of the enactment of this Act—

(1) conduct any review of State compliance with section 427 of the Social Security Act (as in effect immediately before the enactment of this Act) or section 422(b)(9) of the Social Security Act, except to the extent necessary to comply with section 205(b) of this Act; or

(2) disallow, or take any deferral action with respect to, any expenditure under part B of title IV of the Social Security Act.

SEC. 204. COMMISSION ON CHILD WELFARE ACCOUNTABILITY.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Commission on Child Welfare Accountability" (in this section referred to as the "Commission").

(b) DUTIES.—Within 2 years after the date of the enactment of this section, the Commission—

(1) shall recommend to the Congress and the Secretary of Health and Human Services methods by which the Federal government can better ensure the protection of children referred to State child protective services programs and the accountability of such programs; and

(2) in developing such recommendations—

(A) shall examine the protections described in section 427 of the Social Security Act (as in effect immediately before the enactment of this Act) and the technical review procedures used to ensure the provision of such protections; and

(B) on the basis of such examination, the reports required by subsections (c) and (d) of section 205 of this Act, and the hearings and investigations of the Commission, shall develop a detailed outline of a plan by which—

(i) States can provide the types of protections described in such section 427; and

(ii) the Federal Government can ensure, without undue interference in State programs, that such protections are provided; and

(3) shall include with such recommendations the determination of the Commission as to whether a performance-based review system is feasible and desirable, and if so, how such a system should be established and integrated with the data reporting system required by section 479 of the Social Security Act.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—Within 3 months after the date of the enactment of this section—

(A) the Chairman of the Committee on Ways and Means of the House of Representatives shall appoint 2 members to the Commission;

(B) the ranking minority member of the Committee on Ways and Means of the House of Representatives shall appoint 2 members to the Commission;

(C) the Chairman of the Committee on Finance of the Senate shall appoint 2 members to the Commission;

(D) the ranking minority member of the Committee on Finance of the Senate shall appoint 2 members to the Commission; and

(E) the Secretary of Health and Human Services shall appoint 2 members to the Commission.

(2) TERM OF OFFICE.—Each member shall be appointed for the life of the Commission.

(3) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) COMPENSATION OF COMMISSION MEMBERS.—

(1) NO PAY FOR COMMISSION MEMBERS.—Except as provided in paragraph (2), members may not receive pay, allowances, or benefits by reason of their service on the Commission.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) PROCEDURE.—

(1) QUORUM.—6 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(2) CHAIR.—The Chair of the Commission shall be elected by the members.

(3) MEETINGS.—The Commission shall meet at the call of the Chair or of a majority of the members.

(f) STAFF.—Subject to rules prescribed by the Commission, the Commission may appoint and fix the pay of such personnel as it considers appropriate.

(g) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commission, the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(h) POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at such times and places, take such testimony, and receive such information as the Commission considers appropriate.

(2) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. On request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(3) ACCEPTANCE OF GIFTS.—The Commission may accept, use, and dispose of gifts of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts of money and proceeds from sales of other property received as gifts shall be deposited in the Treasury and shall be available for disbursement upon order of the Chair of the Commission or of the Commission.

(i) TERMINATION.—The Commission shall terminate 2 years after the date of the enactment of this section.

(j) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $1,000,000 in the aggregate for fiscal years 1993 and 1994.

SEC. 205. REPORTS ON STATE CHILD WELFARE PROGRAMS.

(a) STATE REPORTS ON SECTION 427 PROTECTIONS.—Within 9 months after the date of the enactment of this Act, each State shall transmit to the Secretary of Health and Human Services and the Commission on Improvement of Child Protective Services Programs a report outlining the efforts that the State has made to ensure the uninterrupted provision of the protections of section 427 of the Social Security Act (as in effect immediately before the enactment of this Act).

(b) HHS RECOMMENDATIONS TO COMMISSION.—Within 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall transmit to the Commission on Child Welfare Accountability a report that, among other things—

(1) discusses the characteristics of successful child welfare programs, common problems that States encounter in conducting such programs, and model practices that meet the needs of children and families while protecting children;

(2) discusses the strengths and weaknesses of the procedures used in providing the protections described in section 427 of the Social Security Act (as in effect immediately before the enactment of this Act), and of the audits required pursuant to part E of title IV of such Act;

(3) discusses the use of data on child and family outcomes after receiving services, as an integral part of an accountability system;

(4) recommends a new accountability system which would ensure that appropriate services are provided for children in a timely manner, and would guarantee the protection of children; and

(5) discusses the relationship that would exist between such recommended child welfare accountability system and the data reporting requirements of section 479 of the Social Security Act.

TITLE III—CREATING RELIABLE INFORMATION ON CHILD WELFARE

SEC. 301. ANNUAL STATE DATA REPORTS.

Section 479(b)(2) of the Social Security Act (42 U.S.C. 679(b)(2)) is amended—

(1) in the first sentence, by striking "December 31, 1988" and inserting "June 1, 1993"; and

(2) in the second sentence, by striking "1991" and inserting "1993".

SEC. 302. DEMONSTRATION PROJECTS TO IMPROVE THE PROVISION OF CHILD WELFARE, FOSTER CARE, AND ADOPTION ASSISTANCE SERVICES.

(a) IN GENERAL.—In order to grant States the flexibility and resources necessary to develop innovative policies and appropriate service networks to preserve and strengthen families with children at risk of needing placement outside their home, to reunite children with their families in a timely fashion if an out-of-home placement is found to be necessary, and to place children in adoptive homes or other permanent arrangements in a timely fashion if reunification with their families is impossible, and to provide for the evaluation of innovative State programs and the assessment of the impact of such programs on children and families, the Secretary of Health and Human Services (in this section referred to as the "Secretary") may authorize not more than 10 States to conduct demonstration projects, which may be carried out throughout the State or in limited areas of the State, in accordance with this section.

(b) CONSIDERATION OF APPLICATIONS.—The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this section.

(c) CONTENTS OF APPLICATIONS.—

(1) GENERAL RULES.—Each application by a State to conduct a demonstration project under this section shall—

(A) propose a project designed to—

(i) provide extensive assistance to families which have problems that may lead to the removal of a child from the family;

(ii) promote the treatment of family problems leading to the reunification of children with their families in a timely fashion after the time it becomes necessary to temporarily remove the child from the family;

(iii) facilitate the timely and permanent placement of children who are in foster care or who have been abandoned at or shortly after birth; or

(iv) address any combination of the matters described in clauses (i), (ii), and (iii), and other child welfare services issues; and

(B) contain a commitment by the State to plan the project during fiscal year 1993 and carry out the project during the 5-year period beginning with fiscal year 1994.

(2) PROJECTS FOCUSING ON PROVIDING CHILD WELFARE SERVICES TO FAMILIES.—Each application by a State to conduct a demonstration project under this section of the type described in paragraph (1)(A)(i) shall outline the services and procedures the State will offer to prevent family dissolution whenever possible. In addition, each such application by a State shall include the following:

(A) CASE PLANS.—A case plan, written in collaboration with the child's parents, to ensure that intervention includes assistance for all members of the family, including fathers.

(B) MEASURES TO INFORM FAMILIES ABOUT HOW TO MAINTAIN PROGRESS TOWARD SOLVING PROBLEMS THAT CAUSED REFERRAL.—A description of the measures to be employed by the State to ensure that families are informed about what they must do to maintain satisfactory progress in solving the problems that caused the family situation to be reported to the State.

(C) MEASURES TO KEEP SINGLE PARENTS REQUIRING DRUG OR ALCOHOL TREATMENT WITH THEIR CHILDREN.—A description of the measures to be employed by the State to keep single parents and their young children together while the single parent participates in required drug or alcohol treatment.

(D) DRUG AND ALCOHOL TREATMENT PLAN.—A plan to ensure that appropriate drug and alcohol treatment programs are made available to parents who are substance abusers.

(E) PLAN TO COORDINATE FAMILY WELFARE FUNDING AND SERVICES.—A plan to coordinate the funding of, and the services and benefits provided under the following:

(i) The State's child welfare services program carried out under the State plan approved under part B of title IV of the Social Security Act.

(ii) The maternal and child health block grant program under title V of such Act.

(iii) The job opportunities and basic skills training program carried out pursuant to section 402(a)(19) and part F of title IV of such Act.

(iv) Medical assistance furnished to pregnant women and children under the State plan approved under title XIX of such Act.

(v) The drug treatment programs of the State.

(vi) The mental health services programs of the State.

(vii) Any new services for children and families that the State deems necessary to meet the needs of all family members in order to carry out the purposes of this section.

(viii) Such other programs as the State deems appropriate.

(F) INTERPRETATION OF "REASONABLE EFFORTS".—A statement that the State does not interpret section 471(a)(15) of the Social Security Act as limiting the authority of the State to—

(i) where appropriate, immediately place children in foster care; or

(ii) initiate procedures to terminate in a timely manner the parental rights of the parents of foster children.

(3) FAMILY REUNIFICATION PROJECTS.—Each application by a State to conduct a demonstration project under this section of the type described in paragraph (1)(A)(ii) shall include the following:

(A) DESCRIPTION OF PROPOSED PROCEDURES TO ASSIST FAMILY REUNIFICATION.—A description of how the State will—

(i) design a treatment plan for solving the family problems that led to removal of the child;

(ii) involve all family members in executing the plan;

(iii) coordinate the programs and resources necessary to effectively solve the problem that led to removal of the child;

(iv) reunify the child with the family as soon as is appropriate; and

(v) implement administrative and judicial review of foster care and for termination of parental rights, and any planned changes to such procedures that would ensure timely hearings and decisions leading to permanent placements in a timely fashion.

(B) REASONS WHY PROPOSED PROCEDURES WOULD RESULT IN EARLIER FAMILY REUNIFICATION.—A discussion of why the particular procedures proposed in the application would be likely to result in earlier family reunification than is achieved under the present policies and procedures of the State.

(4) PERMANENT PLACEMENT PROJECTS.—Each application by a State to conduct a demonstration project under this section of the type described in paragraph (1)(A)(iii) shall describe how the State will expeditiously permanently place children who are in foster care, are boarder babies, or have been abandoned at or shortly after birth, and other children whose parents are addicted to drugs or have other characteristics that render them unfit as parents. In addition, each such application by a State shall include the following:

(A) PROCEDURES FOR FOSTER CARE REVIEW AND TERMINATION OF PARENTAL RIGHTS.—A description of the procedures in effect in the State for administrative and judicial review of foster care and for termination of parental rights, and any planned changes to such procedures that would ensure timely hearings and decisions, including procedures that would achieve permanent placement of children in foster care within 2 years, and of boarder babies before they attain the age of 4 months.

(B) INTERPRETATION OF "REASONABLE EFFORTS".—A statement that the State does not interpret section 471(a)(15) of the Social Security Act as limiting the authority of the State to—

(i) where appropriate, immediately place children in foster care; or

(ii) initiate procedures to terminate in a timely manner the parental rights of the parents of foster children.

(5) PROJECTS ADDRESSING OTHER CHILD WELFARE ISSUES.—Each application by a State to conduct a demonstration project under this section of the type described in paragraph (1)(A)(iv) shall describe a project designed to test an innovative approach to any number of significant child welfare services issues, including—

(A) avoiding out-of-home placements;

(B) achieving speedy reunification of families from which it has been necessary to remove a child;

(C) reducing the time it takes to permanently place children who have been removed from their families;

(D) permitting children to stay at home, or be quickly returned home, while their parents receive treatment for substance abuse;

(E) identifying risk factors which would allow child welfare agencies to identify and treat families that are likely to have children who require protective services; or

(F) any combination of the service issues described in this paragraph.

(d) ADMINISTRATIVE PROVISIONS.—Within 12 months after the date of the enactment of this section—

(1) the Secretary shall prepare and transmit to each State a detailed explanation of the requirements for participation in the demonstration program established by this section;

(2) any State interested in conducting a demonstration project under this section shall transmit to the Secretary a letter of intent containing a tentative description of the project; and

(3) the Secretary shall approve not more than 10 applications which meet the applicable requirements of subsection (c), 1 from each of 10 different States.

(e) GRANTS.—

(1) ELIGIBLE RECIPIENTS.—The Secretary shall make grants in accordance with this subsection to each State whose application to conduct a demonstration project under this section is approved by the Secretary, in accordance with a contract prepared by the Secretary (in consultation with the entity or entities selected pursuant to subsection (f)) which specifies the duties of the Secretary, the State, and the entity selected to evaluate the project in achieving the purpose described in subsection (a).

(2) ANNUAL GRANTS.—The Secretary shall make grants to States under this subsection for each fiscal year for which the State is authorized to conduct a demonstration project under this section.

(3) AMOUNT OF GRANTS.—The amount of each grant to be made under this subsection to a State for a fiscal year shall be an amount equal to 15 percent of the amounts paid to the State for the fiscal year pursuant to section 423 of the Social Security Act.

(4) USE OF GRANTS.—Each State which receives funds under this section may use such funds to improve the provision of child welfare, foster care, and adoption assistance services in any manner that the State deems appropriate.

(f) EVALUATION OF DEMONSTRATION PROJECTS.—

(1) SELECTION OF EVALUATING ENTITY.—The Secretary shall—

(A) publish in the Commerce Daily a request for applications from entities that are capable of, and interested in performing the functions described in paragraph (2) of this subsection; and

(B) in time for such an entity to meaningfully participate in the development of contracts under subsection (e)(1), enter into a contract with 1 or more entities to perform such functions.

(2) FUNCTIONS OF EVALUATING ENTITY.—The functions of the entity or entities selected by the Secretary pursuant to paragraph (1) are—

(A) to assist the Secretary and the States in devising a detailed plan for the evaluation of demonstration projects conducted under this section;

(B) to prepare in accordance with paragraph (3), and submit to the Secretary, with respect to each such project—

(i) interim reports that evaluate the costs and benefits of the project; and

(ii) a final report that—

(I) describes in detail, and documents, the ways in which the project has changed the provision of preventive services, child welfare, foster care, reunification services, or adoption assistance services in the State; and

(II) evaluates the costs and benefits of the project.

(3) EVALUATION REQUIREMENTS.—In evaluating a demonstration project conducted by a State under this section, the entity or entities selected by the Secretary to perform the evaluation shall—

(A) collect such information as may be necessary to analyze the impact of the project on—

(i) foster care placement rates;

(ii) child development and behavior (including academic performance, intellectual development, and health); and

(iii) family relationships;

(B) collect such other information on outcomes as the Secretary or the State deems appropriate; and

(C) use currently acceptable scientific methods.

(4) DUTY OF STATES TO PROVIDE INFORMATION.—Each State which conducts a demonstration project under this section shall provide the entity or entities selected by the Secretary to evaluate the project with such information with respect to the project and the State programs carried out pursuant to parts B and E of title IV of the Social Security Act as the entity or entities may request under the contract described in subsection (e)(1) entered into by the Secretary, the entity, and the State.

(5) COSTS OF EVALUATIONS.—The Secretary shall pay the costs incurred during each fiscal year by any State in assisting the evaluation of the demonstration project conducted by the State under this section, that are not attributable to the collection or reporting of data under the data collection system contained in final regulations promulgated pursuant to section 479 of the Social Security Act.

(g) COST NEUTRALITY.—The Secretary may not approve an application of a State for a demonstration project under this section unless the Secretary and the State have agreed on a method to limit Federal reimbursement for maintenance payments for foster care and adoption assistance under part E of title IV of the Social Security Act and Federal financial participation under the State plan under title XIX of such Act for families affected by the project in each fiscal year of the project to aggregate amounts no greater than the aggregate amounts that would have been paid by the Federal Government in the year for such reimbursement and participation in the absence of the project.

SEC. 303. ANALYSIS OF STATE DATA ON FOSTER CARE DYNAMICS.

(a) STUDIES.—The Secretary of Health and Human Services shall conduct studies to analyze State data on the administration of foster care and adoption programs, that are designed to focus on describing caseload dynamics, changes in rates at which infants and adolescents are placed, and changes in rates at which children are placed in the care of relatives. The Secretary may use such portion of the amounts appropriated to carry out this subsection as the Secretary deems appropriate to induce States to cooperate in the conduct of such studies.

(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For studies under subsection (a), there are authorized to be appropriated to the Secretary of Health and Human Services not to exceed $4,000,000 for each of fiscal years 1993, 1994, 1995, 1996, and 1997.

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] will be recognized for 5 minutes, and a Member in opposition to the motion to recommit will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, the vote on the motion to recommit presents Members with a simple choice: Support an $8.2 billion tax increase to create new entitlement programs more bureaucracy, more categorical programs, more rules, more regulations, and more committees and commissions.

In other words, a classic tax-and-spend plan to increase the size of Government.

Or you can support an approach that reduces bureaucracy, reduces rules and regulations, brings flexibility and decisionmaking to the local level, provides money for services to families—and does not raise taxes one dime.

Because of the ill-advised partisan decision of the Rules Committee to block the Johnson-Weldon amendment from reaching the floor, the only chance for House Members to support the bipartisan alternative, which has the committed support of 29 Democrat Members of this body, is on the motion to recommit.

And it is a bipartisan approach, unlike the blatantly political document the majority leadership is insisting upon.

NANCY JOHNSON, CURT WELDON, FRED GRANDY, BILL EMERSON, ROBERT ANDREWS, BILL SARPALIUS, and LIZ PATTERSON—a highly respected, dedicated, group of Members of this House—have done an excellent job of fashioning this responsible alternative. They have worked very, very hard, and I am privileged to offer the motion to recommit on their behalf.

In cooperation with the administration, they have developed an innovative, effective approach of helping the Nation's abused and neglected children and their families.

Here is how they do it:

According to CBO, we are already planning to spend $17.9 billion on foster care and adoption over the next 5 years.

This amount includes about $6 billion in new money above the 1992 baseline; The Johnson-Weldon, and others, alternative would take over $8 billion of this money and provide it for States to spend as they best see fit on child welfare.

□ 1300

This proposal would convert four categorical entitlement programs into one entitlement program over which States would have almost complete control thereby dramatically reducing paperwork and administrative complexity while at the same time allowing States to use the money to help families directly.

In other words, it seeks to make child welfare programs better—not just bigger and more inefficient. We want precious tax dollars to help children—not new Federal bureaucracies.

Most important for legislators responsible for reducing our $400 billion deficit, the Johnson-Weldon bill accomplishes all these goals without spending any more money than is already in the baseline.

I urge Members to support the motion to recommit. It is our only chance to avoid new taxes and new spending while supporting true reform of the welfare system.

It is the only sure opportunity to see that more resources go to help children, because the President will sign it into law.

Vote "yes" on the motion to recommit.

Mr. DOWNEY. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, I began the balanced budget movement 16 years ago. I do not think you should spend more than you take in, but I think you should spend what you take in on necessities, not junk at jewelry prices for White House-favored contractors.

Hoosier Abe Martin said it, "There is always plenty of money for everything but the necessities."

Mr. DOWNEY. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I rise in opposition to the motion to recommit.

Whatever the arguments may be with regard to the child preservation section of this bill, I want to remind Members that this substitute cuts off all funding for the Mickey Leland Hunger Relief Act. It provides no reforms in that area, does not even talk about reforms. It simply says we are going to eliminate the nutrition element of this bill.

So what it says to 5 million hungry children, what it says to 12 million at-risk children in this country, what it says to the 50 percent of the food stamp recipients who are children, is wait in line. Wait in line behind the Russians. Wait in line behind the space station. Wait in line behind the super collider. Wait in line behind everything. Wait for next year. We will take care of you some time down the road.

The provisions of this bill are reforms. They deal with the penalties we

now apply to those who pay high shelter costs and lose their benefits, who get their child support payments and lose their benefits. Those are the reforms we have, and there is no objection to the provisions of this bill.

To wipe it out with this motion to recommit is essentially to say to the children of this country, forget good nutrition, forget the fact that you are hungry, and the ultimate consequence is that we forget that lost generation of our time, the children who are paying the highest price for our forgetfulness.

Mr. RANGEL. Mr. Chairman, as a member of the Ways and Means Committee, and as chairman of the House Select Committee on Narcotics Abuse and Control, I am pleased to rise in support of H.R. 3603, the Family Preservation and Childhood Hunger Relief Act of 1992. I commend my colleague from New York and the Ways and Means Committee, Mr. DOWNEY, for his efforts in developing this legislation which makes important strides in meeting the needs of families in crisis due to substance abuse.

Mr. Chairman, the epidemic of drug abuse that has swept our Nation in the past decade fueled by cocaine and crack, and the alarming spread of AIDS related to drug use, has had a devastating impact on our children and families and placed intolerable strains on child welfare and other social agencies. The failure to make drugs a top national priority is costing us $300 billion annually in added expenditures for social services, lost productivity and lost revenues.

The upsurge in recent years in the numbers of children placed in foster care and boarder babies remaining in hospitals after being medically cleared for discharge is a direct reflection of illegal drug use in our Nation, especially among parents of young children. Unfortunately, the foster care system in most cities is so overburdened that they have neither the money nor the personnel to deal with these childrens' needs adequately.

The Child Welfare League estimates that over 400,000 children are currently in foster care, an increase of 50 percent over 5 years ago—50 percent of all foster care cases involve children under 6, and one-third of children placed in foster care are children of drug abusers. The annual cost for a child in foster care ranges from $13,000 to $36,000.

In New York City, 30 to 50 percent of drug-exposed infants go into foster care; between 1980 and 1989, the number of babies born to substance abusing mothers increased 400 percent. An estimated 14,000 babies will be born to addicted mothers in New York in the coming year.

A recent survey of 72 hospitals in 12 U.S. cities found that over 600 infants a month where boarder babies in these few hospitals, and that 85 percent were prenataly exposed to drugs or alcohol. The average daily boarding cost for each infant was $805, and the total yearly cost for boarder babies at just these hospitals may well exceed $34 million a year.

The association between child abuse and neglect and illegal drugs is also well established. Parental drug use is now found in the majority of child abuse cases.

Reports of child abuse or neglect in the 1980's increased 226 percent to 2.4 million in 1989.

New York City's Child Welfare Administration estimates that 25 percent of all child abuse and neglect cases involve parental substance abuse. This means that 18,000 children a year enter foster care because their parents use drugs.

A recent study in Boston found that 64 percent of all child abuse cases involved illicit drugs.

The twin epidemics of AIDS and drugs is also destroying families and creating added demands on child welfare and social services agencies. Nearly 60 percent of children infected with AIDS were born to mothers who were intravenous [IV] drug users or the sexual partners of IV drug users. In New York City, IV drug users account for at least half of all newly diagnosed AIDS cases, and the city's health department estimates that by the end of this decade, as many as 50,000 children will lose one or both parents to AIDS.

In the face of this crushing impact of substance abuse on families, children and society, a major purpose of H.R. 3603 is to promote and support expanded and innovative State family preservation services, with an emphasis on families in crisis due to drug or alcohol abuse. H.R. 3603 would establish a new, capped entitlement program under title IV–B of the Social Security Act, in addition to the existing authorization of $325 a year, for child welfare services designed to strengthen and improve families, including substance abusing families. Basic entitlement amounts would increase from $200 million in 1993 to $600 million in 1997, with adjustments for inflation after that.

The purpose of this new entitlement is to assist States in providing expanded, comprehensive and flexible services to preserve families when possible and avoid unnecessary foster care and out-of-home placements. I am particularly pleased that the bill requires States to use a part of their funds to develop or expand specialized child welfare programs targeted to families in crisis due to substance abuse that emphasize comprehensive services and are geared to the whole family. States are also encouraged to expand services for pregnant women and programs that allow mothers, or other caretaker relatives, to reside with their children while receiving services or treatment. At present, treatment for pregnant and postpartum substance abusing women and their children is woefully inadequate although the costs of drug exposed babies and continued maternal drug abuse far exceeds the costs of treatment. To receive their share of this new entitlement, each State must submit each year a plan which, among other things, assesses the need for substance abuse treatment services for families with children at risk of being placed outside the home, describes programs available to meet the needs of such families, and includes a certification from the Governor that State substance abuse treatment and child welfare services programs are coordinated.

The bill also permits States to conduct comprehensive service projects under which a State may use title IV–E foster care funds and title IV–B child welfare funds flexibly to address family problems and reduce foster care and other out-of-home placements. Any State intending to conduct such a comprehensive services project must submit a plan and timetable for implementing, among other things, a comprehensive services program designed to include, at a minimum, access to substance abuse treatment parenting education, health, mental health, crisis management and counseling services.

Such efforts to provide comprehensive family preservation and foster care prevention services are not only good social policy but also highly cost-effective. For example, New York City's Family Rehabilitation Program provides drug treatment and intensive foster care prevention to families whose children are at risk of being placed in foster care due to their parents' substance abuse. This program costs $15,000 per family compared to average foster care costs of $120,000 in city, State and Federal funds. The program has proven successful for 7 out of 10 families served and by 1996 could save as much as $290 million in foster care costs. H.R. 3603 would allow even more families to be helped.

For children who must be removed from their homes, the bill makes needed improvements in existing foster care and adoption programs to speed placements and help foster and adoptive families cope with the added burdens that may be involved in caring for child who may have special needs due to drug exposure. For example, the bill extends foster care and adoption assistance under title IV–E to abandoned children and children living outside the home before entering foster care. It also extends adoption assistance under title IV–E to children with special needs such as certain drug-exposed infants who are at high-risk for medical conditions or other handicaps or children whose handicaps manifest themselves after adoption. In this regard, it needs to be kept in mind that 1 in 10 children born in the United States is born to a substance abusing mother and that 70 percent of drug-exposed infants show no symptoms at birth but may have developmental problems later on. The bill also authorizes respite care for foster parents of special needs children.

H.R. 3603 includes a number of measures that will help us to better address the multiple needs of children and families scarred by substance abuse. By facing up to these problems, we cannot only save lives but also begin to save the enormous social costs we are paying for the drug epidemic. I urge my colleagues to support this important measure.

Mr. McMILLEN of Maryland. Mr. Chairman, I rise today in support of H.R. 3603, the Family Preservation and Hunger Relief Act. This bill seeks to promote the preservation of families by improving the quality and delivery of child welfare, foster care, and adoption services. Recent State initiatives to provide in-home services clearly show that rehabilitating a family is more effective and cost efficient than removing a child from the home environment to receive services elsewhere. Because this bill channels Federal assistance toward keeping families together, it is not only good policy, but a solid financial investment. In addition, I am enthusiastic that H.R. 3603 seeks to address the needs of abused and neglected children and families where alcohol or drugs

are present as this is a problem which has, unfortunately, been on the rise.

By imposing a 10-percent surtax on millionaires and billionaires, this legislation will raise sufficient revenues to not only pay for this bill in a fiscally responsible way, but also to decrease our Federal deficit. H.R. 3603 will reduce the deficit by $1.2 billion over 5 years. It is essential that the wealthiest of Americans help with the Nation's biggest priorities, decreasing the deficit and helping children.

Do we need increased Federal resources for the kinds of programs targeted by this bill? You bet we do. Statistics show that approximately 5 million children in the United States under the age of 12 are hungry during the year. This situation is completely unacceptable. This bill contains important provisions that would alleviate childhood hunger by expanding eligibility for the Food Stamp Program and increasing benefit levels. How can we deprive our children and families of such a basic necessity of life? Anyone who thinks this is a waste of money is woefully out of touch.

This bill gives Congress the opportunity to assist in strengthening family values by providing services that allow families to stay together during their most troubling times and by assisting in their rehabilitation. This bill also allows us to invest in our most valuable resource, our children. By giving them every opportunity to grow up in a stable family environment, we give them the best possible chance to lead happy, healthy, and productive lives. The only way that America is going to remain competitive in the world economy is by making wise investments, this is one of them. It is time that we stood up for what we believe in and identify our priorities. Our children have been short-changed, and I am voting today to say it is time for children to come first.

Mr. MAZZOLI. Mr. Chairman, I rise in strong support of H.R. 3603, the Family Preservation/Mickey Leland Childhood Hunger Relief Act of 1992, and I am most proud to be a cosponsor of this legislation.

In this political season, the rhetoric about family values has risen to a crescendo, but unfortunately that crescendo is but shrill and hollow music in the ears of the families and the children of America. Today, we have an opportunity to match the rhetoric of family values with real world, concrete measures designed to improve the lot of families, and to truly contribute to family values.

This bill reflects the hard work of the gentleman from New York [Mr. DOWNEY] and the gentleman from California [Mr. PANETTA]. I commend their outstanding efforts. It is a consolidation of two types of programs: one aimed at preserving families; the other to eradicate childhood hunger.

According to a recent Washington Post article, a fourth of all U.S. children now live with a single parent, and 60 percent will spend at least part of their childhood in a single parent home. From 1985 to 1989, the percentage of single parent households in the United States rose by 15 percent alone.

Furthermore, statistics based on the 1990 Census indicate that childhood poverty rates rose even during the booming 1980's. The number of children living in poverty rose in 33 States during that period, including my State of Kentucky, where a full quarter of the Commonwealth's children now live in poverty, up from 21 percent 10 years ago. In Jefferson County, KY, the childhood poverty rate rose from 16.5 percent to 20.4 percent. In the city of Louisville, the proportion of children in poverty rose from 28 to 35 percent during that 10-year period.

By and large, single parents do an admirable job—against great odds—in raising and nurturing their families. But, it is undeniable that children need both parents for their full development and formation. H.R. 3603 addresses this reality.

And, my friend, the distinguished Governor of Kentucky, Brereton Jones, addressed this point in testimony a few weeks ago before the U.S. Senate in which he emphasized the need to maintain whole, self-sustaining families as the basis for Federal and State social welfare programs.

FAMILY PRESERVATION

Recent studies have shown that the past few years have seen a 50 percent increase in the number of children in foster care nationwide. The provisions of H.R. 3603 increase funding for counseling and family preservation programs at the State and local levels. These programs will help keep families intact and avoid foster care for the children of at-risk families.

In a related matter, I am proud to report that the Family Preservation Program in my district in Jefferson County, KY, was the subject of a public broadcasting station documentary which aired this past spring. Jefferson County District Judge Richard Fitzgerald, who presides over the family court in Louisville, appeared in the documentary and discussed Jefferson County's successful program that involves a collaboration between Kentucky's Department for Social Services, Seven Counties Services, Inc., and the court system. It is most gratifying to see national recognition given for a program which is committed to keeping our families together and safe.

The Family Preservation Act also authorizes a $100 million increase in block grants to States for fiscal years 1993 and 1994 for social and child welfare services. And, it establishes a permanent Advisory Commission on Children and Families to serve as a central clearinghouse and repository for information on the economic and physical well-being of children and families.

CHILDHOOD HUNGER RELIEF

Naturally, the astoundingly high childhood poverty rates mean that many American children live lives where going hungry is the norm and not the exception. Most poor children are in families receiving food stamps and are part of households which tend to pay an extremely high percentage of their income for shelter, leaving little for the purchase of food. H.R. 3603 addresses is problem. It expands family eligibility for food stamps and increases their benefit levels.

The bill also authorizes a $70 million increase for fiscal year 1993 to purchase food for needy families under the Temporary Emergency Food Assistance Program [TEFAP].

Furthermore, H.R. 3603 makes tax changes designed to encourage the collection and payment of child support. And, the bill restructures the food stamp program so that it will not penalize families who receive basic child support payments but who, in doing so, disqualify themselves for food stamp eligibility.

Finally, all of these increases in Federal funding for social welfare services and childhood hunger relief are subject to the pay-as-you-go requirements of the 1990 Budget Act, and are paid for by a surtax on high-income persons.

Mr. Chairman, this is a well crafted and most needed bill for the sake of families and children. I am extremely happy that at long last the House will pass legislation that truly helps the American family, rather than only talking about helping the American family.

Ms. PELOSI. Mr. Speaker, I rise in strong support of H.R. 3603, the Children's Initiative. I would like to commend my colleagues Congressman TOM DOWNEY and Congressman LEON PANETTA for their hard work on behalf of the children of this Nation. This legislation which includes both the Family Preservation Act and the Mickey Leland Childhood Hunger Act is a tremendous effort toward alleviating childhood hunger and in helping keep families together.

The Family Preservation Act would encourage families to remain together by improving State child welfare services, strengthening Federal foster care and adoption assistance, and increasing the number of children and families who qualify for assistance. The Mickey Leland Childhood Hunger Relief Act would enlarge the Food Stamp Program by expanding eligibility and raising the benefit levels. This bill would pay for itself with a tax on the wealthiest individuals. H.R. 3603 would raise $7 billion over the next 5 years in aid and cut the deficit by $1.2 billion.

There is an overwhelming need for this legislation. Currently, 11.2 million children are living in poverty in the United States; that is one in every five children and one in every three children in the inner cities. It is a national travesty that these children are allowed to go without basic necessities such as food, clothing, health care, or adequate preparation for an education. What we can and must offer these children today is hope—hope that they can have a home and food and an opportunity for a better life.

Mr. Speaker, I urge my colleagues to vote for the Children's Initiative and help give children the fighting chance they deserve.

Mr. HOYER. Mr. Chairman, I rise today in support of H.R. 3603. I rise today on behalf of America's families. I rise today as an advocate for our children.

I rise today to urge each Member of this body to support H.R. 3603, because each one of us believes in family values, and because each one of us values families.

As a member of the House Appropriations Subcommittee on Labor, Health and Human Services and Education which funds the discretionary Federal child welfare and foster care services programs, I am well aware of the tremendous need for this legislation.

Two years ago, my amendment to the Labor, Health and Education appropriations bill providing $20 million for school-based and other programs for children of substance abusing parents was enacted, and has been included in each subsequent appropriations bill.

The program funds school-based, and public and nonprofit social services for these chil-

dren and their families. These funds are also available for program coordination and desperately needed training for the professionals who must intervene on behalf of these at-risk children.

The fact is that title IV–B which provides foster care services and which has been virtually frozen for the past 3 years, is a program which should serve these same children—children like the 6-year-old boy in Prince Georges County: Whose mother was a crack cocaine addict; whose home was a crack house; whose meals were either eaten at school or prepared by a neighbor, if he was lucky; a boy who was literally being robbed of his childhood.

But title IV–B has grown by only 1 percent in the past decade, in real terms.

These are our children, our future—how much longer can we afford to wait before we take action to save the next generation?

The young man of whom I spoke was a child with a parent, but a failed parent whose involvement with drugs destroyed her ability to care about or perform the most basic of parental responsibilities.

When the parent fails, the extended family, friends and neighbors step in. When there are no reasonable alternatives, it is the State which must protect our most valuable and most vulnerable asset—our children.

But the best place for a child is a nurturing home. Mr. Lawrence Cherry, a resident of Prince Georges County testified before the Labor, Health and Education Subcommittee this spring about how the funds funneled through the title IV–B Program helped hold his family together while he recovered from a serious drug problem. Today he is successfully fighting his addiction and his children live happily in the comfort and security of their own home with a loving parent.

It is important to note that had the State taken his children away, it would have cost approximately $20,000.

In general, it costs about one-third as much to maintain a child in his or her family home than to remove the child and place him or her in foster care.

In Mr. Cherry's case, instead of removing the children from the home, the Commission on Children, using the kind of bundled services that the Family Preservation Act encourages, helped Mr. Cherry get into a drug rehabilitation program, intervened with his landlord when he fell behind in his rent, purchased groceries, provided counseling and parenting training, and home visits. Where efforts to keep a family intact are futile or counterproductive, authorities ought to take swift and decisive action to protect and promote the interests of the child, including removing the child from the home. The bill earmarks up to $25 million for a grant program for State courts to assess foster care procedures and implement improvements.

But in most cases, including those where intervention is desperately needed, the social service system is too overburdened to respond.

H.R. 3603 embodies an effective approach for promoting and preserving families.

Over 80 percent of the children coming into the Prince Georges County Social Services Department come from drug abusing households.

In Calvert County, MD, there has been a one-third increase in referrals to protective services in a year.

In Charles County, MD, out of home care has grown in just over 6 years by 40 percent.

In St. Mary's County, the number of children in foster care jumped 37 percent from 1989 to 1991.

Federal spending to reimburse the State for maintenance payments for children in foster care is not limited.

But the system is overburdened, and the funds for providing the intensive services that help avoid out of home placements, are woefully inadequate. Nationally: 500,000 women of child bearing age use cocaine regularly; 550,000 to 740,000 drug-exposed infants are born each year; 2.7 million children are reported abused and neglected, for a 125-percent increase since 1980; and 1,400 children died from abuse or neglect in 1990 for a 54-percent increase in only the last 6 years.

This is one of the best opportunities we will have during the 2d session of the 102d Congress to prove that we value families—to put legislation firmly behind the American family—to make Federal policy profamily policy—to translate rhetorical flourish into concerted action.

One final word, Mr. Chairman—for those who would tell us that what we are doing here today does not reflect a willingness to make difficult choices.

Mr. Chairman, our Labor Health Appropriations Subcommittee provided an additional $25 million for title IV–B, but no one in this Chamber would argue that $300 million is enough to cope with the problem.

This bill should help reduce costs over time.

This legislation will help at-risk children and families.

This legislation will help keep families intact.

This legislation ought to pass this House overwhelmingly.

Mr. DOWNEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

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

I congratulate the gentleman for his work and associate myself with the remarks of the gentleman from California.

I rise in strong opposition to the motion to recommit and in strong support of this critically important and needed bill.

Mr. DOWNEY. Mr. Speaker, the gentlewoman from Connecticut [Mrs. JOHNSON] is an esteemed and valued member of our subcommittee, and in fact voted for this bill when it came out of committee. We have learned a great deal from her.

In our legislation and family preservation, we incorporate all the reforms that are talked about in the offer of the minority. We make sure that the States have the flexibility, but we do something that the minority does not do. We provide the resources to the States to do what needs to be done.

But do not take my word for it. Take the word of the Governor of Virginia, the Governor of Arkansas, the Governor of Oklahoma, the Governor of Texas, the Governor of Alabama, and the Governor of Florida. They love the idea of flexibility, but what they love even more and need even more is additional resources.

Let me read from an official from South Carolina:

> Given our current economic problems and an increasing caseload in our child welfare programs, we maintain that this legislation [the Family Preservation Act] is critical to the future of families and children in our State.

That is from South Carolina.

From Oklahoma:

> This legislation is urgently needed at a time when an escalating number of families are being torn apart, child abuse and neglect have reached epidemic proportions, and childhood hunger remans a national disgrace.

Should I go on? There is a big difference between the proposal of the minority and the proposal of the majority. They talk about the problem, and we do something about it.

Please vote against the motion to recommit.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the passage of the bill, following the vote on the motion to recommit.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 191, nays 230, not voting 13, as follows:

[Roll No. 371]

YEAS—191

Allard	Bunning	Cunningham
Allen	Burton	Dannemeyer
Andrews (NJ)	Byron	Davis
Archer	Callahan	DeLay
Armey	Camp	Dooley
Baker	Campbell (CA)	Doolittle
Ballenger	Carper	Dornan (CA)
Barrett	Chandler	Dreier
Barton	Clinger	Duncan
Bateman	Coble	Edwards (OK)
Bereuter	Coleman (MO)	Emerson
Bilirakis	Combest	English
Bliley	Condit	Erdreich
Boehlert	Coughlin	Ewing
Boehner	Cramer	Fawell
Broomfield	Crane	Fields

Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kaptur
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Orton
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Peterson (FL)
Petri
Pickett
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—230

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carr
Chapman
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hamilton
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Pickle
Poshard
Price
Rahall
Rangel
Reed
Richardson
Roe
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—13

Anthony
Barnard
Clement
Cox (CA)
Dickinson
Ford (TN)
Hatcher
Luken
McEwen
Ray
Schulze
Towns
Traxler

□ 1324

Mr. SWIFT, Mrs. MINK, and Mr. VISCLOSKY, changed their vote from "yea" to "nay."

Messrs. SKELTON, BILIRAKIS, and SARPALIUS, changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the passage of the bill.

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

Mr. ROSTENKOWSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair announces to the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 256, nays 163, not voting 15, as follows:

[Roll No. 372]

YEAS—256

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parker
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Rahall
Rangel
Reed
Regula
Richardson
Rinaldo
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Torres
Torricelli
Traficant
Unsoeld
Upton
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NAYS—163

Allard
Allen
Andrews (NJ)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Holloway
Hopkins
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kanjorski
Kaptur
Kasich

Klug	Orton	Smith (NJ)
Kolbe	Oxley	Smith (OR)
Kyl	Packard	Smith (TX)
Lagomarsino	Pallone	Snowe
Lent	Patterson	Solomon
Lewis (CA)	Paxon	Spence
Lewis (FL)	Petri	Stearns
Lightfoot	Pickett	Stump
Livingston	Porter	Sundquist
Long	Pursell	Taylor (MS)
Lowery (CA)	Quillen	Taylor (NC)
Machtley	Ramstad	Thomas (CA)
Marlenee	Ravenel	Thomas (WY)
Martin	Ray	Valentine
McCandless	Rhodes	Vander Jagt
McCollum	Ridge	Vucanovich
McCrery	Riggs	Walker
McGrath	Ritter	Walsh
McMillan (NC)	Roberts	Weber
Meyers	Rohrabacher	Weldon
Michel	Roth	Wolf
Miller (OH)	Santorum	Wylie
Miller (WA)	Saxton	Yatron
Molinari	Schaefer	Young (AK)
Montgomery	Schiff	Young (FL)
Moorhead	Sensenbrenner	Zeliff
Myers	Shaw	Zimmer
Nichols	Shuster	
Nussle	Skeen	

NOT VOTING—15

Anthony	Ford (TN)	Roemer
Barnard	Gordon	Schulze
Clement	Hatcher	Thornton
Dickinson	Luken	Towns
Ford (MI)	McEwen	Traxler

□ 1333

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FORD of Michigan. Mr. Speaker, on rollcall 372, I was present and intended to vote "aye." My "no" vote on the motion to recommit that immediately preceded that was recorded. I am not recorded on rollcall 372, and I would like the RECORD to show that I was present and thought that I was voting "aye" on the proposition.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO SIT DURING 5-MINUTE RULE TODAY

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be permitted to sit during proceedings under the 5-minute rule on Thursday, August 6, 1992.

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I probably will not object, but we do not know what is going on. Would the gentleman just tell us what the bill is and whether the ranking member, the gentleman from New York [Mr. HORTON], is in agreement?

Mr. CONYERS. Mr. Speaker, we have a bill and three reports in full committee before the Committee on Government Operations. The gentleman from New York [Mr. HORTON], the ranking minority member, has concurred fully that we be permitted to bring this proceeding forward.

Mr. SOLOMON. Mr. Speaker, based on the assurances that the gentleman from New York [Mr. HORTON] is in concurrence, I certainly will not object, and I withdraw my reservation of objection.

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

There was no objection.

AUTHORIZING INCREASED FUNDING FOR A PORTION OF THE JEFFERSON NATIONAL EXPANSION MEMORIAL

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2926) to amend the act of May 17, 1954, relating to the Jefferson National Expansion Memorial to authorize increased funding for the East St. Louis portion of the memorial, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment: Page 3, strike out lines 1 to 18 and insert:

"(b)(1) For the purposes of the East St. Louis portion of the memorial, there are authorized to be appropriated $2,000,000 for land acquisition and, subject to the provisions of paragraphs (2) and (3), such sums as may be necessary for development: *Provided*, That such authorization shall not include any sums for the acquisition, removal, or relocation of the grain elevator and business located within the East St. Louis unit of the Memorial. Such development shall be consistent with the level of development described in phase one of the draft Development and Management Plan and Environmental Assessment, East St. Louis Addition to Jefferson National Expansion Memorial—Illinois/Missouri, dated August 1987.

"(2) Federal funds expended under paragraph (1) for development may not exceed 75 percent of the actual cost of such development. The remaining share of such costs shall be provided from non-Federal funds, services, or materials, or a combination thereof, fairly valued as determined by the Secretary. Any non-Federal expenditures for the acquisition, removal, or relocation of the grain elevator and business shall be included as part of the non-Federal cost share: *Provided*, That credit shall not be given for any such expenditures which exceed the cost of acquisition, removal, or relocation of the grain elevator and business located within the East St. Louis unit of the Memorial if such action had been accomplished by the Federal Government as determined by the Secretary under existing law: *Provided further*, That only those non-Federal funds expended at least sixty days after the transmission of the report referred to in paragraph (3) for the removal of such grain elevator shall be credited towards the non-Federal cost share. For the purpose of this paragraph, the Secretary may accept and utilize for such purposes any non-Federal funds, services, and materials so contributed.

"(3) Within one year after the date of enactment of this paragraph, the Secretary, in direct consultation with the city of East St. Louis, Gateway Arch Park Expansion, and the Southwestern Illinois Development Authority, shall develop and transmit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives a study of alternatives to, and costs associated with, the removal of the grain elevator located within the East St. Louis unit of the Memorial. The study shall contain, but need not be limited to, at least one alternative which would incorporate and retain the existing grain elevator into the draft development and management plan and environmental assessment referred to in paragraph (1).".

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

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

There was no objection.

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

Mrs. VUCANOVICH. Mr. Speaker, reserving the right to object, I would ask the gentleman from Minnesota [Mr. VENTO] to explain the proposal.

Mr. VENTO. Mr. Speaker, if the gentlewoman will yield, H.R. 2926 is legislation introduced by Representative JERRY COSTELLO to complete the designation of the East St. Louis portion of the Jefferson National Expansion Memorial. This legislation originally passed the House on March 24, 1992. The Senate considered the measure on July 20, 1992, and has returned the bill to the House with an amendment.

The Senate amendment, which is acceptable to me, contains several new provisions relating to the grain elevator located within the boundaries of the proposed addition to the Jefferson National Expansion Memorial. First, it prohibits any Federal funds from being used for the acquisition, removal, or relocation of the grain elevator. Second, it allows non-Federal expenditures for the acquisition, removal, or relocation of the grain elevator to be counted toward the 25 percent local match required by the bill for development of the site. Finally, it directs the Secretary of the Interior to study costs and alternatives to the removal of the grain elevator.

Mr. Speaker, I commend the author of the bill, Mr. COSTELLO, and Majority Leader GEPHARDT for the efforts in crafting this legislation. The designation of the East St. Louis portion of the Jefferson National Expansion Memorial is long overdue. The bill before us is cost effective and has strong bipartisan support from the administration and the Illinois and Missouri delegations. I urge Members to support H.R. 2926 as amended.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman for his explanation. I understand there is no objection on the minority side.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

FREEDOM SUPPORT ACT OF 1992

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 545 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 545

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4547) to authorize supplemental assistance for the former Soviet republics. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours, with thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the committee amendments now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 5750. The amendment in the nature of a substitute shall be considered as read. All points of order against the amendment in the nature of a substitute are waived. No amendment to the amendment in the nature of a substitute and no other amendment to the bill shall be in order. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions, which may be offered only by Representative Michel of Illinois or his designee. After passage of H.R. 4547, it shall be in order to take from the Speaker's table the bill S. 2532 and to consider the Senate bill in the House. All points of order against the Senate bill and its consideration are waived. It shall then be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 4547 as passed by the House. All points of order against that motion are hereby waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move to insist on the House amendment to S. 2532 and to request a conference with the Senate thereon.

□ 1340

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

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 545 is a closed rule providing for the consideration of the Freedom Support Act of 1992. The rule provides for 2 hours of general debate. The general debate time is to be divided in the following manner: 30 minutes to be equally divided between the chairman and ranking minority member of the Committee on Foreign Affairs; 30 minutes to be equally divided between the chairman and ranking minority member of the Committee on Banking, Finance, and Urban Affairs; 20 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture; 20 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and 20 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology.

House Resolution 545 provides that, in lieu of the committee amendments now printed in the bill, it shall be in order to consider H.R. 5750 as an original bill for the purpose of amendment. All points of order against the substitute are waived. No other amendment to the bill will be in order under the rule.

Finally, House Resolution 545 provides one motion to recommit with or without instructions, which may only be offered by Mr. MICHEL or his designee. The rule will facilitate the ability to go to conference with the Senate on the bill, S. 2532.

Mr. Speaker, this rule will allow the House to consider the Freedom Support Act in a timely manner. The bill is one of the more important measures we will consider in this session of Congress. It provides a comprehensive framework for expanding activities in the former Soviet Republics. Specifically, it would set forth criteria which must be met before assistance may be provided to the Republics. It further would lift restrictions on agriculture and other export credits; authorize various nonproliferation and disarmament activities; encourage trade in space technologies; and call upon the United States to take a leading role in debt restructuring and currency stabilization. The bill also would authorize the U.S. Governor of the International Monetary Fund to consent to raise the U.S. quota in the International Monetary Fund to $12 billion.

Mr. Speaker, House Resolution 545 will allow us to move smoothly and expeditiously to final passage of the bill. This is an unprecedented opportunity for us to be active participants in the transformation of the Soviet Republics to new democracies and market economies. I urge my colleagues to support the rule.

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

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

Mr. Speaker, I would observe right here at the outset that we have before the House today an issue that knows no partisanship. Members will cast their votes—first on this rule, and then on the bill that follows—based on what their conscience tells them.

Under the present circumstances, I believe it is very appropriate for Members to proceed on the basis of what their conscience tells them, rather than on the basis of partisan or political considerations. I know that is sometimes difficult to do.

We have a bill before us today that was made possible by the free world's victory in the cold war. And while I believe we should not in any way try to humiliate or belittle the people who live in what was once the Soviet bloc, neither should we be defensive or apologetic about the fact that our side prevailed, the side of democracy.

It was the historic Western philosophy of individual freedom and responsibility, democracy, and all of those values that constitute the bulwark of a free society that eventually defeated Soviet communism. It was our way of life—and our system of human Government—that was affirmed by the course of history and by human nature itself.

Now that the cold war is over, I think that all Americans and, indeed, certainly every Member of this House are wondering what our national responsibility now is, especially to the former Soviet empire.

Recognizing that honest men and women can disagree, especially during a time of such uncertainty, I am confident that all Members will respect the views of others as they are expressed here today during the debate on this bill.

Turning now to the rule, I would simply reiterate what my good friend, the gentleman from Massachusetts [Mr. MOAKLEY], chairman of the Committee on Rules, has said. This is a closed rule. It has 2 hours of general debate. No amendments are permitted. There can be only one motion to recommit with or without instructions by our minority leader, the gentleman from Illinois [Mr. MICHEL] or his designee.

Mr. Speaker, Members need to be aware that both the Democratic leader-

ship and the Republican leadership of this House support this closed rule, and their request was endorsed by the administration as well.

Having said that, and without making further comment about it, I will turn now to the bill itself.

The bill authorizes a program of technical and humanitarian assistance to the States that formerly comprised the Soviet Union and it authorizes a $12.3 billion commitment by the United States to the International Monetary Fund.

And although I am open to persuasion, I must admit to having serious reservations about this bill itself.

I have a serious philosophical reservation about aiding any country—or individual, for that matter—which already possesses the capability to pay its own way.

Yes, the former Soviet States are bankrupt and have been mismanaged horrendously. But it is also true that the Commonwealth of Independent States, the former Soviet Union, is the world's richest country. It has deposits of essential minerals and metals that are equaled only by those in South Africa. And it has petroleum and natural gas reserves on a vast scale, far outnumbering those of our country.

I am not convinced that the provisions in this bill draw the connection between charity and self-reliance.

Mr. Speaker, I can support an assistance program that makes use of loans, credits, and other guarantees that mean the American people will eventually be paid back. What I cannot support is an aid program that consists of grants or gifts, especially a program of grants to a country that is sitting on top of a gigantic resource base.

Mr. Speaker, this bill would, in my opinion, be much better if the former Soviet States were required to make some material contribution in exchange for the assistance that is being provided to them in this legislation.

Second, I believe this bill would be a better bill if the conditions that are placed on some of this assistance were stronger. I hardly need remind any Member of the House that the Red army continues to occupy Latvia, Lithuania, and Estonia—with fresh conscripts being rotated in on a regular basis.

Now, surely at a very minimum, a complete withdrawal of Soviet troops from the Baltics should be required in this legislation. It is not.

Finally, Mr. Speaker, I would say a word about the authorization for the IMF [International Monetary Fund].

□ 1350

Mr. Speaker, I am not convinced that this portion of the assistance package for the former Soviet States will have any impact that people in need will really be able to see. To be very blunt about that, I am very suspicious that the IMF authorization is little more than a bailout for Western European banks; not American banks, but Western European banks that gambled on somebody named Gorbachev and lost. Nothing I heard in the testimony before the Committee on Rules yesterday convinced me otherwise.

Mr. Speaker, I am sure many Members also have these and other concerns. I am open to persuasion myself, and I am going to listen to the debate very carefully in case I missed something 3 hours yesterday up in the Committee on Rules.

Mr. Speaker, I look forward to an interesting and important debate.

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

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I appreciate the opportunity to speak in favor of House Resolution 545, the rule providing for the consideration of H.R. 4547, as amended by H.R. 5750.

I understand the concerns of many of my colleagues about the closed rule requested for consideration of this legislation. Those concerns must be addressed.

I support a closed rule for the following reasons:

First, this is an extraordinary piece of legislation that addresses an extraordinary situation. This situation demands that we expedite and preserve the essential message of this legislation—our national interest in assisting our former adversary.

It is in our national interest to see 300 million people in the former Soviet Union have the opportunity to enjoy the freedoms of democracy and the prosperity of a free-market economy. Free and democratic government in these Republics will yield real economic and security benefits for the United States. Democracy will also mean the realization of the values in which we believe so strongly.

A lengthy amendment process today would undermine and blur this message of support for democracy and free markets. This would undermine President Yeltsin and other reformers, who already have their hands full. We do not want to do anything that could promote the hardliners and others who oppose reform. The United States national interest demands that we act—and act resolutely—to send an urgent and clear message—the message of H.R. 5750. No useful purpose will be served by complicating that message.

Second, in the last few days, several meritorious amendments have been proposed. Individually, I could support most of these amendments. Many are appealing, and our colleagues deserve to be commended for raising these important issues. But collectively, these amendments would overburden and overload this bill. They would frustrate our efforts to help President Yeltsin and the reformers.

The amendments proposed during the last few days fall into two categories—those which seek to strengthen conditionality on assistance, and those which seek to orient the U.S. assistance program in certain directions. Both sets of amendments address concerns that will be with us for the duration of this program.

The bill we will take up later today tries to accommodate many of these concerns with effective—but not excessive—conditionality and broad direction—but not rigid guidelines—for the content of the program.

There will be future opportunities to refine our message on many of these points if that is necessary. This is not our last chance to adjust the content of the program or the policies that this bill will authorize.

Third, an amending process is not necessary, given the amount of work that has already been done on this bill. This bill already represents the work of five committees. These five committees have worked together closely to balance interests and achieve a strong legislative package. The Foreign Operations Subcommittee of the Appropriations Committee also supports the bill's provisions. Because so many already have had an opportunity to put their valuable imprint on the bill, a normal amending process is not essential.

Fourth, the experience of the other body should be instructive to us. Some 74 amendments were agreed to in the Senate. Some of the Senate amendments provide useful guidance that can be incorporated in a statement of managers. Several other Senate amendments are overlapping, contradictory, and would create layer upon layer of new bureaucracy. The House will go into conference in a much stronger position if we can keep the bill clean. The House will thereby be in the driver's seat when the time comes to shape better legislation.

Fifth, some amendments could seriously derail an effective program. I would like to recall for the committee last year's debate on some of the amendments to the foreign assistance authorization bill.

One amendment which many of us, including myself, found appealing established no less than 18 conditions before assistance could be provided to what was then still the Soviet Union. Many of those 18 conditions were important statements of policy—goals that we all would want to achieve—including: respect for human rights; freedom of emigration; free, fair, and open elections; deep reductions in defense spending; termination of strategic weapons modernization; termination of all military assistance to Cuba, Vietnam, and North Korea; and termi-

nation of supporting for the Cienfuegos nuclear reactor in Cuba.

This amendment passed the House overwhelmingly. I supported then—and support now—each of these objectives, but the amendment would have made it impossible to conduct a foreign assistance program.

Finally, Mr. Speaker, this bill's consideration today is not the last word on this legislation. The work of a conference committee and the writing of a statement of managers lay ahead of us. In that process, I am committed to try to address as many of the concerns of my colleagues as I can.

Mr. Speaker, I urge my colleagues to support this rule and to join us in working for a bipartisan bill that sends an unambiguous message of support for democracy and free markets in the former Soviet Union.

This is a historic moment. The vote before us today will be long remembered. It will certainly be the most important foreign policy vote many of us will cast in our careers.

I urge adoption of the rule, House Resolution 545, and I urge support for the bill. Both serve the U.S. national interest.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. MICHEL], our distinguished Republican leader.

Mr. MICHEL. Mr. Speaker, I rise in support of this rule. Assuming this rule is adopted, I will have much more to say with respect to the contents of the legislation before us. I just want to make a very brief argument in support of the rule, because it provides for an up-or-down vote on the issue of Soviet aid, which has bipartisan support here in the House.

The distinction here is this: we are not in a position today where, as is normally the case on our side, we would be arguing for an open rule because we would have our specific view and philosophical differences between the two parties. We would present our justification for having an open rule, having free and open debate.

But in this case, we have bipartisan support. Obviously, it is not unanimous. We have Members on both sides of the aisle who have serious problems with respect to voting for a proposition of this kind. I happened to think it is the right thing to do, and support it wholeheartedly. We will make those kinds of arguments during the course of consideration of the bill.

For the moment, the rule, even though it is closed, is a good rule for consideration of this effort to have it a clean up-or-down vote.

I understand, while I was not present at the Committee on Rules, there were Members making their pitch for this or that amendment on this side of the aisle, this or that amendment on that side of the aisle. Everybody has his or her views of how their amendments are just perfect for their particular district or their view. But we are trying to do something for the whole, here in the House as an institution.

I think this is a good bill under these circumstances. I hope it will have broad bipartisan support so we can get on to considering the real element of what is involved in this legislation. I urge support of the rule.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New York [Mr. SOLARZ].

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

Mr. Speaker, I rise in strong support of both the rule and the bill. This is probably the most important vote in the last 40 years which the Congress has cast on a foreign aid issue. Four decades ago, when President Truman proposed the Marshall plan, Western Europe was literally on its knees and there was a real possibility that Soviet power could reach the Atlantic. The President asked the Congress to approve $12.9 billion over 4 years to prop up our friends and allies in Western Europe.

In spite of war weariness here at home, in spite of an enormous pent-up demand for consumer goods, in spite of little visible support for the Marshall plan in the polls, the Congress had the guts and the courage to vote for that aid. It probably turned out to be one of the best investments we ever made. We prevented a world war. Communism was contained. Eastern Europe eventually became free. The Soviet Union, the evil empire, ultimately collapsed. We were the ones who won the cold war.

Today we face a somewhat different challenge. Our task is not to contain communism but to consolidate democracy. Unless Mr. Yeltsin and the other newly democratically elected leaders of the Republics of the former Soviet Union can translate the promise of democracy into a better life for their own people, the chances are not that communism will return, but that a kind of ultranationalist neo-Facist movement which could very well produce another cold war and would certainly eliminate our hopes for the peace dividend. If that were to happen, it would be a disaster for our own country.

At the time of the Marshall plan, we acted on our own. In 1992 dollars, we provided $77 billion, which represented 6.6 percent of GNP. Today, we are joined by the other industrial democracies.

The cost to the American taxpayer of this bill is less than half a billion dollars per year, which is less than one-tenth of 1 percent of GNP. Having spent trillions to prevent war, let us not lose an opportunity to win the peace and consolidate democracy.

There is no guarantee that if this bill passes, democracy will survive in the Commonwealth of Independent States, but we can be reasonably sure if this bill is defeated that democracy will fail. That is why I urge the adoption of this legislation.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. BROOMFIELD], our retiring ranking Republican on the Committee on Foreign Affairs and a really tremendous Congressman.

Mr. BROOMFIELD. Mr. Speaker, I want to thank the gentleman from New York for yielding me this time.

Mr. Speaker, I urge my colleagues to vote in favor of this rule for consideration of H.R. 5750, the Freedom Support Act.

Chairman FASCELL and I have worked closely with the President, as well as the Democrat and Republican leadership, to fashion the best possible legislation. I know that it does not contain enough restrictions for some Members, and it contains too much money for others. But it is the best compromise we could reach.

The United States must send a message that we will support the people of the former Soviet Union in their efforts to build democracies and free markets. The time to act is now.

Such a response from our Nation to the overthrow of the global Communist menace will demonstrate our commitment to a new era of peace and prosperity, much as the Marshall plan opened the process of economic and political healing in the wake of World War II.

The cost of this task is minimal in comparison with what has already been spent, and what is at stake for the future.

Since the end of World War II, defending our Nation and its interests against the threat of Soviet-sponsored aggression has cost the United States tens of thousands of lives and trillions of dollars in defense spending.

Now, with a freely elected President in the Kremlin, and 12 new independent nations created out of the former Soviet Union, we have a chance to put to rest the cold war.

Mr. Speaker, it is our turn to act. We must demonstrate that our Nation has the ability to lead the peace—as well as the defense. So much is at stake for future generations.

I urge my colleagues to vote "yes" on the rule.

Mr. Speaker, I include a letter from four former Presidents in support of this legislation and a strong letter of support from President Bush, and also a letter from Boris Yeltsin.

THE WHITE HOUSE,
Washington, August 3, 1992.

Hon. WILLIAM S. BROOMFIELD,
House of Representatives, Washington, DC.

DEAR BILL: As the House moves to consider the Freedom Support Act (H.R. 4547), I wanted to convey to you my strong backing for the bill and my hope that it will have the support of you and your colleagues.

I submitted the Administration's Freedom Support Act proposal in April and requested

prompt Congressional action. On July 2, the Senate passed its version of the bill, S. 2532, by a bipartisan vote of 76 to 20. The Senate and House bills differ from the measure I proposed to Congress, but they contain most of the basic authorities which I requested. I hope that, working together, we can produce a conference report that serves as a bipartisan foundation for our assistance effort.

I am convinced that we now stand at a critical moment in history. Together with our allies, we have the once-in-a-lifetime opportunity to help consolidate democracy and free markets in Russia, Ukraine, Armenia, and other states and to turn former enemies into permanent friends and partners. Most important, we have the chance not only to help the peoples of Russia and the new independent states escape the long nightmare of communism, but also to secure for use and our children a future that is infinitely safer and more prosperous.

Six weeks ago, Russian President Yeltsin came to Washington. Together we defined a new era in our relations. In signing with me the Washington Charter, President Yeltsin made clear and unequivocal commitments to democracy, free markets, and security cooperation that no Soviet leader could have possibly contemplated. After tough negotiations, we signed a historic nuclear arms reduction package that will achieve the greatest measure of security for the United States since the dawn of the nuclear age.

President Yeltsin also reaffirmed his determination to build a free market in Russia and to push ahead with his program of radical economic reforms. Together, President Yeltsin and I established a new framework for vastly expanded U.S.-Russia trade and investment that will benefit our businesses and our workers for years to come. We signed new Tax and Bilateral Investment Treaties that will help our firms enter the Russian market, and the U.S. granted Most Favored Nation status to Russia.

President Yeltsin has boldly and unambiguously committed his government to the values that all Americans hold dear: democracy, freedom, and free markets. He has promised to uncover the darkest secrets of the communist past and to help resolve our deep concerns about American MIAs, POWs, and the KAL 007 tragedy. Now it is time for America to do its part to assist Russia, Ukraine, Armenia, and the other new states to make the historic transition from tyranny to freedom. Together, the Administration and Congress must send a clear message that we stand with them at this difficult hour, when they need our help most.

To those who say America cannot afford to assist these reformers at a time of domestic difficulty, I respond that no such false choice exists. We can—we must—meet challenges both at home and abroad.

The Freedom Support Act is not just another foreign aid bill. It is first and foremost an act of national self-interest, a direct investment in the political, economic, and security future of the American people. Having spent over $4.3 trillion to defend ourselves from Soviet totalitarianism during the Cold War, we can ill afford not to invest in democracy in Russia and Ukraine so that we can permanently reduce our defense burden. The resulting savings would be available for investment here at home. And by acting now to engage Russia and the new states, American firms, workers, and products will be well-positioned to take advantage of this large and rich market.

If we do not act now, we collectively will have failed to live up to the challenges and the strategic opportunity—perhaps the greatest this century—that this new relationship gives us. Now it is time for the House to join the Senate and pass the Freedom Support Act and then to meet in conference and pass a bill I can sign into law. To desert Russia, Ukraine, Armenia, and the other states at this time of need would be a tragic mistake for which history will surely judge us harshly. I therefore urge your support for early passage of the Freedom Support Act.

Sincerely,

GEORGE BUSH.

AUGUST —, 1992

DEAR MR. SPEAKER: We urge your support for the Freedom Support Act. For much of this century, the peoples of Europe and Eurasia have suffered under the tyranny of Communism. Throughout those years, America has nurtured their desire for freedom, their thirst for individual liberties, and their will to become democracies.

Our successive administrations—and our allies—have been united in the struggle against Communism. Our unity has proven the wisdom and strength of our democratic system and provided a stunning victory for freedom.

We now have the opportunity, as fervently pursued for generations, to guarantee a peaceful transition to democracy. America must respond to this challenge, as we have so many times before, through leadership of an international coalition to secure the success of reform in Russia and the other states of the former Soviet Union.

The stakes could not be higher. If we fail to seize this historic opportunity now, authoritarianism could return in Moscow and elsewhere, the anticipated peace dividend could evaporate, future markets and jobs for Americans could be lost, and nuclear weapons may again threaten the lives of our children.

This may be the most important vote you cast. Aid to Russia, Ukraine, Armenia and the other states of the former Soviet Union is an investment in peace and prosperity for the American people.

Sincerely,

RONALD REAGAN.
GERALD R. FORD.
JIMMY CARTER.
RICHARD M. NIXON.

[Translated from Russian]

MOSCOW,
July 30, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives of the U.S. Congress.
Hon. GEORGE J. MITCHELL,
Majority Leader of the U.S. Senate, Washington, DC.

DEAR SIRS: I would like to address to you the words of my sincere gratitude for the warm reception accorded to me in the US Congress during my recent visit to Washington. I regard this as something more than would be appropriate hospitality for such occasion. In this I see an expression of approval and support on behalf of the US legislators to the course of democratic reforms in Russia.

The main task our two countries are facing now is to turn the new quality of Russian-American relations which has been acquired in the result of the Washington meetng of the Russian and US Presidents, into a practical dimension.

You are aware of that great importance which we attach to the Russia Freedom Support Act now discussed in the US Congress. Adopting this Law would serve a powerful impulse for our political and economic reforms, and it would be an important factor for enhancement of our internal resources and external assistance with a view to achieving a more rapid advancement along the road of democratic reforms.

I would like to reiterate the fact that the Russia Freedom Support Act also protects America's freedom. The failure of our reforms would have shattered the foundations of liberty and democracy in the entire world.

The consideration of the Russian Freedom Support Act which took place in the US Congress and its approval in first reading in the US Senate on July 2, support this viewpoint.

Meanwhile, I will not hide it from you, that we take a very guarded look at those amendments introduced by some senators to that bill, which would make a link between the economic aid to Russia and a solution to certain problems, such as, in particular, withdrawal of Russian troops from the territory of the Baltic states. In this connection, I would like to assure you that we intend to firmly pursue the goal of a complete withdrawal of the armed forces from the territory of Latvia, Lithuania and Estonia. This is a political decision which is already being translated into practice. The troops withdrawal is being carried out. As regards the timeframe, this will be determined during the negotiations between the state delegations of Russia and Baltic countries, with due consideration of securing legitimate rights of all parties.

Therefor, we would count on a positive response from the U.S. lawgivers on this matter. I would once again make this appeal to you to exercise political prudence, understanding and support to the aspirations of Russia in its newly acquired quality of a free and democratic state.

Sincerely,

B. YELTSIN.

□ 1400

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from Michigan [Mrs. COLLINS].

Mrs. COLLINS of Michigan. Mr. Speaker, I thank the chairman for yielding 1 minute to me.

Mr. Speaker, I oppose this rule. I believe it is unconscionable for us to give aid to Russia and its Republics and none for the urban cities of America. I feel that this country is like the wayward husband who feeds his girl friend's children while his own children are starving at home.

Our cities are hurting in America. They are devastated and they are hurting, and we want to put an amendment for loan guarantees for the urban crisis in America first.

We must learn how to take care of America first. Our cities are hurting.

I urge my colleagues to vote "no" on this rule.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, I think it is ironic that this bill, which is designed to help foster democracy in Russia, is being debated under conditions less generous than we would urge on the Russians; namely, a closed rule.

In the Rules Committee, the drafters argued for a closed rule on the grounds that if we Members could offer amendments, some of them might actually be adopted, and that would not be wise. The answer, of course, is that this is a democracy where that is supposed to happen, and if the majority will is to amend the bill, then by definition in a democracy that is the appropriate result. What kind of a lesson are we sending to the Russians when we debate this bill under rules which preclude many Members, Democrats and Republicans alike, from offering amendments to try to make it a better bill?

This we-know-better attitude is the same excuse that has always been used by every dictator in the world. Democracy is about giving people a choice, and we have no choice under this bill. It is take it or leave it as it has been written. You cannot change it and you cannot even try to change it.

That is wrong, and we should send the rule back to allow the amendments that Members on both sides of the aisle would like to offer.

As Members might expect, I have what I think is a pretty good amendment. It is not an amendment designed to preclude aid being given to the Russians, but rather, it is designed to express to them those things which we believe are very important, and frankly which we want all of the people in Russia to understand underpin our support for the Russian Government.

For example, we want them to recognize that they need a plan to get their troops out of the Baltic States, and we say within 2 years. Is that unreasonable? Why should this body be reluctant to condition the support upon the existence of such a plan which the Russian leadership has said that it desires to implement?

We ask that necessary data be given to the IMF to determine creditworthiness of Russia and its ability to repay debt; that this be provided not because the loans have to be conditioned upon it, just that the information has to be supplied. What could be wrong with that?

We have asked that the Russians not continue to train Iranian submarine sailors or transfer *Kilo* class submarines to Iran. And those of us who are concerned about the safety of our troops in the Persian Gulf area will understand clearly the importance of the Iranians not being given these submarines by the Russians. That is not unreasonable, if we are going to aid the Russians, to ask for a little cooperation.

We ask that they continue to cooperate on the question of American POW's and MIA's. They are cooperating, and there is no reason why they will not continue to cooperate. This is an important expression to all of the people in Russia of something that is very, very important to the American people. If we are going to make our taxpayer dollars available to them, that is not unreasonable. The Russian leadership and the United States are together on this.

We ask that Russia no longer provide assistance to Cuba, North Korea, Vietnam, or Afghanistan, which they have indicated that they intend not to do in the future; and this is certainly not unreasonable. Why should American taxpayers' dollars, money being fungible, go to support regimes like that?

Finally, that Russia be in compliance with all arms control agreements. They have said they intend to be by signing these agreements, and clearly we should not be giving them aid if they are not willing to be in compliance with those very important arms control agreements.

So these are not requirements that are too strict for the Russians to meet. As a matter of fact, these are things the Russian leadership has indicated a desire to continue to do.

This is not a matter of hurting Mr. Yeltsin. In fact, it is a matter of helping him.

I submit for my colleagues' attention an article from the Washington Times by Gwynne Dyer concerning this, and I ask my colleagues to vote against the rule.

The article referred to follows:

MARCHING TO THE OLD TUNES

(By Gwynne Dyer)

"We have to restore the true face of Russia. . . . We have to revive the glory of the Russian army."—Russian Vice President Aleksandr Rutskoi, Feb. 9.

"I believe that this great former country (the ex-Soviet Union) . . . should make every effort to make fascists (i.e., Moldovan President Mircea Snegur) take the place they deserve on the gallows."—Maj. Gen. Aleksandr Lebed, July 7.

The Russian army, or at least some chunks of it, is dangerously close to getting out of control. Gen. Lebed commands the Russian 14th Army, which is still on the soil of the independent republic of Moldova.

Lately, his men have been fighting the Moldovans on the side of the breakaway Trans-Dnestrian Republic declared by the Russian minority there. And his suggestion that they should hang the president of the Moldovan republic came precisely one day after Russian President Boris Yeltsin had negotiated a peace-keeping force for Moldova with the gentleman in question.

This seriously endangered the peacekeeping plan, which involves some 10,000 troops from Russia, the Ukraine, Belarus, Romania and Bulgaria coming in to separate the combatants. But did the loose-tongued Gen. Lebed lose his job?

On the contrary. A variety of Russian generals backed him up, including Gen. Yevgeny Shaposhnikov, the commander of all CIS forces. And, of course, ultra-nationalist politicians like Mr. Rutskoi had a field day.

The most poisonous inheritance Russia has received from the former Soviet Union is the old Soviet armed forces. Practically all the officers were communists until that became illegal, so few of them feel loyal to the new democratic order—and they have no hope of maintaining their existing privileges and standard of living in any other trade.

They are professional patriots, as it were, and they were bound to start looking for new jobs to do. Generals are always good at finding problems that need military solutions, and in this case the answer was obvious.

The disintegration of the old Soviet Union has stranded Russian ethnic minorities in every one of the 14 other former republics. So the army's duty, they have decided, is to defend the rights of Russian-speakers everywhere.

As Russia's nervous neighbors have all noted, this could easily become a pretext for the reconquest of the old empire. That is why every newly independent republic is desperate to get ex-Soviet troops off its territory as soon as possible.

The defense of Russian-speakers everywhere is not yet formal Russian army doctrine, but it is Mr. Boris Yeltsin's biggest nightmare. If the soldiers get their way, then all of the former Soviet Union could soon resemble Yugoslavia.

On the other hand, it is Mr. Rutskoi's greatest hope. Incessant appeals to Russian nationalism are clearly his choose strategy for displacing Mr. Yeltsin, and he is increasingly coordinating his campaign with insubordinate Russian generals.

Mr. Rutskoi is a former air force officer and hero of the Afghan war. He demanded and got the vice presidency last year as his reward for throwing the support of his parliamentary group, Communists for Democracy, behind Mr. Yeltsin.

Lately, Mr. Rutskoi has been claiming that it is necessary to maintain Russian troops in other republics "in defense of our fellow countrymen." And as the economic situation in Russia becomes harsher, more Russians are likely to respond to this kind of nationalist incitement.

Already, Mr. Yeltsin is having to take more nationalist positions himself to guard his flank against these people politically. He then retreats from his tough nationalist talk as quickly as possible—for instance, the peace-keeping missions to Georgia and Moldova, or any of his dealings with Ukraine—but he is repeatedly being pushed into corners.

There is a real danger that Russian military interventions on behalf of allegedly victimized Russian-speakers will spread war across the whole of the former empire, destroying democracy at home in the process.

The best way to help Mr. Yeltsin avert this threat is to get Russian troops back on Russian territory as soon as possible.

Take the example of the three Baltic republics of Lithuania, Latvia and Estonia. All of them have significant Russian-speaking minorities, and they still have a total of about 100,000 Russian troops within their borders.

All three Baltic states want those troops off their soil before local Russian settlers exploit their presence and draw them into a Moldova-style confrontation with the local authorities. But until recently, the Russian army insisted that it could not start pulling out until 1997 at the earliest.

Early this month, the Baltic states resorted to blackmail. They refused to sign the final communique of the Helsinki summit on European security until Russia agreed to pull the troops out.

Since the communique had to be unanimous, and it contained things that the major Western countries wanted, they then twisted Mr. Yeltsin's arm. He promptly agreed to conclude "without delay . . . bilateral agreements, including timetables, for the early, orderly and complete withdrawal" of Russian troops from the Baltic states.

This is a template for what should be happening everywhere that Russia still has troops beyond its own borders. If they have come home, it will be far harder to send them abroad again on some trumped-up mission to save Russian minorities.

Nobody should worry about embarrassing Mr. Yeltsin by pressing hard on this issue. He knows what must be done, but he needs foreign pressure as an excuse for doing it.

Gwynne Dyer is a columnist based in London, England.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Speaker, I rise in strong support of the rule. As the gentleman from Indiana [Mr. HAMILTON] stated, this is an extraordinary bill which must be implemented with extraordinary speed.

First, Members should recognize that this is a very balance bill. The conditions on assistance to Russia and the other States are strong but attainable. United States aid may be provided only to the extent that the States meet these requirements:

That they make significant progress toward and commit to the comprehensive implementation of a market-oriented democracy; respect human rights and the rights of emigration; settle disputes peacefully; and adhere to their arms control agreement.

Any harsher conditions put to this bill would be beyond the reach of the Russian Government and severely threaten Yeltsin's chances of success.

In addition, time is of the essence in this landmark legislation. If we attach a large number of amendments, the entire process of supporting Yeltsin will be slowed down. Yeltsin does not have much chance, much time. If he fails, Russian democracy fails with him.

I ask that Members read the New York Times op-ed column where Secretary Baker strongly supports this amendment.

Mr. SOLOMON. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from New York [Mr. GILMAN], a member of the Committee on Foreign Affairs.

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

Mr. Speaker, I rise in support of the rule for H.R. 5750, the Freedom Support Act, and I commend the distinguished gentleman from Massachusetts, the chairman of the Rules Committee [Mr. MOAKLEY] for his leadership, as well as the distinguished ranking Republican member of the committee, the gentleman from New York [Mr. SOLOMON], for their wisdom in giving us this limited rule.

H.R. 5750, the Freedom Support Act, is absolutely essential, if the newly independent States of the former Soviet Union are to succeed. As Secretary of State Baker advised us, this bill is "* * * an historic, once in a life-time opportunity for the United States to exercise world leadership."

This is a bipartisan bill, carefully crafted to satisfy both Republicans and Democrats. It is a measure which is desperately needed by the Russian Republic to bring about fundamental, structural changes in the former Soviet Union.

Mr. Speaker, there is no guarantee that freedom and democracy in the former Soviet Union will prevail, but without our help, reform in Russia, the Ukraine, Armenia, and elsewhere is doomed.

This is not an easy vote, but no one ever said leadership was easy. It is up to all of us to inform the American people that this bill is a sound investment in American security and American prosperity.

History has provided us with a great opportunity and we must learn from the mistakes of the past. During the period preceding World War II, the United States failed in its efforts to secure the peace. We failed because of isolationist policies. Isolationism and security, and protectionism and prosperity cannot be reconciled.

Mr. Speaker, I commend the President, as well as our Republican and Democrat leadership for not only crafting an appropriate response to the crisis in the former Soviet Union, but also for having the foresight to recognize the importance of restricting amendments to this measure.

Voting for this rule is a vote for American leadership—it is a vote enhancing U.S. security, it is a vote for hope and peace. It is a vote for the security of future generations. Accordingly, I strongly urge its adoption.

□ 1410

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. KANJORSKI].

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. KANJORSKI] is recognized for 2 minutes.

Mr. KANJORSKI. Mr. Speaker, I rise, unfortunately, today with very little time. I am opposed to the rule, but I am in favor of aid to the Republics of the Soviet Union.

We are not deciding whether to give aid here today. We are deciding how we are going to do it and what we are saying is we only have an hour of time, and we do not have an opportunity to debate new methods and new policies even though we are in the new age, we are in the new time, the new world order.

We have important amendments that have been made. Why have not these amendments at least been given the time in the democratic body here of the house and discussed? What is so important that we cannot wait a day or two to have the American people's representatives discuss the policies that should be coming before this House? No. What we are doing, and when I hear the majority leader talk about the fact that they are in agreement for a closed rule, it really scares me, a government by oligarchy rather than democracy.

We can we not have open democracy? I spend 3 hours at the Committee on Rules and asked for the possibility of three amendments and listened to them. One of the amendments is a very important amendment. It passed the Committee on Banking, Finance and Urban Affairs unanimously, and the one amendment that passed the Committee on Banking, Finance and Urban Affairs would have provided that lenders from the IMF have to pay the equivalent of the American wage and abide by the American minimum environmental standards in their projects, and that by the year 2000 it be a policy that we spread around the world the minimum wage so foreigners can buy American Buicks someday. What is wrong with that concept.

The second amendment, we are dealing with a country when we are talking about the Soviet Union, that is the wealthiest country in the world, over $2.5 trillion in verified resources in the ground. Their President wants to offer these commodities as security. Why do we not take the time in the free country of the world to develop and international commodities market so that they can not only have their money but they can have hundreds of billions from the free-enterprise system of the world to go in and develop their country? No. We do not want to think of new ideas.

Finally, in this bill there is a Democracy Corps, another NED, National Endowment for Democracy, $15 million given away. To whom? To the Republican Party, to the Democratic Party, to the AFL-CIO, and the national Chamber of Commerce that are going to carry on American foreign policy.

I say shame. That amendment belongs before the people's body.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. MCCURDY].

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. MCCURDY] is recognized for 2 minutes.

Mr. MCCURDY. Mr. Speaker, I rise in support of this rule and in strong support of the bill.

Mr. Speaker, It is amazing how quickly we forget just a few years ago that we sat our stood on this floor and debated the window of vulnerability on nuclear weapons and ICBM's, yet now we have a window of opportunity, and we are about to let it pass without seizing a historic opportunity.

This should be a bipartisan bill, and I urge my colleagues on both sides of the aisle to support this historic piece of legislation. This bill will not save the Soviet Union or save Russia. It will not prop up and save the Yeltsin government.

But if we do not act, if we do not seize this opportunity, it very well could send signals that lead to the crumbling of that fragile democracy.

Let us not let short-sighted parochial thinking derail this legislation and this support. Richard Nixon said it right when he addressed America and said, "This is an opportunity that the United States needs to seize and provide the leadership for, in order to provide for a safer and more stable world in the future."

The money we will save in defense spending by reducing defense expenditures over the next few years will fully be recovered, and the savings we have by seizing this opportunity will enable us to make those savings in defense and reduce the risk not only of greater conflict but also of potential nuclear holocaust.

The evidence is clear that the Yeltsin government is struggling, that it is a fragile democracy today, and we need to stand up together as leaders of this country and provide strong bipartisan support.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. FASCELL].

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

Mr. Speaker, I rise in support of the closed rule.

Let me just read something out of the bill, and I think it says it about as good as anything else that can be said.

First of all, it was a judgment call, as I understand it, on restricting this bill and limiting it to the matters that are in the bill now, because there was no way to otherwise handle what would be a basketful of amendments, all of them legitimate in their own right, to be discussed and still maybe some way, somehow can and will be.

The difference is, of course, that where there are mandatory conditions as against principles, then the line was drawn. Reading from the bill, I think, explains the reason for that:

(7) the unprecedented pace and nature of events in the independent states of the former Soviet Union require that the President be provided with the authority to furnish United States assistance and resources flexibly and expeditiously if the United States is to be able to support the transformation of the independent states of the former Soviet Union to democratic civil societies with market-economies.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, while America is worried about stabilizing the ruble, the dollar is going straight to hell.

I would like to state this today: I keep hearing in Washington about all of the gridlock, all of the gridlock. The administration wants $12 billion in loan money for Russia. Congress is going to give it to them. The administration wants another $1.2 billion in aid for Russia. Congress is going to give it to them. This is not gridlock. This is wedlock.

We have got cities on fire. The money should be going to America.

They have gold. They have chromium. They have oil. They have lumber. They do not need money. They need to go to work. That is what America stands for. That is what free enterprise stands for.

I am opposed to the bill. We do not even have a Buy American on this damn thing.

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

Ms. WATERS. Mr. Speaker and Members, I rise in opposition to the rule.

Yesterday I spent quite a bit of time sitting in the Committee on Rules. the room was lined with Members from both sides of the aisle who begged the Committee on Rules, please, not to have a closed rule.

What they said was this bill is too important. There are too many good ideas. We were not listened to, unfortunately.

We have before us one of the most important bills that will be debated in this House, and it is a closed rule. We do not have an opportunity to interject into this deliberation any of our ideas. I have an amendment, and it is a loan guarantee. It does not cost the budget $1. It has been scored zero by CBO. It is an amendment that would simply be a loan guarantee for $10 billion that would allow the cities to borrow money for economic development. It would allow them to lend some money to small entrepreneurs, would allow them to do some housing for poor people. It does not cost this budget one dime.

□ 1420

We could not get the Rules Committee to allow us to amend this legislation.

I would ask for opposition to this closed rule so that we could have the kind of deliberation, the kind of discussion that is so necessary for us to deal with on a bill of this nature.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. MFUME], the acting chair of the Congressional Black Caucus.

Mr. MFUME. Mr. Speaker, I also rise in opposition to this rule. It is exclusionary and punitive. It does not allow us the opportunity to vote on providing an aid package for this country. Instead, it provides $12 billion to Russia and another $1.2 billion, without anything at all, without any caring at all for the problems that exist in this country.

The Congressional Black Caucus has taken a position on this and we urge Members of this body also to reject this rule.

The argument that we ought to do something abroad falls flat on its face.

The SPEAKER pro tempore (Mr. MURTHA). The time of the gentleman from Maryland [Mr. MFUME] has expired.

Mr. SOLOMON. Mr. Speaker, I yield 1 additional minute to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, the argument that we do something for Russia falls flat in the face of other arguments. Who is arguing for factory workers in this country? Their plants are closed. Their hopes die and their jobs go on a fast track to Mexico. Family farmers watch their family farms close while we debate sending aid overseas to the people of Russia.

The American students are told we are more interested in smart bombs to be provided to dumb dictators while they have to deal with a situation that cuts back on their student loans.

Urban America is too poor to abandon, and yet too important to be overlooked in this package.

Middle-class families believe that charity begins at home, and our Nation's children are told to wait for the next tomorrow and the next generation and the next election before we can find aid to them.

Do you want to help some fledgling democracy? Help some of them here back home. They are called Baltimore, Washington, Chicago, Los Angeles, New York, and Philadelphia. They need the kind of deliberative meanings and the deliberative kind of discussions that are coming to this.

I ask the Members of this body to vote no on this package, to kill this rule so that we might have an opportunity to amend it later.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Nebraska [Mr. BEREUTER], a member of the Committee on Foreign Affairs.

Mr. BEREUTER. Mr. Speaker, I went before the Rules Committee yesterday, too, to try to make in order amendments already approved by the Banking Committee. I gave up, because it is clear to me that there were dozens of amendments that Members wanted to offer, some good, some terrible. Undoubtedly the Rules Committee and the leadership of both parties concluded that we were going to have chaos unless we come up with a closed rule.

Therefore, I support the rule and I strongly support H.R. 4547.

It has often been said a hundred times on a hundred different matters that we are on an historic crossroads. It is often said a certain piece of legislation is historic, or that a new initiative is historic.

Historic is an overused term, but I remind my colleagues without hyperbole that this vote on H.R. 4547 is truly quite probably the most historic and important vote that you will ever cast as a Member of the U.S. House of Representatives.

We have spent tens of trillions of dollars fighting the cold war. It has cost the average American family $80,000. Here is our chance to pull back from the precipice of nuclear war that has faced us since Joseph Stalin.

Mr. Speaker, I urge support for the rule and the bill, H.R. 4547.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I rise in support of the rule. I will support passage of the Freedom Support Act today because I fully recognize that the end of the cold war and the dissolution of communism in Eastern Europe and the former Soviet Union afford us an historic opportunity to establish lasting global security and ensure our grandchildren a peaceful future.

I have visited many of the Republics of the former Soviet Union and I have seen first-hand how urgently our assistance is needed by the people of the Baltics, Russia, Ukraine, and other Republics of the Commonwealth. Not only do I care about the health and welfare of these people as they overcome the great challenges of establishing democratic governments and free-market economies, I also recognize the vested security interest we have in seeing these democratic experiments succeed over the long term.

But my support for this necessary aid package comes only with a weighty condition. We cannot do for the people overseas what we cannot do for our own people. Before this 102d Congress adjourns, we must act to help the 17 million people unemployed in this country. Congress has an absolute responsibility to these Americans and their families to create the jobs which will put the United States back on the road to recovery. I will work in these final months of the session to do just that, and I hope my colleagues will join me in this effort. This is my pledge to the people of my district in New York and it is my pledge to the people of America—your needs will not play second fiddle to those of any foreign nation.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I rise in opposition to the rule and to the bill. One of the reasons is that we are going to give millions of dollars, not just to the Soviet Union or Russia, as they call themselves, but to the IMF.

Do we want to give them welfare? No, let us do it in trade.

Like the gentlewoman from California [Ms. WATERS] has said, how about loan guarantees that are not guaranteed in this rule?

The United States needs titanium. There are only two places to get it. One is in South Africa. The other is in the Soviet Union. Let us put their miners to work. There is a good deal on titanium, and that is called trade, not welfare. This is one of the ways. There are over 1,000, 2,000 items, just like titanium that this country needs and in which we can promote trade instead of giving welfare.

Do we want to teach the Soviets not to work for welfare, like we do in this country? Let us teach them about jobs and trade and working for a living.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Speaker, I rise today in opposition to the rule. I feel very strongly that this country ought to act in its own enlightened self-interest, and in that regard I think that it only makes sense that we support a Russian-aid package; however, I do not believe that the Congress and the Rules Committee did the right thing in terms of the abdication of the work that was done on the restrictions on the International Monetary Fund.

The fact is that the committee, under the leadership of the gentlewoman from Ohio [Ms. OAKAR], and Chairman GONZALEZ did yeoman's work in terms of restricting this international organization on loans that have devastated children's programs, loans that are necessary in order to protect our environment.

Two amendments that I had offered that restricted the IMF from allowing loans to go forward in countries that have gross human rights violations, and second, in terms of countries that spend too much money on military expenditures in opposition to their own economic growth and programs that help the poor in their communities.

It seems to me that if you want this package to work, we ought to come back with a rule that includes the provisions of the Banking Committee.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Kansas [Mrs. MEYERS], who just won a primary in Kansas.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in support of the Freedom Support Act. This legislation is a vital investment to secure our victory over Soviet communism. The cold war is in reality only half over; communism has lost, but freedom has not yet won. We must work to make sure that democratic capitalism succeeds in bringing a better life to the people of Russia and the other Soviet Republics; because, if we fail, despotism is sure to raise its ugly head.

Boris Yeltsin is not only the first democratically elected Russian leader in history, he is the first nonimperialist Russian leader ever. If he falls because the Russian economy does not improve, aggressive Russian nationalists will be the ones who take over. If that happens, we can forget about the peace dividend. An attempted recreation of the Russian Empire will plunge Europe and Central Asia into chaos that will make the tragedy in Yugoslavia look minor by comparison. If we and he succeed, free markets in Russia, Ukraine, and the other new Republics will provide a market for billions of dollars of new trade that will produce millions of new jobs for America.

The long-term opportunities for trade and investment in the Republics of the former Soviet Union that adopt the free market are bright. President Yeltsin has invited the American private sector to invest in the unique and untapped Russian market. Like the American West in the 1870's and 1880's, the former Soviet Union is a new frontier, waiting to be developed.

This bill has important safeguards against misuse of the assistance provided to the Republics. The President must report, every year, on the progress each Republic is making in economic and political reform, and how American aid is being used to foster that reform.

There is a risk in investing to develop democracy and free enterprise in the new nations of the former Soviet Union, but there is also opportunity to promote peace and profit economically. If we do not pass this bill, the risk is increased, but we will have also thrown away all opportunity.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, we would like to believe that the Russian Government which will receive billions of dollars in this bill is a fledgling democracy, sensitive to the principles of freedom; but in one small corner of the world, the brutality of Soviet communism lives.

In the struggling democracies of Lithuania, Latvia, and Estonia, the Russians have an army of occupation of over 130,000 troops. Though the Russians profess enlightenment, their heavy-handed tactics and threats in the Baltic belie these claims.

Today the Russian Foreign Minister, Kozyrev, refused to withdraw his Russian forces until the Baltic States reimbursed the Russians for the expenses they incurred while forcefully occupying the Baltics.

In the streets of Vilnius, Riga, and Tallin, many of our friends are asking whether the United States will abandon them in their fight for democracy, whether our Nation will stand in silence while our friends are once again tyrannized by the Red Army.

□ 1430

We may call this bill the Freedom Support Act, but a vote for this Rus-

sian aid package without a clear mandate to remove Russian troops from the Baltics is a desecration of the word "freedom."

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the porkbuster of the House, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Indiana [Mr. HAMILTON] of the Committee on Foreign Affairs, said a while ago that a vote for this rule is a vote for democracy and free markets in Russia. I would like to quote from the Center for Security Policy statement which they put out today which says,

Indeed, there are abundant signs that the Yeltsin government is—willingly or unwillingly—adopting positions, appointing personnel and making changes in the direction of its economic and political programs that will prove quite inconsistent with the interests of democracy and free market reform in Russia and with vital U.S. interests. Consider the following quote from today's Washington Post:

"A front-page commentary in the newspaper Nezavisimaya Gazeta today said the [Russian Central] bank's decision [to pump 1 trillion rubles or roughly $6.6 billion into failing enterprises of the military-industrial complex] signalled the end of 'the Gaidar era—the first stage of liberal reforms in Russia.' The paper said it now scarcely matters whether the acting prime minister remains in office, since one of the central planks of his reform program—substantially cutting state subsidies to industry—has gone down in flames."

Mr. Speaker, they are moving away from democracy right now. And this bill ought to be fashioned in such a way as to make sure we are forcing them in the direction of change, positive change, and this rule precludes that possibility.

Mr. Speaker, I am going to speak, when we get into the bill itself, about the minerals they have that we ought to be getting in exchange for the money we are talking about.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, this is not just a Russian aid package; it is a package that includes $12.2 billion of International Monetary Fund increase on the part of our country, and the Committee on Banking, Finance and Urban Affairs has exclusive jurisdiction on that level and yet we were really not considered, even though we had countless hearings, witnesses, markup of a bill with bipartisan support.

So, what you will do with the rule that is closed is excluded, the various instructions related to the International Monetary Fund quota. I think that is wrong not to have any strings attached. That is why I oppose this rule.

Let us go back to the Committee on Rules and put in the titles that we had worked out. It is unfair to the Members who spent countless hours, and most importantly it is unfair to the 165 countries that relate to the International Monetary Fund.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only I yield 1 minute to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, this week, I received a "Dear Don" letter from George Bush asking for my support for money for hard-pressed people. I am certain that many of our colleagues received similar letters from the President who wished to convey to us his strong backing for the Freedom Support Act.

Frankly, this was the first time in ages that I received a personal letter from George Bush.

Initially, I was pleased that the President was writing to me to ask that I support legislation that would help those in need. Was he writing to ask that I support a bill to help rebuild the riot-torn areas of Los Angeles? Was he writing to ask that I support legislation to help the children of the long-term unemployed? Was he writing to ask that I support a bill to help States deal with gang-related violence in our public schools?

No, George Bush was writing to ask for my vote for funds to help out the people of Russia. And, while I intend to comply with the President's request and vote for the Freedom Support Act, as I think it is a worthwhile piece of legislation, I am perplexed that in the one letter that George Bush has chosen to write to me in months, he wrote on behalf of people who live outside of the United States.

George Bush needs to open his eyes to the people of our own country who are so desperately in need of his help.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I seldom find reason to support rules, because it so often seems minority issues get flattened out in committee by the majority streamroller. But I also know that bills like this can be killed with kindness by creative amendments under an open-rule situation.

Given the enormity of the scope of what we are about, I conclude that a closed rule is a logical way to keep the main issue in focus. To me, the main issue is whether we can nourish the emerging democracies of the former Soviet Union and provide jobs for Americans and access to new marketplaces for American-made products in the process. That is what this rule today should accomplish.

I sure wish I had an amendment on Cuba to make sure we would be providing guarantees of compliance with the embargo, and I know other Members have amendments like that that they would want to see also. But I believe the central issue should rise or fall on its own merits. That is what this rule is going to provide today. That is why I support the rule.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I rise in opposition to this bill and the rule which brings it to the floor.

I am especially opposed to the $12 billion increase in the U.S. contribution to the International Monetary Fund.

B.J. Cutler, foreign affairs columnist for the Scripps-Howard newspaper chain, wrote a few months ago about this $12 billion.

The plan, which won't be spelled out to the public, goes like this: for "humanitarian reasons" the Soviet people must be aided. So the International Monetary Fund and the World Bank will make massive loans to Moscow. But most of the money will be recycled to repay banks in London, Paris, Frankfurt, and Tokyo.

Mr. Cutler is known as a factual reporter and columnist and expert on foreign affairs. In the same column, he wrote this:

To be blunt, the scheme consists of shifting the costs of bankers' blunders to American and foreign taxpayers, which they wouldn't tolerate if they knew about it.

No one wants to see anyone starve or go hungry. But if Mr. Cutler is right, and no one has yet denied his charges, this money will go not for food or to help the poor, but instead will go to aid big banks all over the world.

I believe that an overwhelming majority of Americans would be strongly against bailing out big banks in Tokyo and other places for bad loans made to the Soviet Union.

Earlier today I spoke on the floor and quoted from a column by Leslie Gelb, foreign affairs columnist for the New York Times. His column was called "the Russian sinkhole."

Mr. Gelb said that western aid to the former Soviet states had totaled over $50 billion so far and that it had largely disappeared and had not even made a dent in the economic problems there.

Now Mr. Cutler and Mr. Gelb are proforeign aid—but they both seriously question this aid package.

Milton Friedman, the well-respected economist, wrote in the July 6 issue of National Review that we should not approve this $12 billion increase for the IMF.

He said the IMF should have been abolished years ago and that its actions have simply given more power to centralized governments and have been very antidemocratic and anti-free-market.

Two more points: First, Forbes Magazine a few weeks ago reported that Russia has larger oil reserves than does Saudi Arabia. The former Soviet states have greater natural resources than we do. But their system of too much government has prevented them from developing the great wealth they have. They do not need our money nearly as badly as they need a fair free-market system.

Second, supporters of this IMF increase say it will have no budgetary impact, because we get back preferred drawing rights, or a type of stock, for our contribution.

This is like saying if we buy stock in some company that it has no budgetary impact because we get an asset in return for our money. But the point is that it ties up money that we could spend on some more worthwhile purpose or to help pay on our own staggering debt.

We are going to have to borrow this money in order to contribute it to the IMF. Then these drawing rights will be backed up by the shakiest loans in the world and will be worthless to us if times get really tough. Who will buy them from us? Who will give us foreign aid if our own economy crashes?

This is a bad deal for the American taxpayer. We cannot afford it, especially at a time when our own national debt is $4 trillion and we are losing $1 billion a day on top of that every day. The former Soviet states are not in debt as far as we are.

I wish we could help everyone who is hurting all over the world, but the fact is that we cannot.

I urge defeat of this very expensive and very wasteful bill.

It will certainly be good for the bureaucrats at the IMF, but it will do almost nothing at all for the average Russian citizen.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Speaker, in this morning's New York Times, the gentleman from Indiana [Mr. HAMILTON] said this will be one of the most important foreign policy votes that we cast in our lifetimes. I think he is right.

On August 21, 1941, the House, voted 203 to 202 to extend the draft. It carried by one vote. It was not popular. The American people did not want it. It would not have won on a referendum.

Neither would this. But we are not here because this is a referendum, we are here because this is the right thing to do. It is in the long run the responsible thing to do, and it is in the interest of the United States.

History has judged those who voted wrong in 1941 when the House approved the draft by a single vote, and history will look back on this vote as well and history, I think, will look kindly on those of us who did not what our constituents necessarily wanted, not what is popular, not what will win an election in a few months, but what is in the long-range interests of the United States of America.

Mr. SOLOMON. Mr. Speaker, I yield the reminder of our time, 3 minutes to the very distinguished gentleman from Iowa [Mr. LEACH].

□ 1440

Mr. LEACH. Mr. Speaker, from a historical perspective there have been three momentous events of this century: World War I, World War II, and the cold war. As historians understand, little is more worrisome than the model of punitive intransigence that the winners; that is, the victors, of World War I applied to the losers. Clearly organized retribution against the Kaiser helped precipitate the rise of Hitlerite fascism.

Likewise, Mr. Speaker, little is more successfully enlightened than the generous approach the victors of World War II took to the losers. Today our enemies are now our allies.

The lesson of history, as well as individual life, is that charitable understanding is a more practical, as well as more moral, approach than calculated indifference.

In the long run, free enterprise and trade are the only answers to the economic plight of the former Soviet Republics. In the short run, a modest amount of humanitarian, as well as capital, assistance may be the cheapest insurance policy the United States of America can consider taking out.

The greatest unfought war in history may have been won, but peace remains elusive. If the nascent experiments in democracy and free enterprise collapse for want of the timely Western support in the former Soviet Union, the potential ramifications for the national interest of our country in terms of threats to our security, escalated defense budgets and lost markets for trade and investment could be staggering.

The weight of historical judgment is on our shoulders. It is time for Congress to share with the executive branch the burden of leadership of the free world. The Freedom Support Act deserves our support, and this rule, while a bit restrictive, should be adopted.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of our time to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Members of the House, I will not take the time that is left because it is not necessary, but I want to urge Members to vote for this rule. I know that there are Members here and Members in opposition to this rule who wanted a number of matters to come up on a wide-ranging number of issues. I share sympathy with many of the views that were desired to be expressed and added to this bill in terms of amendments. Some of these matters can be brought up later in the year in other contexts on other bills because they are unrelated to the main subject matter that we are dealing with today. I know that members of the Committee on Banking, Finance and Urban Affairs are concerned about other provisions of the International Monetary Fund, and it would be my hope that those views, those provisions, those amendments, could be brought up in another context.

There are also a lot of Members who are worried about the idea of us voting for loan guarantees, other economic aid to people in Russia or the Ukraine when we have millions of Americans here in our country who are having extreme economic difficulties. I share their concern. It is hard to put a vote up here today to send loan guarantees to people a long way away that we have been fighting with for a long, long time when we do not seem to be able to put much of an economic package together.

Mr. Speaker, this year we have been working, and in the last few weeks, to try to get some additional economic measures out here. We had meetings even up to and including yesterday with the administration to try to free up more moneys for the transportation bill, to try to find a way without present costs to have loan guarantees for cities, urban areas, counties, kind of an advance on their community block grant fund, so they can solve infrastructure and urban problems that are in front of them today. We have no commitment on that.

I want to mislead no one. There is no linkage. There is no quid pro quo. But in good faith we have made progress, and I believe that before this legislation is finished, finally finished, we can have more moneys allocated to the highway bill for resurfacing and things that can and need to be done now, and we can come up with a way in the urban package, which is still yet to be decided, to have loan guarantees so that communities can borrow against moneys that are to come in in the future to do things that need to be done now.

I also want to urge Members to understand that this legislation to extend loan guarantees to people in Russia and the Ukraine is in the deep economic self-interest of our constituents. There is no other good reason to vote for this. None of us gets elected because we are experts in foreign policy or because we are writing articles for Foreign Affairs. We get elected to represent a half million people somewhere in this country. If this legislation is not good economics for the people that live in our districts, we should not vote for it.

But I submit to my colleagues that it is. It has been said here over and over again that we have asked our taxpayers to pay millions and billions of dollars over 45 years to make sure that the people in Russia did not attack us. That money was well spent. But the time has come that we can stop spending that money, or at least as much as we have. That is of infinitesimal benefit for our constituents economically. Those moneys can go to reduce our deficit. Those moneys can go to rebuild this country and this economy.

Finally, Mr. Speaker, if these countries can be made democracies and can

be made market economies, we are building markets for our products in the future, products that we can make in our districts and our States in the United States. That is worth doing.

When we get to the general debate on this subject, I will have, and maybe some of my colleagues think unfortunately, more to say, but I feel about this very strongly. I wish we could have a rule today that anybody can bring up any amendment that comes to their mind. The Senate did that, and they wound up with 70 amendments attached to this bill. This bill is simple and straightforward. It does a very important historical task.

It was said during the Marshall plan that the Marshall plan was the most generous act of any people in the history of the world. This is not the Marshall plan; let us make no mistake about it, but for our time and our day this may be the most important and generous act that this country will ever do.

I urge Members to vote for this rule so that we can take it up, and soon I will urge my colleagues to vote for this bill which is important to everyone that we represent.

Mrs. COLLINS of Illinois. Mr. Speaker. I rise in opposition to the rule. I am as concerned as the next person about the needs of Russia and the former Soviet Republics but, unfortunately, I find it difficult to agree to aid these countries as long as the problems in my own country and my Chicago metropolitan district continue.

Here in my country of birth, we find ourselves in dire economic straits which have resulted in massive unemployment, the near-absence of new low-income housing starts, an overwhelming, strangling budget deficit, homelessness, hopelessness, hunger, and heartbreak.

This is Chicago's plight. This is the plight in most American cities and rural communities, because none have been left unscathed by the results of this severely depressed economy.

Under this closed rule those of us wishing to offer amendments that would bring a measure of balance to this bill have been silenced. Well, Mr. Sparker, common sense dictates that when your own children are hungry you don't go inviting people to dinner. Therefore, I urge my colleagues to oppose this rule.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to House Resolution 545 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4547.

□ 1449

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4547) to authorize supplemental assistance for the former Soviet Republics, with Mr. SKAGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Florida [Mr. FASCELL] will be recognized for 15 minutes; the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 15 minutes; the gentlewoman from Ohio [Ms. OAKAR] will be recognized for 15 minutes; the gentleman from Iowa [Mr. LEACH] will be recognized for 15 minutes; the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 10 minutes; the gentleman from Missouri [Mr. COLEMAN] will be recognized for 10 minutes; the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 10 minutes; the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes; the gentleman from California [Mr. BROWN] will be recognized for 10 minutes; and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 10 minutes.

Th Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I yield myself 2½ minutes.

Mr. FASCELL. Mr. Chairman, the Freedom Support Act of 1992 which establishes the general authorities and policy guidelines to provide economic and technical assistance, international debt relief, education and training programs and disarmament and nonproliferation assistance to the Commonwealth of Independent States. One of the most important aspects of this legislation is contained in title V. In this regard, title V establishes the general authorities and policy guidelines for the implementation of a nonproliferation and disarmament fund from which the United States will assist the newly independent Republics in their disarmament, dismantlement, and destruction of the vast arrays of nuclear, biological, and chemical, as well as conventional weaponry that remain stocked in the former Soviet arsenal.

During my more than four decades of service to my country, I have participated in and witnessed the end of World War II. I have seen that hot war replaced by an even potentially more dangerous cold war—a period in which both we and the former Soviet Union engaged ourselves in a relentless stampede to achieve an ever more elusive nuclear edge over one another. A period in which we held our nations, indeed the world hostage to the absolute destructive force of our nuclear arsenals. I have seen that cold war slowly simmer as each new generation of nuclear weapons replaced its predecessors. And, I have seen that cold war almost boil over during both the Berlin airlift and again, during the Cuban missile crisis when we stood at the precipice of global nuclear confrontation.

I have watched the superpower arms race in both awe and amazement as both the United States and the Soviet Union acquired and amassed more than 30,000 nuclear weapons and 70,000 tons of chemical munitions at a cost in excess of $1 trillion. We were not alone in this race. Great Britain and France also acquired nuclear weapons, as did the People's Republic of China. These acknowledged nuclear weapons states formed what euphemistically became known as the club of five but as we all know, there were and are other nations with longstanding nuclear ambitions.

We know for instance that India and Pakistan possess the capabilities to engage in a smaller yet much more volatile nuclear arms race on the subcontinent of Asia. We were equally dismayed to discover the robust nuclear ambitions of the renegade government in Baghdad, and we remain concerned over the prospects of the People's Democratic Republic of Korea's potential ambition to seek admittance to the nuclear club. Finally, we remain concerned and know full well that we cannot afford to allow the outbreak of a nuclear arms race in the Middle East on any scale whatsoever.

As I leave public office and face the decade of the 1990's, I see the folly of the past and hope and pray that it is not repeated. I have to pinch myself in the pleasant realization that the cold war has ended, and that the arms race has slowed—poised at long last for a stop. I am equally pleased to know that the Communists are out of the closet and no longer hiding underneath our beds. I am joyous that the four decades of the nuclear arms race are being replaced by a new decade—the decade of the 1990's—in which there will be a disarmament race. I am delighted that four decades of human repression in Eastern Europe and the former Soviet Union are being replaced by fundamental respect for human rights and the rule of law. I am happy that four decades of centralized planning for a military demand economy are being discarded in favor of a decentralized and consumer based, free-market economy. And, I am ecstatic that four decades of a closed political system is being put upon the ash heap of history and being replaced by an open and democratic form of government.

By taking action on the Freedom Support Act today, we are moving ahead to support these nascent developments—to ensure that they become firm in their reality. Inaction on the Freedom Support Act represents a re-

turn to cold war thinking—a codification of the past cold war mentality, whereas action represents new thinking and support for reaping the benefits of the end of the cold war. In this regard, we must not fail the American people, or the peoples of the Commonwealth of Independent States who desire freedom, democracy and an open free-market economy. We must not fail in taking advantage of the historic opportunity before us, to make the world a safer, more secure and more stable place in which our children and those of the Commonwealth of Independent States will live in peaceful prosperity.

The peoples of the newly independent states of the former Soviet Union have waited patiently to achieve the purported goals of the February revolution which were betrayed by the October coup that replaced the czarist bureaucracy system with that of the communist apparachiks bureaucracy system. Today, the peoples of the newly independent states of the former Soviet Union have liberated themselves from the totalitarian state which oppressed them economically, politically, socially and militarily over seven decades. Today, the hopes and aspirations of the peaceful revolutionary leadership that was initiated by President Gorbachev in 1985 and courageously implemented by President Yeltsin last year are being achieved. The new Russian leadership has shed the old system, rejected the reign of red terror and duress and taken the first fundamental steps toward a new way of life. The Freedom Support Act will go a long way in helping these people to achieve those nascent aspirations.

In this regard, I would like to share with my colleagues the view of Russian President Boris Yeltsin, who in a recent letter to the congressional leadership, has emphasized the great importance the reform leadership of Russia attaches to this Freedom Support Act. In his view, and I quote, "adopting this law would serve as a powerful impulse for our political and economic reforms" and it would be an important factor in encouraging more rapid democratic reforms." President Yeltsin also stressed that the Freedom Support Act protects America's freedoms and interests since failure of reforms in Russia could in the long run undermine the foundations of liberty and democracy in the entire world.

To effectively end the cold war, we need to take what President Kennedy called a profile in courage. We need to make sure that the fruits of the vision of democracy's victory in the cold war are realized. We need to make sure that the weapons of mass destruction do not find their way into regional conflicts and ethnic tensions both within the former Soviet Union and elsewhere.

To effectively end the superpower arms race, we need to reverse the spiral in which we have been engaged. We need to make disarmament, and I mean real disarmament through verifiable dismantlement happen. And in so doing, we must be absolutely sure that in putting out the nuclear arms race inferno, we do not inadvertently contribute to brush fire arms races elsewhere in the world—most notably in the Middle East, the Persian Gulf, the Asian Subcontinent, and Northeast Asia.

To effectively end Communist repression worldwide, we need to do all that we can to support and demonstrate just how a free, democratic and free-market based economy and society work. In short, we need to refocus the global alliance system formed by President Roosevelt, which was strengthened by the Truman doctrine and the Marshall plan with a new plan. That plan is embodied in the Freedom Support Act of 1992. Just as the Marshall plan made Western Europe a beacon for hope for the peoples of Eastern Europe and paid material and substantial economic benefit to the people of the United States, the Freedom Support Act represents a modest but wise investment that will pay tremendous security and economic benefits for the American people in the decade, indeed the decades ahead.

We have all been witness to the extraordinary changes that have occurred in the world since the fall of the Berlin Wall. We all know that that event mandates a new way of thinking if we are to reap the benefits of the end of the cold war. The Freedom Support Act represents a new way of thinking. It is a policy guide for the decade of the 1990's. It makes an investment in the future which offers political, economic, and security returns for the American people and the citizens of the new Commonwealth of Independent States.

The main elements of the Freedom Support Act—economic and technical assistance, international debt relief, education and training programs, and disarmament and nonproliferation assistance—complement the Gorbachev/Yeltsin efforts and create the foundation upon which to replace the cold war competition and confrontation with post-cold-war partnership and cooperation.

The Freedom Support Act makes a political investment in democracy. The return on that investment for the newly independent states of the former Soviet Union is a political future where democratic representation and institutions empower people to take charge of their own destiny. The return for the United States is a partnership to resolve world problems in the spirit of multinational cooperation as opposed to perpetuating them in bipolar competition.

The economic investment of the Freedom Support Act is in free market economies. Consider these returns to the U.S. economy that flow from the Freedom Support Act: Tens of thousands of new jobs for Americans in the export business; 12 new markets in which to sell U.S. goods and services; over 250 million new consumers to purchase American products; access to greater petroleum and natural resources; and over 300 American companies seeking $12 billion in private investment opportunities.

Similarly, the Freedom Support Act makes a security investment in disarmament. An historic opportunity is in our hands. Over the past four decades, we spent hundreds of billions of dollars on the superpower arms race. Now, we need to spend only millions to dismantle, disarm and destroy those arms. The Freedom Support Act assists in the destruction of 40,000 tons of Soviet chemical weapons; 8,000 Soviet strategic nuclear weapons; 16,000 Soviet tactical nuclear weapons; 15,000 Soviet battle tanks; 13,000 Soviet armored combat vehicles; 8,000 Soviet artillery pieces; and 1,000 Soviet combat aircraft.

This represents the net destruction of more than 100,000 lethal Soviet weapons and weapon systems, including those of mass destruction. Much—if not most—of this disarmament business will go to American defense firms who are wisely adjusting to the newly emerging multi-billion-dollar disarmament market, yet another economic benefit to the United States. And, here it should be noted that as a result of the international cooperation created by the Freedom Support Act, U.S. defense spending could fall to $200 billion a year as opposed to a cold war budget approaching that of $400 billion a year by the end of this decade.

The committees of the House of Representatives which have jurisdiction over various parts of the Freedom Support Act have acted responsibly and expeditiously in their consideration of this legislation. From the perspective of the Committee on Foreign Affairs it is important to point out that the Freedom Support Act includes the main elements of the nonproliferation and disarmament fund (H.R. 4549) introduced on a bipartisan basis by myself and the ranking minority member, Mr. BROOMFIELD of Michigan and adopted by the Committee on Foreign Affairs on March 11, 1992. This bipartisan legislative initiative addressed the security challenges and arms control and disarmament opportunities of the post-gulf war and post-cold-war era, not only in the former Soviet Union but worldwide.

An illustrative list of the challenges demonstrates the need to reduce the proliferation threat from all over the world of all types of weaponry. Here are but a few of the proliferation challenges that we continue to face today: Iraq's continued desire to maintain and rebuild its military capabilities; North

Korea's nuclear weapons program; business as usual conventional arms sales in the Middle East; Chinese missile sales to Saudi Arabia, Syria, and Iran; and India and Pakistan's continued nuclear weapons programs.

This arms control initiative was subsequently incorporated into the Aspin-Fascell amendment to the Department of Defense authorization bill for fiscal year 1993 which passed the full House by a vote of 356-54 on June 4, 1992. Title V repeats the elements of that initiative.

This disarmament initiative strengthens U.S. nuclear nonproliferation efforts by: allocating $690 million for nonproliferation and disarmament activities; $40 million for international nonproliferation activities such as IAEA and UNSCOM inspections; $250 million for future nonproliferation and disarmament activities within the newly independent Republics of the former Soviet Union; and $400 million currently authorized for nuclear and chemical disarmament activities in the former Soviet Union to be extended into fiscal year 1993.

In closing, I would advise my colleagues that despite the collapse of communism the world does remain a potentially dangerous place. The Freedom Support Act—specifically title V—represents a comprehensive approach to making the world a safer place. It is a genuine attempt to achieve real arms control through the implementation of solid nonproliferation policies that will benefit not only the United States but mankind. I would also like to insert for the RECORD at this point the cost estimate of the Congressional Budget Office on the substitute text for H.R. 4547 which we are considering today. Mr. Chairman, I urge passage of the Freedom Support Act of 1992.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 5, 1992.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared a cost estimate to H.R. 5750, the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, as introduced on August 3, 1992. The bill is similar to H.R. 4547, the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, but would eliminate the direct spending in agricultural trade programs and would lower the authorization of assistance that was contained in the various versions of that bill. In addition, H.R. 5750 would appropriate funds for the International Monetary Fund.

The bill would affect direct spending and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985. As a result, the estimate required under clause 8 of House Rule XXI also is attached. Enactment of this bill is estimated to have no effect on the budgets of state or local governments.

Should the Committee so desire, we would be pleased to provide additional information on the estimate.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—AUGUST 5, 1992

1. Bill number: H.R. 5750.

2. Bill title: Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992.

3. Bill status: As introduced on August 3, 1992.

Bill purpose: The bill would authorize the appropriation of funds for bilateral economic assistance to Russia and the other republics of the former Soviet Union and for nonproliferation and disarmament activities. The bill would encourage the United States to take a leading role in multilateral efforts at macroeconomic stabilization and debt rescheduling, including U.S. participation, up to $3 billion, in a currency stabilization fund. The bill would repeal Cold War restrictions on various bilateral programs aimed at the Soviet Union including agricultural and other export credits.

Section 401 would authorize and appropriate funds for an increase in the United States quota of the International Monetary Fund (IMF).

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996	1997
Direct spending:						
Estimated Budget Authority	12,314	(1)	(1)	(1)	(1)	(1)
Estimated Outlays	0	(1)	(1)	(1)	(1)	(1)
AUTHORIZATION OF APPROPRIATIONS						
Budget Function 050: National defense:						
Authorization Amount	0	0	0	0	0	0
Estimated Outlays	0	8	−4	−3	−1	0
Budget Function 150: International affairs:						
Authorization amount	0	542	0	0	0	0
Estimated outlays	0	264	81	76	56	45
Total estimated outlays	0	272	77	73	55	45

[1] CBO cannot estimate the amount of additional spending.

SUMMARY OF FEDERAL COSTS

The table above summarizes the costs of H.R. 5750 to the federal government. The estimate assumes enactment of the bill before September 30, 1992 and subsequent appropriation of the authorized amounts. The direct spending in the bill falls in budget functions 150, International Affairs, and 600, Income Security and is described in the International Monetary Fund and immigration segments below. The largest item, the proposed 1992 appropriation for an increase in the U.S. quota of the IMF, does not affect outlays.

AID TO THE FORMER SOVIET UNION

This legislation and the Administration's proposal apply to 12 republics of the former Soviet Union. The seven major industrial democracies (G-7), the IMF, and the World Bank are developing multilateral assistance programs for the republics. In April, the United States and the other G-7 countries announced a $24 billion program of assistance to Russia. The plan includes balance-of-payments lending from international financial institutions, a currency stabilization fund, rescheduling of official and commercial debt, and bilateral assistance. All these areas are discussed in this section; however, only the bilateral programs have a direct effect on the federal budget.

Bilateral Programs

Economic and Technical Assistance Programs. Section 201 authorizes the appropriation of $417 million in fiscal year 1993 for bilateral economic and technical assistance programs. The objectives of the assistance include the following: addressing emergency and humanitarian needs, developing democratic institutions, supporting the creation of a free market system and private enterprise, expanding trade and investment relations with United States businesses, converting defense-related industry to civilian production, enhancing the human and natural environment, and improving food distribution, food production, education, energy production, transportation and telecommunications sectors of the economy. Estimated outlays from these authorizations of appropriations were based on details of the President's requested program.

Nonproliferation and Disarmament Activities. Title V authorizes the President to provide assistance to dismantle or destroy nuclear, biological, and chemical weapons, to halt the proliferation of these weapons and weapon technology, to establish science and technology centers in the former Soviet Union, and to convert military technologies and industries to civilian uses. For these purposes, the President is authorized to use $100 million of security assistance funds otherwise available in 1993. There is no existing authorization to fund these activities, therefore, this provision could add $100 million to spending over the 1993-1997 period. Nonetheless, it may not result in additional spending if the conference agreement on the foreign aid authorization bill is enacted and appropriations are provided in full.

The bill authorizes the appropriation of $40 million in 1993 for the Department of Defense to cooperate in international efforts to control the proliferation of nuclear weapons. To offset the spending, the bill reduces the authorization for procurement by the Defense Agencies by $40 million. The bill also increases the ceiling on Department of Defense funds that may be spent in 1993 on the destruction of Soviet nuclear weapons by $250 million. Defense outlays were estimated using historical spend-out rates for the affected accounts.

Section 504 directs the Director of the National Science Foundation to establish a nongovernmental foundation. The foundation would (1) promote and support joint research and development projects for peaceful purposes between scientists and engineers in the United States and the republics of the former Soviet Union, and (2) establish joint non-defense industrial research and development activities through private sector linkages. Funding for the new foundation would be derived through a transfer of funds authorized for such purpose in the National Defense Authorization Act for Fiscal Year 1993, contributions by participating republics of the former Soviet Union, funds from nongovernmental entities, and income on the foundation's investments. No additional cost to the federal government is estimated from enactment of this section.

Agricultural Credit Programs. The largest single source of bilateral assistance for the former Soviet Union is in the form of export credits for agricultural commodities. Section 702 would make changes in the way various agricultural export programs are administered. None of these changes are estimated to increase outlays relative to the budget resolution baseline.

Section 702 expands the current authority of the Secretary of Agriculture to provide

technical assistance to emerging democracies. In order to receive assistance under this section, the new republics must meet the same eligibility criteria for other assistance authorized by this legislation. CBO expects that the change would not add to the technical assistance already in the baseline.

Subsection 702(a) waives the tonnage ceiling on commodities that may be shipped from the stocks of the Commodity Credit Corporation under the Food For Progress program. Nevertheless, the cap on handling and transportation costs of $30 million remains in place and will constrain costs to baseline levels.

Subsections 702 (k) and (l) specify minimum percentages of export credit guarantees and export enhancement subsidies that must be used to support exports of processed and high-value products to the former Soviet republics. These requirements hold only to the extent that processed and high-value products account for less than 25 percent of total export credit guarantees and 15 percent of total export enhancement subsidies. These overall thresholds are the same as the percentages of processed and high-value products assumed in the budget resolution baseline. Therefore, relative to that baseline, these provisions would have no effect.

Salaries and Expenses. Title III authorizes the appropriation in 1993 of $18.5 million for operating expenses for new embassies and consulates in the former Soviet Union and $6.8 million for United States Information Agency (USIA) programs. Outlays were estimated using historical spend-out rates for these programs.

Lending by International Financial Institutions. Russia and the other former Soviet republics have petitioned to join the IMF, the European Bank for Reconstruction and Development, and the World Bank. The IMF and the two international banks are expected to accept Russia this summer. As the republics are accepted and agree upon a program of economic policy reforms and performance targets, they will be eligible to borrow from these institutions. Lending by these institutions will be from their own resources and will not directly affect the U.S. budget.

Section 403 authorizes the U.S. Governor of the International Finance Corporation (IFC) to vote for an increase in the capital stock of the corporation. The IFC is an equity investment department of the World Bank. The additional stock would be sold to Russia and other new members as they join the IFC. Enactment of this section would not affect the U.S. budget.

Currency Stabilization Fund. Section 402 expresses Congressional support for a U.S. contribution of up to $3 billion to a currency stabilization fund. The announced package for Russia includes a $6 billion fund for Russia, of which the U.S. share is $1.5 billion. The IMF is to administer the stabilization fund using the General Arrangements to Borrow (GAB).

The GAB were established in 1962 by 10 industrial countries as a means of supplementing the resources of the IMF when needed to forestall or cope with an impairment of the international monetary system caused by participating countries. The United States appropriated 4.25 billion in Special Drawing Rights (SDR), or $5.95 billion, to finance drawings from the IMF under the GAB. In 1983, GAB participants agreed to permit the IMF to activate the GAB for financing to non-participants when the fund's resources were inadequate to meet exceptional situations associated with balance-of-payments problems of a character or aggregate size that could threaten the stability of the international monetary system. The GAB have never been used to finance drawings by non-participating countries.

Loans to the IMF under the GAB are treated as exchanges of monetary assets in the same manner as other transactions with the IMF (see discussion below). No budget authority or outlays are estimated for the use of the GAB.

Debt Rescheduling. After Russia concludes an agreement with the IMF, representatives of the republics comprising the former Soviet Union will meet with creditor governments in Paris to reschedule outstanding official debt. Rescheduling loans owed to the U.S. government is a loan modification covered by credit reform. If the rescheduling results in a loss of present value, the Credit Reform Act requires the appropriation of the additional cost to the U.S. government. The Administration claims it has the authority to reschedule loans owed the United States by countries that are in imminent default. If a country cannot service its debt, the Administration argues, there is no cost to deferring payments.

INTERNATIONAL MONETARY FUND QUOTA INCREASE

The IMF quota increase provided in Section 401 is not directly connected to the assistance to the former Soviet Union. The quota increase was negotiated in June 1990 and the Senate passed a bill authorizing the increase in July 1991. The authorization is contained in this bill to assure that the fund has adequate resources to meet the needs of the new members and other commitments worldwide.

Section 401 would authorize and appropriate the dollar equivalent of 8,608.5 million Special Drawing Rights (SDR) for an increase in the United States quota in the International Monetary Fund. The estimated value of the quota increase is $12,314 million. (The SDR is an international monetary unit whose value is a weighted average of a basket of currencies composed of the U.S. dollar, the German mark, the Japanese yen, the British pound, and the French franc. The value of the basket fluctuates daily.)

Transactions between the United States Treasury and the IMF are, by definition, monetary exchanges through which the United States receives an international reserve asset comparable to a convertible foreign currency. These monetary exchanges are not budgetary receipts or expenditures. Therefore, the estimate contains no outlays for the quota increase.

OTHER PROVISIONS

Office of Space Commerce. Title VI authorizes the Department of Commerce's Office of Space Commerce to conduct trade missions to the republics of the former Soviet Union to familiarize the United States aerospace industry with space hardware, technologies, and services available within the new republics. Such trade missions would cost approximately $0.1 million assuming the appropriation of the necessary amounts.

Immigration Provisions. Section 704(a)(1) extends through 1994 a special category for establishing refugee status under the Immigration and Nationality Act for certain aliens from the former Soviet Union, Vietnam, Cambodia, and Laos.[1] These persons can apply for refugee status on the basis of being members of traditionally persecuted groups rather than meeting the worldwide standard. The special category does not confer status itself. Refugee status is determined by the U.S. Immigration and Naturalization Service, which then provides for admittance of refugees based on regional ceilings that are set by a Presidential determination each year. Because this subsection does not affect the ceiling for all refugees (132,000 for fiscal year 1992), it has no direct effect on the number of refugees entering the United States. CBO estimates no cost for this extension.

Section 701(a)(2) extends through 1994 the ability of parolees from the former Soviet Union, Vietnam, Laos, and Cambodia to receive permanent residence status after living in the United States for one year without having to meet the general standards for adjustment.[2] This extension could potentially affect direct spending because, once adjusted to permanent resident status, these persons could be eligible for and receive government assistance. Nevertheless, because neither the number of these parolees who would qualify for adjustment under normal standards, nor the number who would use public assistance once they are permanent residents can be predicted, CBO cannot estimate the costs of this subsection.

6. Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA) sets up pay-as-you-go procedures for legislation affecting outlays or receipts through 1995. Section 401 of this bill, concerning the International Monetary Fund, would create budget authority in 1992, which is direct spending under section 252 of BBEDCA. Therefore, pay-as-you-go procedures would apply to the section. Transactions between the United States Treasury and the IMF are, by definition, monetary exchanges through which the United States receives an international reserve asset comparable to a convertible foreign currency. Nonetheless, these monetary exchanges are neither budgetary receipts nor expenditures. As a result, the estimate contains no outlays for the IMF quota increase.

The immigration provisions of the bill would have the following pay-as-you-go impact:

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995
Outlays	0	(1)	(1)	(1)
Receipts		(2)	(2)	(2)

[1] CBO cannot estimate the amount of additional spending.
[2] Not applicable.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO cost estimate: On June 17, 1992 and July 1, 1992, CBO prepared estimates for H.R. 4547 as ordered reported by the House Committee on Foreign Affairs and the House Committee on Armed Services, respectively. In addition, CBO prepared an estimate for the Senate companion bill, S. 2532, on June 1, 1992. That bill would provide the President with broad discretion to use various government programs and authorized the appropriation of such funds as necessary for the purposes of the bill.

10. Estimate prepared by: Joseph Whitehill, Eileen Manfredi, David Hull, Mark Grabowicz, John Webb, Joshua Leichter, Kent Christensen.

[1] Ex-Soviets considered under this provision are Jews, Evangelical Christians, Ukrainian Catholics, and Ukrainian Orthodox. Vietnamese, Laotians, and Cambodians must be members of certain categories determined by the Attorney General of the United States.

[2] Grounds for adjustment from parolee to permanent resident include having an employer-sponsor, marrying a U.S. citizen or permanent resident, or being a relative of a U.S. citizen.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE ESTIMATE[1]

The applicable cost estimate of this Act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[By fiscal years, in millions of dollars]

	1992	1993	1994	1995
Change in outlays	0	(1)	(1)	(1)
Change in receipts	.....	(2)	(2)	(2)

[1] CBO cannot estimate the amount of additional spending.
[2] Not applicable.

Mr. BROOMFIELD. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I join Chairman FASCELL in supporting this bill to provide technical assistance to the former Soviet Republics. This is the most important foreign policy issue we will address this year.

The Freedom Support Act is not a handout. It is an investment in the peace and prosperity of future generations—a once in a lifetime opportunity to make our Nation's greatest adversary become a partner in democracy and trade.

History has presented us with the opportunity to end the cold war once and for all. To achieve this end will surely require an effort on the part of the United States and our allies. But while other nations are willing to join us to shoulder the burden, only the United States can lead this effort.

In my lifetime, and in my career in the House, I have seen many dark days throughout the course of the cold war, including Winston Churchill's Iron Curtain speech, the Berlin blockade, the Korean war, the launch of sputnik, the Bay of Pigs, the Berlin Wall, the Cuban missile crisis, the Vietnam war, and Communist insurgencies in every corner of the world.

Even if our Nation had the spirit, I am not certain that we have the ability to endure these trials again.

In the past year I have seen Mikhail Gorbachev make his own speech in Fulton, MO, declaring the end of the cold war. I have seen Boris Yeltsin—a freely elected President of Russia—agree to dismantle his nation's nuclear arsenal. The Soviet Union will never again be mentioned without the preface "former."

It is with great satisfaction that I support this bill as one of the last major initiatives of my 36 years in Congress.

DANTE, as everyone here knows, you and I will be retiring at the end of this session. We have worked together across four decades on the Committee on Foreign Affairs—the last 8 years side-by-side as chairman and ranking member of the committee.

Together you and I have had the privilege to witness and participate in the foreign policymaking process of the United States. As a Member of the House a member of the Foreign Affairs Committee, a Republican, and a friend, I can say without fear of contradiction that no one could have better deserved our Nation's trust or better served its interests throughout these years than DANTE FASCELL.

DANTE, it has been a real pleasure to serve with you. You have always been fair, honest and open to the views of the minority. You leave this institution with a record to be proud of, and a reputation for bipartisanship and compromise that should and will be remembered by those who succeed you.

As you and Jeanne-Marie begin your life after Congress, I hope you take a moment to savor your accomplishments. Our careers in this institution may, at most, be a small footnote in the Nation's history. However, those of us who have had the opportunity to know and work with you will not forget your personal integrity, your persistent efforts, and your friendly manner.

DANTE, my congratulations on a job well done.

History will remember President Harry S. Truman, Gen. George C. Marshall, Senator Arthur Vandenberg and the rest of the U.S. Congress for the foresight and political courage in enacting the Marshall plan in 1948. Can we rise to meet the same challenge in 1992?

The stakes for future generations are simply for this measure too great to be lost in the politics of the moment. We must pass this legislation—it is in our interest to do so.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the gentleman from Florida.

Mr. FASCELL. You caught me completely by surprise, BILL. I am very grateful for your gracious remarks. Let me simply say it has been a pleasure to work with you as the ranking member. I have considered you as cochairman constantly throughout this effort. It has been a real pleasure for me to work with you.

Mr. Chairman, the gentleman from Michigan [Mr. BROOMFIELD] has described my philosophy exactly. I believe the democratic process does call for compromise in order to make progress. I am willing to fight anybody at any time, if that is what it takes, but I would just as soon find some other decent way to work it out and make progress for our country and the American people.

In that process it has been my great privilege since I have been chairman of the Committee on Foreign Affairs to serve side by side with the gentleman from Michigan [Mr. BROOMFIELD], and I want you to know how grateful I am for the kind of support you have given. I wish you and Jane all the best in your future days. I know you and I will not vegetate. We have other things to do and we will always be interested. But I do want to express my appreciation for your thoughtfulness.

Mr. Chairman, for the better part of four decades BILL BROOMFIELD and I have proudly served the Committee on Foreign Affairs. For the last 8 years, we have cooperatively served together as chairman and ranking member.

While we have not always seen eye to eye on every matter, I can honestly say that we have been able to work cooperatively and successfully on many important pieces of foreign policy legislation.

We have been impartial in our deliberations on most of our foreign policy initiatives and programs—particularly in the area of arms control and nonproliferation. Of this I believe we can both be justly proud.

I would like to tell my colleagues here today that it has not only been an honor but a pleasure of the highest order to serve with you, BILL. And as we prepare to take our leave of this august body later this year, Jeanne Marie and I wish to extend our best wishes to you and Jane as you embark on your new career. You both deserve the best—and our prayers for a long and happy life go with you.

Mr. HAMILTON. Mr. Chairman, I yield 4½ minutes to the distinguished majority whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it has been more than 4 months since the President made his announcement about a comprehensive plan, the emergency aid package. That was the point at which so many of us literally hit the roof in this institution.

America's recession was 2 months old. But did the President come forward with a plan for this country, for the literally 17 million Americans who could not find full-time employment, a plan to create jobs here, to revitalize our economy? No; he came forward with a comprehensive plan to revitalize the Russian economy.

□ 1500

Well, my question to the President was simple. Why should Russian people cut ahead of the line in front of Americans? Did not the people in this country need help as well?

At that point, the gentleman from West Virginia [Mr. WISE] and I circulated a letter, and which over 100 of our colleagues signed, and we said in our letter to the President, jobs for Americans must come first. We were not saying "no" to Russian aid or support. We were saying, let us take care of the problem here at home.

We asked for two things: First, extended unemployment benefits; second,

[1] An estimate of H.R. 5750, the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, as introduced on August 3, 1992. This estimate was transmitted by the Congressional Budget Office on August 5, 1992.

accelerate a jobs package. We waited for months. There was no word from the White House. Nothing from the administration.

From my point of view what we were doing was handing the administration and those who are interested in this legislation a great opportunity. Not only would they get aid to Russia, they would also get credit for helping Americans that they were elected to serve. But months went by with no progress at all.

Finally, as we all remember last month, the unemployment rate jumped 3/10 of 1 percent, up to 7.8 percent. And then we got attention.

The extended unemployment compensation benefits with some permanency in them were signed into law by the President. That was a start.

What about creating jobs here at home? Local communities in all of our districts are ready to build and rebuild and resurface and do all the things that are necessary to make this a better place to live and to put people to work. But they see no help from Washington. Americans are still waiting for those jobs.

Now, let me make something very clear. My grandparents came from villages in the Ukraine. I am sympathetic to the problems there and in Russia and the other Commonwealth States. But some of the arguments I heard during this debate were unbelievable.

Members told us that if we did not pass the bill right away there would be riots in Moscow. There were not riots in Moscow. What we saw were disturbances in Los Angeles and other cities around this great country of ours, not in Moscow.

We were told that if we did not act, Russia would have between 3 and 5 million people out of work, ignoring the fact that we have 17 million people in this country who cannot get a job.

Let me conclude by saying that I and the gentleman from Missouri [Mr. GEPHARDT], the gentlewoman from California [Ms. WATERS], and others have been talking to the administration, the Speaker has implored the President to act on an extended jobs benefit program as well as on a guaranteed loan for our cities, for our cities so they can rebuild and put people to work.

I believe we have come close to an agreement. We have reached an agreement on extending jobs for people making roads and bridges and highways at the tune of about $1 billion a year. We are that close, and I believe we will expand the Guaranteed Loan Program to our cities.

I see that as a commitment from the administration, an important commitment.

So I say to my colleagues today, I am going to vote for this bill, but I want to make it perfectly clear that if they renege, if they renege on these two important provisions to put Americans to work, the half a billion dollars for jobs to build our roads and bridges that will get out before October, and the guaranteed loan program for our cities, then when this bill comes back from conference or when any other foreign policy bill that matters to the administration comes back, they will not only not have my support but my active opposition.

Mr. HAMILTON. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Iowa [Mr. NAGLE], who has done such marvelous work on this bill.

Mr. NAGLE. Mr. Chairman, today we have the opportunity to stand up and be counted on the question of whether the United States will continue to lead the global effort to assist the emerging democracies of the former Soviet Union.

The Freedom Support Act provides for a partnership between our Government and our private sector to build upon the new political and economic realities of the post-cold-war period.

The bill is not a blank check for any country. Among a number of conditions, each new state must demonstrate by good faith conduct that it respects human rights, promotes economic reforms, and supports nonproliferation of nuclear weapons.

The aim of these conditions is to discourage government actions contrary to principles we honor in the United States, such as Azerbaijan's 4-year-long blockade to deny the essentials of life—food, medicine, and fuel—to the peoples of Nagorno-Karabakh and Armenia.

These emerging democracies must make sacrifices and take risks, but we can and should help them succeed through passage of this act.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I would not vote a dime for this bill if I did not think it was in our national interest. I want Yeltsin to succeed, not to fail. That is in our national interest.

I want a monolithic Communist state to become a free market democracy. That is in our national interest.

We have almost won the cold war, and it cost us billions of dollars. But not yet. We have not yet crossed the finish line. And as in the Olympic marathon, a marathon that has gone on for 45 years, we have not crossed the finish line.

There are ethnic, there are nationalistic, there are religious hatreds over there seething within the territorial limits of what was once the Soviet Union.

There are 27,000 nuclear-tipped warheads in the Soviet Union. It is in our national interest to neutralize all of these. But most of all, I want to create from within the former Soviet Union 300 million new customers for our economy.

It is not an us-against-them. It is not taking care of the Russians and forget us at home. This is a world economy, and if we can create a democratic free market state or help create one out of the former Soviet Union, it will be a marvelous boon for our own economy and world peace.

The peace of the world, the prosperity of the world depends on our exercise of enlightened self-interest.

Yes, the Russian troops have got to come out of the Baltics and they have got to go home, but I believe the economic problems of Russia are obstacles to this essential disarmament. And if her economy can be strengthened and stabilized, I have no doubt the Baltic States will be freed.

If we do not see this through and the former Soviet Union reconstitutes itself as a totalitarian state, future generations can look at us and say, "You were miserable failures."

The CHAIRMAN. The Chair would advise the Committee that both the majority and minority sides on the Committee on Foreign Affairs may reserve time for closing. The Chair will insist that all other committees recognized under the rule consume their time in order once we are into the individual committees.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I rise in opposition to this bill. All of us want to do what we can to help the Russians democratize. That stands for the other countries that were part of the former Soviet Union as well.

Unfortunately, I do not think that this bill is the right way to do it. This is not really an effort to help the Russians democratize as much as it is an effort to refurbish funding for the International Monetary Fund in the amount of $12 billion as the commitment from the United States.

For about 5 years now there has been an attempt to get this additional $12 billion to the IMF through this Congress. Finally, there is an excuse to do it, and it is under the rubric of aid to the Russians.

The problem is that, according to the Congressional Research Service [CRS], the Russians are not going to get all of this money. As a matter of fact, the Russians are not going to get half of this money.

If we add all of the countries in the former Soviet Union, the commitment to them, their quota is set at $6.1 billion, or about half.

The Russians are slated to get $4 billion. In other words, one-third of the total.

So my colleagues, let us understand that this $12 billion to the IMF is not all for Russian aid. No more than one-third of it is going to Russia.

Second, $31 billion of the total of $1.26 billion reserve that is currently available in the IMF for lending, would meet the maximum demands of all the

former Soviet Union. So according to what the IMF currently has, there is adequate money to support funding for Russia and the other countries of the former Soviet Union. That is according to the Secretary of the Treasury.

Finally, the Senate Budget Committee staff projects that only $600 million of the $12 billion will actually reach Russia, for a variety of reasons. So I would say, Mr. Chairman, let us be careful about assuming that simply because we agree to guarantee $12 billion to the IMF, that, therefore, somehow or other we are lending or supporting the Russians in the amount of $12 billion. It simply is not true.

□ 1510

The second reason I believe we should be careful about supporting this legislation is that it is without the expression of conditions that many in this body had wanted to express by way of amendments that we were not allowed to offer as a result of the closed rule. Many of us wanted to suggest to the Russians that they at least ought to commit to a timetable to get their troops out of the Baltic States; that they at least ought to be willing to agree to abide by arms control agreements; that they at least ought to forego giving aid to countries like Cuba and North Korea and North Vietnam. Those are not unreasonable conditions.

I believe most of my constituents would be willing to consider doing what they could to assist the countries of the former Soviet Union, as long as the leaders of those countries understood what we felt was important. We believe these leaders are committed to these actions, but need support at home if they are going to be able to continue to make progress in these areas.

It does not hurt Yeltsin to impose some of these conditions, it helps Yeltsin to impose some of these conditions. There are many within Russia who do not want to remove the troops from the Baltic States, for example. By indicating to them that one of the conditions for this assistance is a plan to remove those troops, we strengthen Yeltsin's hand. He then is able to say to his comrades in Russia, "In order for us to get this kind of assistance, we are going to have to meet a plan to remove the troops from the Baltic States."

I urge my colleagues to vote against this program, because of the fact that we were not able to condition it in a reasonable way.

Mr. BROOMFIELD. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Under the rule, the gentlewoman from Ohio [Ms. OAKAR] will be recognized for 15 minutes, and the gentleman from Iowa [Mr. LEACH] will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I noted in the debate on the rule, I was very disappointed with the contents of the so-called Russian package legislation. The basis for the disappointment is our familiarity with the circumstances surrounding the legislation, particularly the IMF quota increase of $12.2 billion, which the Committee on Banking, Finance and Urban Affairs has exclusive jurisdiction over, and the omission of what we feel, the members of this committee, are essential instructions to IMF and other provisions.

IMF affects not just Russia, but 165 countries, and is the stabilizing force economically for the world economy in many, many ways.

Mr. Chairman, I think the IMF quota part is just as important as the Russian package part, and maybe more important in terms of the world economy. Therefore, we transmitted our work relative to this quota increase and included appropriate instructions to accompany this subscription.

I do not have disagreement with the objectives of the Russian freedom support effort or with the provisions as far as they go, but the bill does not go far enough. I think it would be irresponsible to have this $12.2 billion IMF quota increase without a number of specific policy recommendations that do not cost any money.

For example, we felt that it was very important to include management procedures to strengthen the bank's efforts to alleviate poverty. We felt very strongly, our committee, that several initiatives to protect the environment, so that the moneys were used properly, were included to support reduction and restructuring of developing countries' debt; to promote child survival; human and worker rights; to discourage, and this is especially important, to discourage excessive weapons expenditures. We have no guarantee if we do not put it in a policy statement that the portion of the IMF that they want to give to the Russians will not be used for more weapons expenditures. They do not need that, and it is important to have instructions relative to the IMF portion.

Additionally, there is a requirement for publications of the major economic reports, and a call for closer cooperation with other international financial institutions.

Mr. BURTON of Indiana. Mr. Chairman, will the gentlewoman yield on that point? I have something I would like to add that verifies what she says.

Ms. OAKAR. I yield 30 seconds to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, let me just say, in the Russian newspaper yesterday, and this is the Nezavisimaya Gazeta, it shows that the Russian Central Bank just pumped 1 trillion rubles or $6.6 billion into their military-industrial complex, and that verifies what the gentlewoman is saying.

Ms. OAKAR. Mr. Chairman, I thank the gentleman from Indiana [Mr. BURTON] for that point.

Additionally, there is a requirement for the publications, and to have closer cooperation between the IMF and the World Bank and other multilateral institutions. The Members have to understand that they are not just voting exclusively on a Russian aid package. They are voting on the IMF quota increase, on which we have not had an increase for 9 years.

While it is not part of the budget, it does not add to the deficit. The fact is, if we are going to contribute $12.2 billion, we had better make sure that we have guidelines that assist in terms of what we want our individuals who are on the board to vote for.

Let me at this point in time say that I am extraordinarily disappointed that somehow title I of the work that we did, which does not even relate specifically to this Russian aid package, could not even be included. I think it is a slap in the face for the work that the Committee on Banking, Finance and Urban Affairs members did, and for what I think is important policy for the American people who do make substantial contributions to the global economy.

That is why I do not support this bill in its present form.

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

Mr. LEACH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, few issues are more important to our long-term national interest then the future of democracy and free enterprise in the former Soviet Union and former Soviet bloc.

While the greatest unfought war in history may be won, peace remains elusive. Failure of the West to engage in helping alleviate the socioeconomic and political problems stemming from Soviet communism's demise carries as many liabilities today as failure to contain communist expansionism would have 40 years ago.

The immediate challenge for America is to craft techniques that nurture democratic values and retard the prospect of regression to police-state controls and aggressive foreign policies on the Eurasian land mass. Winning peace is generally less costly than waging war, but it is not cheap; nor in some instances is it easy to justify to political constituencies.

From a historical perspective, the three most momentous events of the century are World War I, World War II, and the cold war. As historians well understand, little is more worrisome than the model of punitive intransigence the victors of World War I applied to Germany. Clearly, organized retribution against the Kaiser helped precipitate the rise of Hitlerite Fascism. Likewise, little in retrospect appears more successfully enlightened

than the generous approach taken toward the loses of World War II when enemies becomes allies. The lesson of history as well as individual life is that charitable understanding is a more practical and moral approach than calculated indifference.

In the long run free enterprise and trade are the most efficacious answers to the enormous economic plight behind the fallen Iron Curtain; in the short run, the modest amount of humanitarian technical and international financial assistance authorized in the Freedom Support Act to the former Soviet Republics may be the cheapest national security insurance policy the United States can consider taking out. Direct U.S. aid ought to emphasize exchange programs, humanitarian assistance—principally food and medicine—and help in the dismantlement of nuclear weapons systems. For economic development and financial assistance, the West should rely on three relevant multilateral institutions; the World Bank, the International Monetary Fund, and the newly created European Bank for Reconstruction and Development.

Here it should be stressed that in substantive as well as dollar terms, the centerpiece of the Freedom Support Act is the technical and financial assistance that will be provided to the former Soviet Union through the International Monetary Fund (IMF).

While there is understandable skepticism about primary reliance on international financial institutions in this circumstance two advantages stand out: First, funding provided is of a loan not grant nature; second, other countries, especially Western Europe and Japan will be obligated to comparable liabilities, in this case matching America's on a 4-to-1 basis.

One of the least understood aspects of this approach is that the United States is one of the few countries that requires legislative approved for quota increases to the IMF's capital reserves. Because most other governments look at the IMF in part as a profitable institution, decisions on replenishment in other countries are generally made on a timely and supportive basis.

Half of our allies simply won't agree to support the IMF until we do, although they are prepared to match on a 4-to-1 basis every dollar we obligate immediately after our commitment is made. In other words, by failing to support the IMF quota increase, the Congress would be holding up $48 billion in contributions from others to the Fund. We would, in effect, be blocking IMF contributions from Germany and Japan that help advance America's national interests in the former Soviet Union.

The other half want to support the IMF without us, in order to lay claim to the trade deals attendant to IMF lending and in order to eliminate forever the U.S. veto of IMF policies which goes with us and only us because of our current near 20-percent participation in the Fund. In other words, our commercial as well as leadership interests are at stake with the decision before us.

The estimated value of the U.S. share of the quota increase is $12.3 billion. The U.S. contribution to the Fund will require an appropriation of budget authority, even though there is no net budgetary outlay. The reason for this is that our IMF quota is a monetary asset. When the United States provides its quota increase in Treasury reserves in exchange for our quota subscription, these reserve assets can be used by the United States at any time. In budgetary terms, therefore, despite an appropriation of budget authority, the quota increase has no effect on the U.S. budget deficit. In fact, the United States has earned an average of $600 million annually through participation in IMF loans over the last decade.

There is no guarantee, of course, that these gains will recur on IMF transactions once it begins lending to Russia; in fact, it would be naive not to suspect some losses. On the other hand, the possibility exists that, if sufficient free-market restructuring takes place behind the resource-rich former Iron Curtain, actual profit could accrue on the credit extended. To the degree any losses accumulate, they would be shared on a 4-to-1 basis with others.

A unique aspect of providing assistance through an international financial institution is that principles as well as dollars can be leveraged. While individual donor states have little leverage in influencing the economic policies of other states, the IMF has a proven track record of conditioning aid on free market reforms. Particularly in recent years, IMF adjustment programs have promoted less government and more private enterprise through reductions in bloated government spending, privatization of state enterprises, price and financial liberalization, as well as free trade. Key United States trading partners—Mexico, Argentina, and Brazil—in our fastest growing export market, Latin America, have IMF programs in place that support privatization, sound monetary policy, open trade regimes, and economic growth.

While Americans may differ on the role and composition of foreign aid, consensus should be obtainable on the notion that progressive change can most likely be institutionalized through expanded trade and investment ties. Aid without trade is a prescription for dependency, not self-sufficiency. Likewise aid without the development of a free enterprise psychology and legal infrastructure will be of fleeting significance. Unless laws are developed that protect property and provide incentives for entrepreneurship, all of the newly established states of the former Soviet Union and erstwhile Soviet bloc will likely stagnate for decades with per capita GNP wallowing at the level of less developed countries. What the former socialist states need is a cultural reordering of attitudes toward the relation of the state and individual. This can only occur through the widest possible contact with the West, particularly America.

Hence, I would stress the provision in this bill of a commitment to commence one of the largest exchange programs in the history of not only this country but any country. Based on legislation the distinguished Senator from New Jersey [Mr. BRADLEY] introduced in the other body and that which the distinguished gentleman from New York [Mr. MCHUGH] and I introduced in the House, this exchange program is designed to bring our countries together by building individual contact and sharing individual values. It is based on the assumption that at issue is generational not episodic change. I am personally convinced this exchange program will in the end prove more consequential than any of its capital providing features.

What the West must do is conjoin political and economic principles, emphasizing that democracy and free enterprise go hand in hand and that those states that move the most progressively are likely to be recipients of most public assistance as well as, by implication, private investment. In this regard, the non-Russian republics of the former Soviet Union should be singled out for sympathetic concern, with the new leaders of the Kremlin put on frank notice that efforts to thwart independence movements, whether in the Baltics, Ukraine, or Georgia, will be looked on with political disfavor carrying negative trade and investment implications. Here, it must be stressed the intent of Congress is to apply the resources contained in this act to all of the former Republics of the Soviet Union, not just Russia.

Social dislocation too often leads to scapegoats and simplistic solutions, to a search for a strong man, a Ukrainian Mussolini or a Russian Milosevic. Likewise the pace of reform itself may lead to disillusionment, like that expressed by the Russian nihilist Dimitri Pisarev, who suggested in the mid-19th century that a pair of boots is worth more than all the plays of Shakespeare. If communism is not simply to give way to nihilism, hope must be provided in democracy, market economics and trade.

Should the Congress fail to support IMF assistance to the former Soviet Union, America risks an unraveling not only of the G-7 aid package but a disastrous rending of the reform movement and hence social fabric in the soviet successor states.

If the nascent experiments in democracy and free enterprise collapse for

want of timely Western support in the former Soviet Union, the potential ramifications for the national interests of the United States—in terms of threats to United States security, escalating defense budgets, and lost markets for trade and investment—could be staggering.

The challenge of our time is to grasp the opportunity created by the end of the cold war. If America leads wisely, new wells of creative energy can be opened up and mankind's untapped productive potential released. The world can be enriched with a renaissance of the human spirit. If, on the other hand, America fails to secure the peace so many citizens have sacrificed so much to achieve, the mantle of 21st century leadership will pass to other less charitable societies and less liberal philosophies.

The weight of historical judgment is on our shoulders. It is time for Congress to share with the Executive the burden of leadership of the free world. The Freedom Support Act deserves our support.

There is no guarantee if we go forward with this approach that it is going to work. But it is close to a surety that if we fail to go ahead, global instability will emanate.

□ 1520

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

Ms. OAKAR. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise in opposition to the legislation. I do not begrudge any country that has the leverage, the clout, or the power to come to our Government and get money and get resources. But I do insist that this Government must focus some attention on our cities, our towns, and even our rural communities that are in desperate shape.

On May 28, my city went up in flames. A lot of politicians and people from the private sector stepped forward, and they talked about what they were going to do. They said they were ashamed of the homelessness and the despair, and that they understood the joblessness.

To date, very little has happened. The people who have been poised, waiting for some assistance, have gotten little or nothing. The urban package that we passed out of this House is a joke. Now it is hung up over on the Senate side, and the $14 billion in tax incentives has grown to $31 billion, and still there is 2.5 billion measly dollars supposedly to be spread around this country.

The unemployment rates went up today, not only in my district, but all over America. Little towns, Appalachia, the delta, the Midwest, the west coast, everybody is suffering in America from 12 years of neglect.

I cannot go home and explain to my people why we can give taxpayer dollars to Russia and we cannot do anything for the cities.

Let me tell Members what we have done for Russia. Aid to the former Soviet Union has been very generous, $4.8 billion in loan guarantees for surplus products, $100 million in transportation assistance for donated food commodities, $210 million in Food for Progress assistance and Desert Storm surplus assistance; $650 million from this year's defense bill for weapons dismantlement; $610 million this year in traditional foreign assistance; and finally, a $12 billion increase in IMF capital.

I do not know how we can do this for Russia or anybody else and continue to ignore our cities.

Mr. LEACH. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, today we are considering legislation which just a few years ago would have been unthinkable—the United States Congress sending money to the former Soviet Union to help it convert to a market economy and Western democracy. I do support these goals in principle.

However, in practice, sooner or later we have to realize that the solution to all of the world's problems is not the U.S. Treasury. If the people of Russia haven't yet mastered a free-market economy, then turn American industry and workers loose on them so they might learn. But sending our tax dollars before Russia fully embraces capitalism ensures our money will be squandered.

At a time when our Nation desperately needs to keep money here at home, it seems we are headed in the opposite direction. This legislation contains a $12 billion IMF quota increase, which I fought against in committee because, frankly, we simply can't afford it.

We must start looking after America first, or else we won't be able to continue in our generosity either at home or abroad.

We can and should assist the people of the former Soviet Union to ensure that the days of the cold war are truly over. But, if the legacy for our winning the cold war is constant demands for increased foreign aid, it will be a hollow victory for American taxpayers indeed.

Therefore, I must oppose this legislation and I urge my colleagues to do likewise.

Mr. LEACH. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I want Boris Yeltsin to succeed, and I want to do everything I can to assist him in that endeavor because we have been enemies with the Soviet Union for a long, long time, and peace has broken out, and we want to see that succeed.

However, I have a question to ask my colleagues. Why not extract a quid pro quo from the Soviet Union? Why not get something for these loans? Why not enter into a contractual agreement with them to guarantee that we will get our money back, that this money is not going down a sinkhole that the American taxpayer is paying for. Why not get that kind of contractual agreement?

Let me tell the Members what kind of contractual agreement I am talking about. The Soviet Union has $31 billion in vanadium resources; $62 billion in nickel resources; $204 billion in manganese; $7 billion in silver; $103 billion in gold; $60 billion in platinum. Their diamond resources are incalculable. In natural gas, they have 1,600 trillion cubic feet, which is estimated to be worth $2.720 trillion, and they have 57 billion barrels of oil worth $1.140 trillion.

Why not enter into a contractual agreement saying we will give you this aid, we will give you these loans, but we want to guarantee that we are going to get this back in resources? That is good, solid business. Do not waste American taxpayer dollars on foreign aid and send this down a sinkhole. Let us get something back for our money. Let us get a guarantee that they are going to live up to the commitments that they have made, and the only way to do that is to enter into a contractual agreement with the Soviet Union, all of the new Soviet States, all of the former Soviet Union. That can be done, and we should have debated that under an open rule. We did not, so I say to my colleagues, let us defeat this and go back to the drawing board and get an agreement that we can live with.

Ms. OAKAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, I rise in strong support of the Freedom Support Act.

Mr. Chairman, 2 weeks ago I had the opportunity on two occasions to hear and question the United States Ambassador to Russia, Robert Strauss. At a hearing of the full Agriculture Committee, and later at a joint meeting of Senators and Representatives interested in international affairs, I heard him give his appraisal of the situation and prospects of Russia and the former Soviet Republics.

The Ambassador is in Washington to encourage the Congress to pass the Freedom Support Act, to assist the former Soviet Republics with credit guarantees, critically needed food, and appropriate technical assistance.

His message was clear and compelling. He said the United States fought communism for 70 years, and now that it is gone we have a

chance to help those Republics establish a democratic, free-market system. He said that the situation there is very volatile. Food is scarce, inflation is running wild, unemployment is rising. Help is needed to stabilize the situation and bring hope and confidence. It is in the highest interest of the United States to provide needed help along with the other major nations of the world. It is in the highest interest of our security, and it represents a huge economic opportunity. It would be unthinkable that we would reject this opportunity.

I want my constituents, particularly those who say they are opposed to all foreign aid, to know that this foreign aid makes sense. It will provide jobs in the United States and it will help to protect the peace.

I want to give you a little of the flavor of Ambassador Robert Strauss' observations about the current situation in Russia, the Ukraine, and the other former Soviet Republics.

He said that Russian President Boris Yeltsin hates communism. Yeltsin is very strong and effective. His 35-year-old Prime Minister, Yegor Gaydar, is first rate. Both are working hard to move toward a more democratic market economy. But there are many, many problems. It is slow going, and they are constantly heckled by groups of hard liners who want to get back into power.

Strauss does not think communism will ever return. But some form of dictatorship could develop if the people get too discouraged.

There are gigantic problems. Industrial production is down 13 percent and will go much lower. They need to shut down the plants that are producing things there is no market for. Thousands of factories must be converted to produce the things they need. There is massive unemployment in a country where for generations everyone had a job.

I asked Strauss whether the Russians were able to receive technical help, to understand it and put it to practice. He said the understanding of American methods was almost nonexistent. Learning is very slow. He said that just sending money won't do the job. It's going to take time and patience.

Strauss says he thinks the Russians will make it. But they will continue to need our help. They need food and other support in order to survive as they try to build a free economy starting from almost nothing. They need to know that we are with them in what they are trying to accomplish.

There is little else that is so important to the United States than to achieve economic health in all the former Soviet Republics. I urge all Members to vote for the Freedom Support Act.

Ms. OAKAR. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding me the time. I would like to engage in a colloquy with the gentleman from Indiana [Mr. HAMILTON] to clarify the use of the new section 201, which explicitly provides for the use of authorized funds to encourage United States private sector participation in the development of a free market economy in the former Soviet States.

A similar problem has arisen. Access to the help of these U.S. professional services, accounting, law firms, investment banking and the like by CIS entities is limited by a lack of money and by the cumbersome procedures that are in place for many of our aid programs. It is important to clarify that the purpose of section 201 is to encourage private sector participation in the CIS, and that as a priority this should include the means by which U.S. service firms can take part in an efficient and timely way in the development of new free markets in the CIS.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from Indiana.

□ 1530

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I agree with his comments and support them fully.

Mr. LEACH. Mr. Chairman, I yield myself 10 seconds simply to respond very quickly to the gentleman from Indiana.

The reasons the Government does not enter into the kinds of contracts he advocates is the IMF is already a primary creditor. The theory is to leave mineral resources, it is for the private sector to tie up this collateral.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman, my colleagues, this vote has implications far beyond the details. Decades from today what will be remembered are not the details of this legislation but whether this House stood on the side of those struggling for freedom and democracy in Russia or stood against them.

Russia is on the path toward democracy and free markets today primarily for two reasons, first, the courage of its people and of its leader, Boris Yeltsin, but, second, because of the policy steadfastly pursued by the American people and our leaders going back to Truman and Eisenhower, stretching on through Reagan and Bush.

Let us not risk undoing the gains of those policies pursued for so many years to success. Let us not risk undoing those gains by voting no on this bill. Resist that temptation. Stand on the side of freedom and democracy in Russia; stand on the side of a secure peace for America.

Mr. LEACH. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER], who has been one of the great leaders in the Congress on an assortment of issues, most particularly this one.

Mr. BEREUTER. Mr. Chairman, this Member rises in the strongest possible support for H.R. 4547, the Freedom Support Act of 1992.

I would remind my colleagues again, without hyperbole, that the vote on H.R. 4547 is truly, quite probably, the most historic and important vote that you will ever cast as a Member of the House of Representatives. Supporters of the Freedom Support Act will be able to look back upon this vote with pride; those who vote against it will eventually have a lot to explain, and their excuses will ring hollow. For in the Freedom Support Act, we have the opportunity to move back from the precipice of nuclear war that we have faced since Joseph Stalin's Soviet Union exploded the first nuclear device.

Mr. Speaker, the Soviet Union is no more. In its place we find a loose confederation of newly independent states. It is too soon to tell whether Russia, Ukraine, and the rest will become benign or constructive forces in world politics; or whether they will revert into reactionary, antidemocratic forces. This body, by its action today, has the ability to have a significant impact upon that evolutionary process—for the better. We can have a big role today in assuring that the latter does not happen.

Over the years, this body has appropriated literally tens of trillions of dollars for defense expenditures to contain and combat the aggressive initiatives of the Soviet Union. Indeed, the IRS recently estimated that between 1947 and 1990, the direct price of defending U.S. interests in the cold war cost the average American family approximately $80,000 in tax revenue. Now we have an opportunity to reverse this continued massive defense spending, and bring home the ultimate peace dividend for domestic priorities. That is how the needs of our Nation's biggest and most troubled cities like Los Angeles, Baltimore, and East St. Louis and their citizens can be then addressed. That is how the needs of rural and small communities can be met.

Does a threat still exist? Unfortunately, the answer is yes. The massive Red army that has threatened the West for so long did not simply fade away when the Soviet Union disintegrated. It has become the Russian Army. And while it is true the force and orientation of the Russian Army has become less ominous, it is still a very potent force. This is the force that has targeted many thousands of strategic nuclear weapons upon every State, and every major city, and every congressional district in the United States—and on the heads of more than half of the American people. Though agreements have been negotiated for dismantling many of these terrible weapons, most of those weapons still remain. In addition, Russia continues to storehouse thousands of tons of chemical munitions, and a vast arsenal of biological agents of mass destruction. We need to work with the Russians and the others to continue the dismantling of these weapons of mass destruction—to eliminate as many as possible and pull

back permanently as friends from the provocative confrontation that would prompt their use.

I would remind my colleagues that the former Soviet Union was the only nation that possessed the ability to put an end to the United States. And Boris Yeltsin has inherited that nuclear capability. Now, under Yeltsin's leadership, Russia is more than willing to cooperate in the collection and dismantling of these terrible weapons, but it is an effort that even under the best of circumstances will take years to accomplish.

This Member would urge his colleagues to think through what is being proposed. Boris Yeltsin and his associates seek to work within a system of democratic world order. They now seek to be a friend and good neighbor rather than an adversary. Russia and the other former Soviet Republics are working with the West on stemming international terrorism—which the Soviet Union has long sponsored with such lethal effect and political damage. They are working to deny rogue nations such as Iran, Iraq, and Libya access to black market weapons and to Soviet scientific expertise. They want to work with the West to clean up environmental disasters, some of which are so severe as to threaten all of mankind.

The former Soviet Republics are not looking for a bailout. Rather, they are looking for a helping hand. They understand, at least in part, that the path they have chosen to democracy, pluralism, and market-oriented economics will be difficult. They also know that they will surely fail if the West does not help.

This Member will repeat what others in this body have already said. The dollar are very, very modest, particularly in comparison to the unprecedented dividends. In real outlays the Freedom Support Act primarily provides technical assistance. It is not a bailout. And the United States is not carrying the entire load. Indeed in comparison to the combined commitments of EC and other donor participants, our contribution is quite modest. The Freedom Support Act will make us part—an essential part—of a coordinated international freedom support and assistance effort.

Mr. Chairman, I say to my colleagues that this is no time to play politics, for excuses, or for faint hearts. Occasionally, rarely, in our careers as legislators, we are asked to cast a vote that has truly momentous implications. This is such a vote.

I would say to my colleagues that if you care about world peace and stability, this is quite probably the most important vote you will ever cast. If you want to put a permanent end to the cold war and assure it does not end in a worldwide nuclear holocaust, then you need to support the legislation. If you sincerely care about dismantling the tens of thousands of nuclear weapons—nuclear weapons that are targeted at your own constituency, then you must support the Freedom Support Act.

Mr. Chairman, America's fundamental economic and national security interests demand that we pass the Freedom Support Act.

Ms. OAKAR. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, let the record clearly reflect that this bill is good for the people of Russia, but it does not show to be as good for the people of the United States of America.

Let me say to my colleagues, and remind myself, I do not stand in opposition to this bill because I am opposed to the people of Russia. It is because I am for the people of the United States, our workers, our farmers, our students, our cities, our working families, our Nation's children.

Yesterday the Committee on Rules would not permit an amendment that would address the needs of our cities and of our country by allowing loan guarantees to be placed into this bill or American workers and American families. Today unemployment claims rose by 69,000 in just one week, the largest jump in recent history.

So why can we not find the time and the dispatch and the passion to argue also forcefully for the needs of people in this country?

Mr. Chairman, few people will remember what we say here today, but many will remember what we do. If we are serious about helping fledgling democracies, let us start with the ones that we know best. They are called the United States of America, and they are in desperate need of attention and great dispatch and eloquent speeches and help from this body.

Ms. OAKAR. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, my colleague on the Committee on Banking, Finance and Urban Affairs, the gentleman from Maryland [Mr. MFUME], I think, said it all.

I listened to some of the debate here today. For some reason we do not trust our own system.

Obviously the President, the leadership of the other side of the aisle, the leadership of this side of the aisle have to fashion this in the dark of night, have to pass this through. We do not trust the fact that there are some of us who will support foreign aid. We will support foreign aid for the Republics of the former Soviet Union.

□ 1540

The only thing we want to do is have another look at the whole system and how it is done.

Finally, I realize what our problem is. We just do not trust ourselves.

I think the answer to the question of the gentleman from Maryland [Mr. MFUME], what do we do for American States, is very simple. We just qualify them as a lender from the IMF, because some have made the argument that this does not affect the budget in any way, it does not cause any further deficit or debt.

Well, excellent. Let us not give them $12.2 billion. Let us give them $24.4 billion and qualify the State of California and the city of Los Angeles as a lender from the IMF.

It is getting so ridiculous, Mr. Chairman, that last night I sat in the Rules Committee meeting and one of the Members testifying said, "This is a great proposition because for every dollar we make available, $2.57 comes back."

And like lightening out of the sky, I realized that is the solution to our recession in the United States. Our problem is we are not giving enough. We should give $100 billion or $200 billion or $1 trillion and cure the American recession.

Mr. Speaker, let us defeat this bill, not with the idea of defeating foreign aid or helping the Soviet Union or not meeting our time of destiny, but to correct the system of how it is done, and let us be fair to the States of the United States as well.

Mr. LEACH of Iowa. Mr. Chairman, I yield myself the balance of the time.

The challenge of our time is to address the opportunity created by the end of the cold war. If America leads wisely, new wells of creative energy can be opened up and mankind's untapped productive potential released. The world can be enriched with a renaissance of the human spirit.

If on the other hand our country fails to secure the peace so many citizens have sacrificed so much to achieve, the mantle of 21st century leadership will pass to less charitable philosophies and less liberal societies.

Mr. Speaker, it is the obligation of this Congress to be mindful of our heritage and farsightful about our future. In this context, I do not think we have any option whatsoever but to support the approach before us.

Mr. Chairman, I urge a strong bipartisan vote for the President's initiative.

Ms. OAKAR. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. Mr. Chairman, I am a Korean war veteran. My father served in the First World War. My brother served in the Second World War, and after we won the war, we lost the peace.

There is no unemployment in Japan. There is no unemployment in Germany. Korea is thriving, but here in this country we have wretched unemployment, and we would stand on this floor after defeating communism and

say after sacrificing, we should sacrifice once again to rebuild their economy while ours is going to pot.

Mr. Chairman, there is something wrong with this place. The American people will answer at the next election.

Vote for Russia, vote against America and bring about your own defeat.

Mr. Chairman, I rise today to express my opposition to the so-called Freedom Support Act.

No one can deny the fact that the changes that have occurred in the former Soviet Union are truly remarkable. The people of Russia and the 11 other Republics are now free from the iron shackles of Communist oppression.

But there are a countless number of Americans who are not free, who are imprisoned right here in the land of opportunity.

They are not free to walk into a hospital and receive medical care that they so desperately need.

They are not free to enter the workplace each day, and earn a decent living.

And in too many cases, Mr. Chairman, they are not free to provide the basis necessities, like food or a decent home for their families or themselves.

So before we decide to send billions of dollars overseas, I urge my colleagues to consider the implications of such a message, a message that tells the disenfranchised and ignored citizens of this country that you come second, you just do not count.

Well, Mr. Chairman, the time has come to put the welfare of the American people as our No. 1 priority.

I firmly believe that we must take every measure to dismantle the obscene war machine that was constructed by the United States and the Soviet Union during the cold war.

But over the course of the last 12 years, as more and more money was bled from the hard-working taxpayers of this Nation, to quench the thirst of war mongering leaders, who really paid the price?

Yes, we must achieve world peace. And yes, a strong Russia means a strong United States.

But before we can help the rest of the world, we must be strong enough, and smart enough to help our own.

Mr. Chairman, I know that many of my colleagues feel that the concept of restricting foreign aid to help Americans here at home represents an antiquated, close-minded ideology.

The sad reality however, is that we are still pouring funds into defense spending, when the only wars that this Nation should be preparing to fight are the many wars that are waged every day here on our own soil.

The war against hunger. The war to improve health care. The war to restore the American economy, and American jobs. The war to improve education.

In short, the war to save this great Nation of ours.

So before we send billions of dollars to the former Soviet Union, maybe it is time to end this blatant hypocrisy.

Until then, please do not disgrace the word "freedom" by tacking it onto a piece of legislation that will deny millions of Americans even their most basic rights. We have won the war, now let us win the peace for all Americans.

Ms. OAKAR. Mr. Chairman, I yield 1 minute to the gentleman from Chicago, Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, I rise today to speak in opposition to H.R. 4547, the Freedom Support Act. While the idea is cliché, I oppose this legislation because I am a firm believer that charity starts at home and then spreads abroad. Before focusing our attention on Russia and other foreign nations, we need to pay close attention to what has happened in our country. There are critical issues such as high unemployment, health care reform, economic and educational reform which should be addressed before allowing precious time on the House floor for a so-called Freedom Support Act.

Our urban centers, which are decaying at an alarming rate, are in need of a Freedom Support Act. How can we begin to provide aid to other nations when our own country is in desperate need of aid itself? I strongly believe that we should address domestic issues at home before we even think of helping others abroad. We should at a minimum attach an amendment to this bill which provides loan guarantees for urban centers. However, when my colleague from California, Ms. WATERS, offered an amendment for consideration that would have addressed the needs of our cities, it was rejected by the Rules Committee.

Mr. Chairman, Congress should take a leadership role in addressing the crisis in our cities. We now know that the Bush administration has no real plan to assist our urban centers and extend democracy to those suffering in our country. The citizens of this country are crying out for a revitalization which addresses real issues for real people. This disregard for U.S. citizens must stop, and it must stop now. Urban dwellers have heard nothing but constant rhetoric from politicians and have seen no action. It is time to cease useless rhetoric and provide real funds to rebuild and revitalize our cities. I cannot in good conscious support this legislation when our cities are in dire straits.

Ms. OAKAR. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I know there is an awful lot of feeling about this bill pro and con. To me, it is important to support Russia at this time so that it can continue its quest for freedom and stabilize the world; but one of the stabilizers of the world economy is the International Monetary Fund.

Nine years ago we gave about half the contribution that we are asking our country to give now. It is $12.2 billion.

I think it is a fatal error to give $12.2 billion as a contribution to the International Monetary Fund without instructions, without any strings attached, without any guidance in terms of policy.

We are the key policymaker of that Monetary Fund. I think it is extraordinarily irresponsible not to have the various instructions that our committee on both sides of the aisle made that would not in any way inhibit this Fund, but indeed enhance it.

Do you want this Fund to be used in the quest for military weapons? Do you want this Fund not to be used to stabilize the economy or poverty? That is the whole idea of the Fund.

When we as the most powerful country do not give any instructions to our Members, I think it is a tragic flaw. That is why I am saying today that we ought to go back to that Rules Committee and insist that at least title I of what the Banking Committee's work was is put in this bill. Therefore, Mr. Chairman, I oppose the legislation as it is written today.

The CHAIRMAN. The time of the gentlewoman from Ohio [Ms. OAKAR] has expired.

The next 20 minutes allotted under the rule will be divided between the chairman and the ranking minority member representing the Committee on Agriculture.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I yield myself 3 minutes. Mr. Chairman, I rise to express my support for the Freedom Support Act.

This legislation includes a bipartisan series of amendments approved by voice vote in the House Agriculture Committee last month. Our amendments, contained in section 702, will provide the Secretary of Agriculture greater flexibility to use our Nation's agricultural trade programs to assist the newly independent states at no increased cost.

The Agriculture Committee's amendments will do essentially three things:

Allow greater latitude in using the Food for Progress Program to provide agricultural commodities to meet food needs in these countries;

Allow the Secretary of Agriculture to pay for the cost for technical assistance to develop more efficient food and rural business systems in emerging democracies; and

Encourage the increased export of high-value agricultural products processed here in the United States.

Mr. Chairman, there are many Americans who ask why—at a time of deep economic problems here at home and a $400 billion deficit—we should help Russia or any of the other emerging democracies.

As chairman of the Committee on Agriculture, I could point out how delegation after delegation from the Russian Federation and the other newly independent states have come to our country to learn about our agricultural system. They realize that one of the key elements to a successful market economy is providing consumers with

an abundant and affordable food supply.

But probably the best rationale I heard for supporting this legislation came from our Ambassador to the Russian Federation, the Honorable Robert Strauss, when he appeared before the House Agriculture Committee 2 weeks ago.

Ambassador Strauss said we have a historic window of opportunity to help solidify democracy in the Russian Federation. He said and I quote:

> This bill represents far more than the money that it spends. It represents a signal to the rest of the world that the West and particularly the United States is not going to turn its back on the Russians as they attempt to get rid of communism and put in its place democracy.

Ambassador Strauss argued that we here in Congress must look at this bill not so much as a foreign aid bill but as a bill vital to our domestic interest, our national security, and our economic future.

I agree with Ambassador Strauss. We must take advantage of this historic opportunity to help the newly independent states through this difficult transition to a market economy.

Mr. Chairman, the Freedom Support Act will also benefit the American agricultural economy, and it will create jobs here at home. Through this bill's provisions we can lay the foundation for long-term export markets for American agricultural and nonagricultural exports. Finally, this bill will help us take a gigantic step to achieving a more lasting world peace.

Mr. Chairman, like Bob Strauss, I do not want it said one day that I contributed to the loss of the democratic movement in the former Soviet Union. We have too much invested in this effort. We have waited 70 years to see the demise of communism. Now is our very short window of opportunity, and we should not let it pass us by.

I urge my colleagues to join me in supporting the Freedom Support Act.

□ 1550

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

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4547 for many of the same reasons which the chairman has enunciated. We have an opportunity to make sure that this world is a safer world. It is in our national security interest that we promote assistance to the former Soviet Union and those republics, to help reduce tension in the world, to reduce nuclear weapons and to open up trade opportunities.

One of the things that I put in this bill in the Committee on Agriculture is to help increase jobs here at home by increasing our value-added share of the world market to the former Soviet Union in sales of agricultural products.

Every time we sell $1 billion increase of value-added products, we add 20,000 people to work in this country. It is going to help our farmers, it is going to help our workers, but more importantly it will help world peace.

The chairman mentioned our ambassador, Mr. Strauss, who did testify before our committee the other day. Mr. Strauss very candidly said that we are in a position of losing our world market to a potential customer of the size of Russia and the former Soviet Union republics if we do not do something now dramatically. I think the use of the value-added product by our administration will help that.

We are in there competing now with the Europeans especially, and if we do not assist the Soviets coming out of this economy that they are in and try to stabilize them, move them to democracy, when they do get on their feet financially they are going to be doing business with the Europeans, not with the Americans. And again we will be put back into the residual supplier situation.

So I think there are some good points for American jobs, for American opportunities in this bill. I stand here in support.

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

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. I thank the gentleman for yielding to me.

Mr. Chairman, every day when I drive to work, to this Capitol Building, I see people sleeping on the streets, right here in the Nation's Capital today.

Mr. Chairman, we have 10 million people out of work, 25 million people on food stamps, 40 million people without health care, a President who promised us 30 million new jobs—and I thought he meant jobs in this country. We have 2.4 million people declared bankruptcy and 841,000 new jobs. We had 3 to 1 more people declare bankruptcy in this country than creating new jobs.

Mr. Chairman, I stood in Lithuania, I stood there in the snow and watched candles burning in the snow where innocent people were gunned down by Soviet soldiers. Today those tanks and those soldiers are still there. And I challenge President Yeltsin to tell those soldiers to put their arms down, disarm the tanks and bring the missiles home.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman and Members, has anybody forgotten what this country is all about, where we have been and where we are going? The very room we are standing in today was built when? By Abraham Lincoln during the height of the Civil War. This country was not more than recovering from the recession when we decided to go to World War II because we had to save the world and to stop Hitler. Here we stand and listen to rhetoric that says if every single problem at home is not solved, by God, we cannot do anything to end the cold war.

What am I hearing on the floor of the House of Representatives? The average American family of four has spent $85,000 of their income in taxes to the Federal Government as their part of a cold war.

Mr. Chairman, that is over, that is over. If we allow the independent states to succeed, that is. We now have that chance.

Do you know what? If you add up every penny in aid, not just in this bill but every penny in aid that we are providing from the U.S. Government to the Soviet Union, you are talking about something like $5.5 billion. Do we forget that in 1990, as we saw the beginning of the end of the cold war, we cut defense $100 billion? The budget now working its way through Congress is going to cut defense another $80 billion.

My God, we are going to invest $5 billion to save $180 billion, so that we can spend it on domestic programs? Mr. Chairman, have we forgotten our soul? Have we forgotten who we are? Have we forgot that this is the chance to end the cold war, to truly make sure we have changed the world so that Democrats and Republicans alike can now change America? And we can invest in our cities, and in education, and in health care.

Mr. Chairman, if we do not do this now, when will we ever do it?

Support this bill.

Mr. DE LA GARZA. Mr. Chairman, I yield 1½ minutes to our colleague, the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, this bill is one of the most important pieces of legislation that Congress will consider this year. The United States has a historic opportunity to assist in the birth, growth and development of democracy in a country that we have spent trillions of dollars trying to isolate and defeat.

The former Soviet Union is making tremendous strides toward a free market economy and implementing democratic reforms. It is critical that the United States not only verbalize support but back these words up with concrete action to show we will walk with the newly democratized republics on this journey.

I am particularly supportive of a provision which earmarks 25 percent of EEP and 35 percent of GSM credits for exports of value-added agricultural products to Russia and the other new republics. Exports of value-added products not only meets the short-term nu-

tritional needs of the former Soviet Union but could in the long-term develop markets for U.S. grown and processed agricultural commodities.

Russian and the newly formed republics have not been perfect in their attempts to move toward a market economy and democracy but they have made great strides with little or no resources or expertise. The United States needs to challenge these new nations to reach their full potential but this will not happen without U.S. technical assistance and resources.

I am not willing to return to cold war days and out-of-control military spending. Send a message of support to the fledgling nations of the former Soviet Union. Vote "yes" on the Freedom Support Act.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding time.

Mr. Chairman, I rise to express my strong support for H.R. 5750, the Freedom Support Act of 1993, and I commend President Bush, and the distinguished chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], the distinguished ranking Republican member of the committee, the gentleman from Michigan [Mr. BROOMFIELD], as well as the distinguished chairman of the Subcommittee on Europe and the Middle East, the gentleman from Indiana [Mr. HAMILTON], for their carefully crafted, bipartisan efforts.

No longer do we live in a world where rhetoric pits communism against capitalism, no longer do we live in a destructive world of us against them.

This is an historic opportunity to help consolidate democracy and free markets in the former Soviet Union. As President Bush recently noted:

> We have the chance not only to help the peoples of Russia and the new Independent States escape the nightmare of communism, but also to secure for us and our children a future that is infinitely safer and more prosperous.

We failed to win the peace after World War I. We failed because of our isolationist policies: We did not recognize that isolationism and security, and protectionism and prosperity cannot be reconciled. Let us learn from our past mistakes.

This measure promotes three of our Nation's critical policy objectives:

First, the promotion of democratic institutions in the States;

Second, the destruction of the former Soviet nuclear capability; and

Third, the movement toward a free market economy.

H.R. 5750 authorizes a total of $442.3 million in spending—$417 million for assistance programs, and $25.3 million for operating expenses of the Department of State and the U.S. Information Agency.

The measure also contains the authorization and appropriation for an approximately $12 billion increase in the U.S. share of the International Monetary Fund. This increase combined with those agreed to by the other 160 plus members of the IMF, maintains the U.S. share at 20 percent of the total Fund.

The IMF is, in essence, a policing agency for sound economic policy. Member countries which seek assistance first agree to meet economic reform goals, usually painful, and then qualify for loans and technical assistance. Borrowers repay the IMF loans with interest, usually on a very short timetable.

Because it is a conservative lender, the IMF maintains a positive cash inflow on its loans—interest paid exceeds losses. Thus, while the United States has appropriated funds to back the IMF loans, the money has not actually been spent. Rather, it serves as a reserve to be drawn upon and replenished as the IMF sees fit.

The most pressing reason for this IMF quota increase is to provide the agency with sufficient resources to design and support economic reform programs in the newly democratizing States of Eastern and Central Europe. The needs of these countries far exceeds the current capabilities of the IMF or any single foreign assistance donor.

Mr. Chairman, I commend the President, as well as our Republican and Democrat leadership for crafting an appropriate response to the crisis in the former Soviet Union.

Mr. Chairman, permit me to read a paragraph from a joint letter from former Presidents Reagan, Carter, Ford, and Nixon with regard to their support of this measure:

> We now have the opportunity, so fervently pursued for generations, to guarantee a peaceful transition to democracy. America must respond to this challenge, as we have so many times before, through leadership of an international coalition to secure the success of reform in Russia and the other states of the former Soviet Union.

Mr. Chairman, the Soviet Union, as an entity, exists no more. Those who oppose this measure, those who believe we must stay at home and only worry about ourselves fail to recognize that we live in an increasingly interdependent world, and we—the United States of America—are its leader.

It is essential that we support this measure. It is a vote for hope and peace. It is a vote for an end to the cold war. It is a vote for the security of future generations. I strongly urge its adoption.

□ 1600

Mr. DE LA GARZA. Mr. Chairman, I yield 1½ minutes to our distinguished colleague, the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, having spent trillions of dollars to win the cold war during the last four decades, the challenge of this decade is securing the peace. This bill will help us do that. Its commitment is minimal to the amount spent in the past, but it is an investment with far-reaching payoffs.

Not only is its passage vital to the forces of liberalization and democratization in the Commonwealth of Independent States, it is vital to reinvigorating our own economy. Unless we secure the peace of the cold war, we will not be able to redirect the dollars it has drained from our economy into new investments here at home in infrastructure, health care, job training, education, and making our economy competitive and strong for the next century. This legislation is not just an investment in the former Soviet Union, it opens the way for investment in a new U.S. economy freed of the demands of the cold war.

One of the direct beneficiaries of the legislation, and one of the reasons I intend to support, it will be our agricultural economy. America's farmers and our agricultural export programs are literally feeding the historic transformation taking place throughout the Commonwealth. They are making up for the short falls in Russia's grain harvests, the inefficiencies in its food production and marketing system, and training Russian farmers in methods that have made American agriculture the most productive in the world. This legislation will enable U.S. farmers to continue to take advantage of the opportunities this market represents, which is of critical importance to the health of today's weakened farm economy and the threats American farmers face from the unfair trading practices of their competitors.

The importance of American agriculture to the Commonwealth was underscored when President Yeltsin, during his visit here earlier this summer, took a day to come to Kansas to tour not a car plant, steel mill, or computer factory, but a meat processing company and Kansas wheat farm. They are the sources of the food his government so badly needs and which will be financed under the programs contained in this legislation.

I had the distinct privilege of accompanying President Yeltsin on his trip to Kansas. He told me that for his reforms to succeed, he will need our help to continue purchasing American farm goods, the offer of help this bill extends.

He has a historic opportunity, and we have an equally historic opportunity to transform the face of the world in a way none of us dreamed of just a few years ago. This bill is that opportunity, we must have the wisdom to seize it; it is the doorway to a world safe from the awful threat of nuclear war, we must have the courage to walk through it.

Mr. Chairman, I urge my colleagues to join me in support of it.

Mr. DE LA GARZA. Mr. Chairman, I yield 30 seconds to our distinguished colleague, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, the Freedom Support Act will reduce military threats to the United States. More directly, the Freedom Support Act contains authority to assist in the dismantlement of nuclear weapons of the former Soviet Union and the conversion of the defense industries. We have been told, on the destruction of these weapons, that most of that money in this bill will go to Americans who will lead the destruction of these nuclear weapons.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague, the gentleman from Missouri [Mr. COLEMAN], yielding this time to me, and I want to congratulate the chairman and others who provided leadership in this very, important time, regarding this very important issue.

Mr. Chairman and my colleagues, I cannot recall when we may have had a more important vote in the House of Representatives. It is my own personal feeling that this may be one of the most important votes cast by any of us during our entire career. The hope for peace and freedom could very well weight in the balance. It is in our Nation's long-term interest to see that the cold war is ended forever. America's security is much easier to maintain in a world with a stable, democratic Russia.

Just think of it. Our economy is in the most difficult straits it has been in my memory. The challenge to meet the problems that face our people here at home are very, very real. Our public has turned its own sight inside our borders, and our constituents want us to solve problems here at home. They do not want us looking overseas.

But, having said that, there is absolutely no question that one of the fundamental responsibilities of those of us who would choose to be leaders in the National Congress is to recognize our responsibility to play a role in the world. That involves peace and freedom. Just think of what happens if we decide to ignore that portion of our responsibility and withdraw.

What happens if, as a result of that, for example, the Yeltsin administration does not succeed? Think of the would-be despots who are wandering around in those new countries that have broken off from what was the former Soviet Union. Think of what happens if there is an approval giving new opportunity to those would-be autocrats.

It is absolutely critical that we play whatever role we can to see that democracy in the former Soviet Union survives. Indeed, my colleagues, the time to lead is now. We must ensure the end of the cold war forever.

Mr. DE LA GARZA. Mr. Chairman, I yield such time as he may consume to our distinguished colleague, the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise in support of the bipartisan vision and courage embodied in this historic legislation.

Mr. Chairman, I commend the chairman and the ranking member for their courage and vision in bringing this significant piece of legislation before us.

The reconstruction of the economic and political structure of the former Soviet Republics provides the United States with, as one prominent observer has noted, "one of the historic opportunities of this century." Providing the technical assistance laid out in this legislation will help foster this reconstruction by promoting democracy and free-market economics.

I am grateful to the chairman for recognizing that a key element of the economic restructuring of the new states will be their ability to measure their own economic progress. Earlier this year, I introduced legislation which provides a mechanism to help the newly independent states compile and analyze data on their changing economies. Without the statistical ability to gauge their economic development, these states cannot be expected to make a full transition from a centrally planned economy to one based on the free market. Moreover, without these measurements, it will be difficult to assess the effectiveness of our own Government's aid to those same states.

As an example, the chief Ukrainian statistician came to the United States earlier this year with a list of 140 economic indicators that his country does not know how to measure, but needs to learn. These are indicators we take for granted, such as measures of inflation, inventory of durable goods, retail sales, and housing starts.

These fundamental measures of market activity, which we so regularly use to judge our own economy's performance, are simply not available to the new states. We must teach them how to develop key economic indicators if we and they are to monitor their progress toward a market economy.

Once we have assisted the former Soviet Republics in how to collect, analyze and effectively use accurate economic data, governments will not be the only beneficiaries from such an achievement. Dependable economic data will also be a valuable guide and resource for U.S. businesses as they expand into new and unfamiliar markets. Given that the success of this legislation will hinge upon the markets created for our workers' products, we must do all that is in our power to facilitate knowledgeable decisionmaking by American business.

As American Government agencies have a statistical gathering and analysis capability second to none, we are in a unique position to provide the type of technical assistance the new states are seeking. Given the importance of what is at stake, we cannot afford to deny them this assistance.

Clearly, this is one of the historic opportunities of this century. I am confident that we will rise to this occasion by meeting the real economic needs of the newly independent states of the former Soviet Union.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I hope it has not been so soon that we have forgotten all of the expenditures and all the problems that the cold war brought, and I hope that we can today visualize what people who will be reading history 50 years from now might be reading. If we fail in this, fail to attempt to democratize the Soviet Union, if we fail to reach out and bring them into the community of nations, if anything we do here today fails to do that, we will have a burden on our shoulders of failure that the historians will write about for many, many years.

We have a chance today. We have a very constructive bill. It not only helps those people overseas, but it helps ourselves at the same time with real job creation. I think those amendments offered by the Committee on Agriculture strengthened this bill, and I hope they will continue throughout this process until the President signs it.

Mr. Chairman, I again ask for bipartisan support for a proposal that I think will bring more peace to the world, and, as the gentleman from California [Mr. LEWIS] said, it is one of the most important votes that we will make in this Congress.

I rise in support of H.R. 5750, the Freedom Support Act of 1992. I believe that it represents an investment in the future. Having Russia and the Independent States of the former Soviet Union as trading partners and buyers of our agricultural products will help them and will provide additional markets for agricultural producers in the United States.

The security of the United States is improved when the former Soviet Union turns to a free enterprise, market oriented system. The economic future of the American farmer is improved by opening markets around the world.

Our action must be consistent with addressing the many needs we have here at home, none of which is greater than the need to create jobs. Increased trade opportunities, especially in processed and high value agricultural products, can provide help to the people of the former Soviet Union while providing new markets for American farmers.

Incorporated in the Freedom Support Act is an amendment that I offered in the Agriculture Committee that will require more aggressive use of export credits and the Export Enhancement Program for processed and high value agricultural products. Other countries should be put on notice that we intend to seize the initiative in developing markets in the former Soviet Union for superior quality American products.

Last month the Ambassador to the Russian Federation, Robert Strauss,

testified before our committee. Ambassador Strauss stated that Russia is the largest potential market in the world for United States agriculture and that we should be worried about losing our share of that market to other countries—especially the Europeans. He specifically emphasized the need for trade in value-added products.

My amendment requires the Secretary of Agriculture, to the extent practicable, to use the Export Enhancement Program and the Export Credit Guarantee Program to sell processed and high value agriculture products. I remind my colleagues that a principal purpose of H.R. 5750 is to create trade opportunities with the Independent States of the former Soviet Union and generate jobs and economic benefits for the United States. My amendment, which is a part of the bill, meets those objectives.

The key to prosperity in agriculture is to increase the U.S. share of the world market in value-added farm goods. The Economic Research Service of USDA says increasing our share of the entire world market for high value products to 15 percent could create 1½ million new jobs.

This provision is good for American farmers; good for American jobs; and, good for the former Soviet Union. It is time that our policies promote what we can do better than anyone else in the world: provide food and fiber that are processed, packaged, shipped, and marketed at reasonable prices throughout the globe.

In recent years a small portion of the export enhancement funds, about 5 percent in 1992, has supported the exports of value-added products. Almost all of these funds have been devoted to the export of bulk grains. As long as we have the export enhancement program, bulk grains must receive a large share of available funds because the income from these exports goes directly to American producers. But we cannot ignore the growth opportunities in value-added goods, or the markets for our bulk products that value-added products represent. A bushel of wheat is exported whether it goes as a bulk grain or as wheat flour.

I believe that a fair share of the export credit guarantee and export enhancement funds must be devoted to processed and high value goods such as beef, pork, wheat flour, and other processed and packaged goods. The benefits to our producers and our economy from expanded exports of these products demand that we do more to promote their export.

It is better for all Americans if we can increase our exports of value-added agricultural goods because these exports create not only a market for our products, but also create jobs in the processing, packaging, and livestock industries. In fact, every billion dollars in new exports means 20,000 new American jobs.

The Freedom Support Act demonstrates clearly that domestic and foreign affairs are not an either/or situation. Its purpose is to support freedom and open markets in the independent States of the former Soviet Union.

The Freedom Support Act will allow us to improve the standard of living so that U.S. interests, including those of agriculture and trade, are emphasized. In the long term we can provide technical help and know-how that will improve the food distribution systems of the former Soviet Union to make them our trading partners.

As events unfold in the Soviet Union at unprecedented speed, the challenges facing its people are numerous and formidable. To assist them with the most immediate challenges American agriculture must be prepared to provide the food and technical assistance necessary to get them started on the road to free and open market.

Since January 1991 USDA has made $4.5 billion in export credit guarantees available to encourage the purchase of U.S. agricultural products. Additionally, over $300 million has been allocated to meet the humanitarian food and medical needs within the former Soviet Union. Technical assistance in the form of model farm projects, development of wholesale markets and extension service projects are under way.

It is in the American interest to provide this assistance; the security of the United States is improved when the independent States of the former Soviet Union turn to democratic, free enterprise, market oriented systems. Empty stomachs make for desperate people who may embrace any despot who can promise them food. Americans want to encourage the former Soviet people in their struggle toward a free and open society because they know that a peaceful country is key to a peaceful and stable world.

Our strategy then must take into account our budgetary constraints and must recognize that we do not have the resources for another Marshall plan. America will take a strong leadership role and do its share; but what we do must be in cooperation with other developed nations, many of whom created or modernized their postwar economies with our Marshall plan assistance. And the strategy must be consistent with addressing the many needs we have here at home.

I urge support for H.R. 5750, the Freedom Support Act of 1992.

PARLIAMENTARY INQUIRY

Mr. DE LA GARZA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DE LA GARZA. Mr. Chairman, the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], is not prepared to be yielded to at this point. By unanimous consent, Mr. Chairman, may we facilitate the distinguished chairman by allowing him to utilize the time later?

The CHAIRMAN. It would be permissible to ask unanimous consent to do that.

Mr. DE LA GARZA. Mr. Chairman, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] be permitted to utilize the balance of my time, which I will yield to him, later in the debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. KANJORSKI. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. DE LA GARZA. Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma [Mr. MCCURDY], and then I yield the balance of my time to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I yield ½ minute to the gentleman from Oklahoma [Mr. MCCURDY].

The CHAIRMAN. The gentleman from Oklahoma [Mr. MCCURDY] is recognized for 3 minutes.

□ 1610

Mr. MCCURDY. Mr. Chairman, the transition from a Communist dictatorship in the Soviet Union to a democratic government in a series of republics, including the principal Republic of Russia, is not going to be easy. The reforms that we encouraged Russia and the former Soviet Union to undertake will be painful. There will be serious repercussions throughout that country, and we are asking their citizens to pay a very high price.

Recently, the Central Bank in Russia agreed to extend credit to the state industries. This in my opinion poses possible problems for President Yeltsin in his reform efforts. It would be fruitless to extend credit alone without fostering democratic reforms as exhibited in the Democracy Corps provision which the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], and the ranking Republican member and my good friend and colleague, the gentleman from Illinois [Mr. HYDE], have supported and embraced in this legislation.

The Democracy Corps assists with development of democratic values. Without such a program this money I do not believe will be as usefully used as it should be. The end goal here is the promotion of democratic values throughout the world. It is crucial for America to develop a substantive policy for a post-Communist world. What we need is a bipartisan policy to support the real democracies as they carry on what is likely to be the work of generations, by giving them the time and incentive to create democratic programs and make them work.

The Democracy Corps provision does not depend on bureaucrats or high-level meetings in Switzerland. It depends on dedicated Americans, private citizens with hands-on experience, who know how to make the rubber meet the road, whether it be in the development of city councils, a department of motor vehicles, or an effective parent-teachers organization in the local schools.

I appreciate the efforts of our colleagues in making the Democracy Corps a key tenet of the Freedom Support Act as we seek to foster the development of democratic values in the CIS, in the former Soviet Union.

Mr. Chairman, there has been much debate on this floor about this act. Foreign aid is not a popular provision for anyone. Mr. Chairman, as I said earlier today, I believe this is a historic opportunity, not only to assist in a peaceful transition. The cold war did not end with a battle, it did not end with the doomsday predictions that dominated our discussions and our policy for over 45 years. It ended peacefully. But for us to allow this transition to take root and to succeed, I believe this package today is essential, and we need to pass it.

Mr. CHAIRMAN. Under the rule, the next 20 minutes is allotted to the Committee on Armed Services, to be controlled equally by the chairman, the gentleman from Wisconsin [Mr. ASPIN], and the ranking member, the gentleman from South Carolina [Mr. SPENCE].

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

Mr. ASPIN. Mr. Chairman, I yield myself 3 minutes

Mr. Chairman, a year ago this month we were stunned by the profound changes going on in what was then the Soviet Union. We saw a group of hardliners attempt to turn back the clock on reform with an ill-considered coup. The coup failed and its failure accelerated the reforms.

At that time, a number of us asked our colleagues to take an unusual step. After two generations of antagonism and rivalry with the Soviet Union, we sought to assist its turn to democracy and a market economy. We offered funds from the defense budget to promote a peaceful, democratic Soviet Union, one in which there were far fewer nuclear weapons. We reasoned that this was defense by other means, but defense nevertheless.

That fall, Robert Strauss, U.S. Ambassador to Russia, put it this way before the Committee on Armed Services:

"This is not philanthropy," he said. "It is not at all altruistic. And it isn't charity. * * * It saves lives, it saves money, it builds democracy and it builds a world we can all look forward to."

The Congress agreed and we passed legislation to help begin the process of destroying the needless thousands of nuclear weapons in the possession of the former Soviet Union.

Today, this House considers legislation to further these broad goals with the Freedom Support Act. I rise in support of this legisation.

As before, it is not charity. As before, it is clearly in the American national interest. It is clearly in our interest to reduce U.S. defense spending and reinvest those resources in growth at home. It is clearly in our interest to forestall chaos in a land with 30,000 nuclear weapons. It is clearly in our interest to welcome a new, cooperative democracy to the family of nations.

It is clearly in our interest to develop new markets for American goods and services. It is clearly in our interests to have Americans involved financially and substantively in the recovery efforts in the former Soviet Union. It is clearly in our interest to support Russian President Boris Yeltsin, a true reformer.

The Freedom Support Act supports all these goals and I ask Members to support it now.

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

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4547, the Freedom Support Act of 1992, was referred to the Committee on Armed Services as a result of changes made by the Committee on Foreign Affairs to title V of the bill.

Specifically, defense funds provided for the dismantlement of the nuclear weapons of the former Soviet Union would, under title V of H.R. 4547, be made available for the much broader purposes of international dismantlement and international nonproliferation activities, as well as for converting the military capabilities, technologies, and defense industries of the Independent States of the former Soviet Union into nonmilitary, civilian activities.

The Committee on Armed Services strongly opposed these changes, and on July 1, 1992, adopted an amendment to H.R. 4547 that would assure the use of the defense funds provided in that title for the more narrow purposes approved by the House in H.R. 5006, the National Defense Authorization Act for Fiscal Year 1993. These funds, therefore, would be available for the destruction of the nuclear, chemical, biological, and other weapons of the former Soviet Union, but not for the broader purposes of international disarmament or defense conversion.

There was strong, bipartisan opposition in our committee for using DOD funds for some ill-conceived and unworkable global disarmament effort; likewise, there was little, if any, support for using DOD funds for equally ill-defined plans for defense conversion activities in the former Soviet Union. I should add that the Secretary of Defense also strongly opposes the use of DOD funds for these purposes.

Mr. Chairman, I am pleased to confirm that the Committee on Foreign Affairs, in drafting a clean bill—H.R. 5750—for consideration by the House, has faithfully incorporated our committee's recommended changes to H.R. 4547. The Armed Services Committee-recommended changes, I believe, improve the bill substantially and may, in fact, increase its chances for passage by this body.

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

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I rise in support of this legislation. In our careers here in Congress we have opportunities at times to rise above our individual best interests for the best interests of our country and of mankind.

We did not ask the circumstance of today to be exactly like it was. I am reminded of 50 years ago in Luzon, when I was leading a patrol and I realized when I came to an ambush that it would be better if I had more machine guns with me to handle the situation that was there. But I had to make the decision as to what to do, and I went forward, we all went forward, and we were successful.

Today there are people on the floor of the House who feel imperiled in their elections because foreign aid is not that popular. But this is not just foreign aid. This is a historic opportunity which comes to us at this particular time.

Mr. Chairman, as Members look back on their lives in Congress, I am sure this is going to be one of the most important votes ever cast. As I said when I myself voted against the Desert Storm war, I feel like it is important that we do what we think is best for our country and for the world, not what is best for us individually politically.

So that is the kind of vote we have here today. I urge all the Members of this Congress to vote for this legislation because I think it is in the best interest of our country and I think it is in the best interests of mankind.

□ 1620

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, there appear to be two main arguments for this bill. First of all, that $12 billion in aid will help Russia and, second, if we do not pass the bill, we will embarrass President Yeltsin.

I realize the arguments are more eloquent, but that is what they boil down to.

As to the first, according to the Senate Budget Committee staff, only about $600 million, not $12 billion, will

actually reach Russia. And according to the Congressional Research Service, Russia's quota is $4 billion out of the $12 billion, and the total Republics' quota is $6 billion out of the total of $12 billion. So I think we should be careful in assuming that all $12 billion of infusion of American funds to the IMF is slated for countries of the former Soviet Union. Only half of it is, and only one-third of it would actually go to Russia.

I think, Mr. Chairman, it is important for us to realize that this is really less about fostering democracy in Russia and more about pumping up the IMF funds. For 5 years now there has been an effort to try to infuse the IMF with more money, and this is the latest excuse for doing so.

I believe that we deceive ourselves if we believe that this act is going to actually save Russia. There may be some parts of it that acutally assist Russia, parts of it which I have previously voted for and which are already law, including the denuclearization funds about which we have already been to Russia to work with them.

But the bottom line is that this $12 billion from the IMF is not about aid to Russia. Only $4 billion of that could ever be loaned to them.

As to the second point, I think we would do worse than embarrass President Yeltsin if we passed this act without certain conditions, including, for example, a requirement that the Russians commit to a plan to remove their troops from the Baltic States. What signal do we send to the people of those countries if there is no limitation and the Russian troops remain on Baltic soil where they are clearly not welcomed.

According to an article by a London columnist, Gwynne Dyer, Mr. Rutskoi, the Vice President of Russia, has been claiming that it is necessary to maintain these Russian troops in defense of Russians in those countries and he notes that already Mr. Yeltsin is having to take more nationalist positions in order to guard his flank against these people.

This columnist writes, and I quote, that "The best way to help Mr. Yeltsin avert this threat is to get Russian troops back on Russian territory as soon as possible." And he concludes his column of July 9, 1992, by saying, "Nobody should worry about embarrassing Mr. Yeltsin by pressing hard on this issue. He knows what must be done, but he needs foreign pressure as an excuse for doing it."

So, my colleagues, to support this legislation without the kind of conditions that would actually assist Mr. Yeltsin in pressing his colleagues on the desirability, indeed, the necessity—as a condition for our assistance—of getting these troops out of the Baltic States and meeting the other conditions which some of us would have imposed in amendments that we sought for this legislation is not to help Mr. Yeltsin but to hurt Mr. Yeltsin.

Everyone desires to help Mr. Yeltsin. Everyone desires to help the Russians achieve democratization. But we also have to be cognizant of the needs of the people of the Baltic States and, frankly, of the needs of the Russian people themselves.

Mr. Chairman, I want to conclude with this point: It is a mistake for us to believe that we are going to democratize Russian by infusing $12 billion of capital into the IMF, most of which it is not going to Russia, and to believe that the reason we must support this legislation is because otherwise Mr. Yeltsin will be embarrassed.

He may well be embarrassed by an imperfect bill. He would not be embarrassed if we sent him this assistance, coupled with a request that he have a plan to commit to remove the Russian troops from the Baltic States and to achieve the other conditions that were spoken of earlier on this floor. That would provide assistance to Mr. Yeltsin. It would not be hurtful to him. It would help him make the case to the military people in Russia that they need to back him in his march toward democratization and support of freedom for the people of the Baltic States.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, this legislation before us is indeed one of the most important bills that we be asked to consider in this Congress and, frankly, I believe in any Congress. And while there are any number of important reasons to support this bill, and it can be framed in the context of what is important to Russia, what is important to the former Soviet Union, what is important to Europe, what is important in various parts of the world, the reason this bill is vital is because it is vital to America.

It is vital to the United States of America to provide and ensure this type of stability and the type of resources and the type of support that this legislation will provide.

We have been nearly bankrupted by the cold war over the course of the last generation. The legacy of the cold war has left us a deficit that is causing our economy to be strained in ways that we could have never contemplated. We have been on the precipice of international conflict for a generation because of the cold war.

The events that we have seen causing the collapse of the Soviet Union, the events that we have seen opening up democracy, opening up freedom, opening up market economies, are events that nobody could have contemplated several years ago. If we allow these dramatic changes to be imperiled, the losers more than anybody else will be the citizens of the United States of America.

It is clear, Mr. Chairman, that we do have urgent domestic problems, urgent economic problems, urgent social problems, and they obviously need to be attended to. But nothing would be more tragic than to allow the opportunity for the dramatic changes that have occurred in the former Soviet Union to coalesce, to yank that opportunity away, not only from the peoples of Russia and Eastern Europe and the former Soviet Republic but to yank that opportunity for peace, for stability, for improved competitiveness and economic vitality out from under the people of the United States of America.

So while this is a vital bill for people around the world, while this is a vital bill for a range of people around the globe, there is nobody for whom this is more vital than the people of the United States of America.

I want to commend the leadership for pulling this together in the way that they have, and I strongly urge Members on both sides of the aisle to allow us to get beyond the cold war permanently, to pass the legislation which is so critical to the United States.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, this vote is a vote for us of extreme self-interest. For the last 10 years or so we have asked the American people to spend a large amount of taxpayer money to build systems that would offset the nuclear tipped warheads that the Soviet Union has built and targeted on strategic areas. One of those strategic areas in my military bases in Imperial and San Diego County.

Today we have an opportunity to vote for a bill that will provide funds to dismantle those nuclear weapons that are targeted at American communities. This is a vote for self-interest. It is a vote that will allow us to dismantle those weapons, to provide moneys for transportation, for dismantlement and for storage of those particular systems.

This is a vote in America's interest. Also Secretary Eagleburger has given me and others assurances that some of this money is going to go to pursue the American POW-MIA question that stretches back to World War II, Korea, and the Vietnam era.

This is a vote in America's interest. Vote "aye."

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I rise in strong support of this important legislation. As a Member who has served on the Committee on Appropriations Subcommittee on Defense, I am well aware of the staggering amounts of our Treasury that we have expended on defense and national security issues. I,

too, agree that this investment in the Soviet Union and in the former Soviet Union and Russia and in the emerging Republics is clearly in our national security interest. And we are not doing this by ourselves. We are doing it with a host of other countries.

□ 1630

Much as we provided leadership after World War II with the Marshall plan, again, we need to work with a consortium of countries to provide leadership on this issue.

Mr. Chairman, I would like to ask the distinguished chairman of the Committee on Armed Services and the gentleman from Indiana [Mr. HAMILTON] of the Committee on Foreign Affairs about an issue that I have been deeply concerned about, nuclear reactor safety within the former Soviet Union and even in Eastern Europe.

This is an issue which I think has been addressed in this legislation, so that some of this money could be used for dealing with the terrible problem of unsafe reactors, and also trying to deal with the question of energy efficiency, which might help to reduce the demand for these reactors.

I would ask the gentleman, is that in fact accurate?

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Chairman, I commend the gentleman for his statement. He has an accurate perception of the bill. It does deal with energy efficiency and it does promote nuclear reactor safety.

Mr. DICKS. I have been concerned about this ever since Chernobyl, Mr. Chairman. I visited it with Secretary Cheney and the gentleman from Oregon [Mr. AUCOIN]. It is an issue which I think is important to the entire world.

I know that the chairman of the Committee on Armed Services has included a provision in the defense authorization bill with this. We have provided $50 million in the defense appropriations bill to give support to the Lisbon agreement on the question of reactor safety.

I appreciate the gentleman yielding me the time.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, this is not an easy vote in not an easy time. Many of us are deeply concerned with the deficit. Many of us came here to make tough decisions and choices, and this is indeed one of those times. The easy vote is definitely "no." The tough vote is definitely "yes."

Mr. Chairman, many of us have applauded the changes in the world and the end of the cold war. Peace through strength has worked, and now is indeed the time to plan and to plow those defense savings that this country has and to put them to reduce the deficit.

Foreign aid is never an easy vote, and I have often voted to cut foreign aid. However, this issue, this vote to provide aid along with the other nations in G-7, is so important. The passage of this bill helps assure us that our savings can be used to focus on our domestic priorities.

This bill is preventive medicine; insurance, if you will. It is like going to the doctor, or the dentist, or the automobile mechanic, and we do those things to prevent major problems or catastrophes along the road.

Mr. Chairman, we cannot turn our back on those around the world that embrace democratic reforms that were once our enemy. If we turn down this bill and the reforms are later reversed, we will indeed be blamed. Mr. Chairman, this is not a blank check, it is instead a series of checks and balances governed by the IMF, and I urge my colleagues to support this bill.

Mr. ASPIN. Mr. Chairman, I would say to the Members that if this legislation passes there is one person I think who deserves a great deal of credit, and that is the gentleman who is our Ambassador now to Russia, Mr. Bob Strauss. I know from trying to pass the issue of Soviet aid in the House before he got involved what heavy lifting that really is. I also know now, trying to work the issue with his support, how very, very valuable that support is.

The gentleman from Texas, Mr. Strauss, was consistent, was persistent, and was very, very vocal and strong in that support. We and history owe him a great debt of gratitude.

Mr. Chairman, I yield the remaining minute to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me just recount in the 1 minute I have, very simply. In 1948, the United States was winding down from a war of epic proportions. There were an awful lot of people losing their jobs in this country. This Congress passed the Marshall plan, sending millions and millions and billions—which in those years were worth a lot more than they are now—to Europe to rebuild.

People said, "Why, when in this country people need jobs? People are out of work." Because this Congress understood that if we were going to create jobs in America, we needed to create jobs in the places where Americans would work to build products that could be sold.

We need to build up the Soviet Union, put people to work so their economy will be able to afford to buy our products. We need jobs in this country, and it is a tough choice where to put the money, but the ultimate test is where will the long-range benefits inure? They will inure to this country, because putting the money in the Soviet Union with its resources will develop millions of jobs in this country. People in America will be able to work for a long time on the small amount of money that we put into the Soviet Union, and that is what is good for America. That is why this bill should pass.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, we have invested trillions of dollars of U.S. taxpayers' treasure to win the cold war. This is a small insurance policy to ensure peace in the cold war period.

Let me say that this bill represents an investment opportunity for Americans. The Soviet Union is the most resource-rich nation in the world, yet one of the most undeveloped. Countless opportunities exist for American jobs via our oil and energy industry, our mining and our minerals industry, our manufacturing and technology industries. We can develop the kind of relationships that can enhance the wealth and well-being of American workers and American citizens, and to those who say that this is somehow contradictory to our need to build up the cities, I say that we need to build American wealth and we need to create new American wealth, so that we can go into our cities and do the job.

This bill can help to stimulate the creation of new American industries, new American wealth, and new American jobs.

The CHAIRMAN. All time allotted to the Committee on Armed Services has expired.

Under the rule, the next 20 minutes is allotted to the Committee on Science, Space, and Technology. The gentleman from California [Mr. BROWN] will be recognized for 10 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4547, a bill to support democracy and the development of a free-market economy in the Republics of the former Soviet Union.

I want to commend Chairman FASCELL for his leadership and foresight on this measure.

As my colleagues know, I have long had an interest in improving relations between the United States and what are now the Republics of the former Soviet Union. Today, we are at a crossroads, poised to enter a new international paradigm. This bill represents a potential high point in our relations, trying to develop friendship and mutual trust with nations that were once a part of the so-called evil empire. The United States has an unprecedented op-

portunity to assist the evolution of the newly independent states into stable democracies based on free-market economies.

There is universal recognition that a strong science and technology base is fundamental to the strength of an industrial economy. Today, fully one-quarter of the scientific workers on the planet reside in the Republics of the former Soviet Union, and more than half the world's engineers work there. Fore over 40 years, the Soviet Union matched the United States stride-for-stride in many scientific achievements in such areas as space, nuclear fusion, and metallurgy. It is inevitable that engineers and scientists in the newly independent states will play a key role in determining the success of the transition to an open and market-driven society. We cannot ignore these important resources if we truly wish to help the new republics become productive and self-sufficient members of the world community.

Therefore, I am particularly pleased that the Freedom Support Act includes provisions based on H.R. 4550, the AmeRus Research and Development Act, to restablish a nongovernmental foundation which would promote and support joint research and development projects to aid defense and economic conversion.

Joint scientific and technological cooperation can accomplish a number of goals: First: Provide a mechanism for scientists, engineers, and entrepreneurs in the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses. These activities will assist the new states in applying their technological capabilities to the task of economic growth, which in turn will improve political stability.

Second: Advance defense conversion by funding civilian collaborative research and development projects between engineers and scientists in the United States and in the newly independent states.

Third: Allow United States researchers access to the many novel and commercially viable technologies that have been developed in former Soviet laboratories. Researchers from Japan, Germany, Korea, and other countries, with the support of their governments are aggressively searching out commercial targets.

Fourth: Provide productive research and development opportunities within the independent states that offer scientists and engineers alternatives to emigration. Emigration of ex-Soviet talent could spread weapons and commercial technologies to our military adversaries and economic competitors and rob the new democracies of their most valuable resources.

The dissolution of the Soviet Union gives us the hope for an era of international peace unmatched in modern times. Yet the current situation in the former Soviet Union threatens this new world order. This bill before us is the first step to initiate a foreign policy program which will help ensure the world peace of which we now only have a glimpse. I strongly urge my colleagues to support this bill.

Mr. WALKER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I'd like to point out one provision in particular. This bill would create an endowment to support joint United States-Soviet R&D. In 1993, the first Federal installment for the endowment is suggested to be funded by the Department of Defense, which may be a violation of the firewalls in the budget agreement. Regardless of how that issue is resolved between the administration and Congress, there remains the legitimate concern over how much of this activity, if any, is a genuine defense function vs. international or domestic. Section 504(d)(1)(B) of this bill attempts to address this concern by at least limiting outyear DOD funding of this joint R&D to no more than 50 percent of the total Federal appropriation. This way, the foreign aid or domestic discretionary budget will have to fund at least half, if not the majority or all of this program in the future. If no nondefense appropriations are made available, no defense funds shall be spent for this purpose. I would like to ask the chairman of the Science Committee, notwithstanding the language that has been added to section 504(d)(1)(B) which reads "or otherwise used in carrying out this section," that this is his intention and clear understanding?

Mr. BROWN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. BROWN. Mr. Chairman, in response to the gentleman's question, the answer is yes, it is my understanding.

Mr. WALKER. Mr. Chairman, I thank the gentleman for his response.

I am also pleased that the bill contains as title VI, language developed by the Science Committee giving the Office of Space Commerce, in the Department of Commerce, the authority to lead trade missions to the former Soviet Union so that United States companies can investigate for themselves the availability of Soviet space technology and its potenital application in the United States private sector space industry.

This type of effort is already underway, and I am confident that the private sector will make sound decisions on the feasibility of acquiring Soviet technology.

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

Mr. BROWN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, as many of the speakers before me have forcefully stated, the Freedom Support Act is an extremely important piece of legislation. If we want to have any chance of aiding the growth of democracy in the Republics of the former Soviet Union we must act now to offer assistance.

This is an extremely limited package we are offering. It amounts to less than one-tenth of 1 percent of the total Federal budget and is dwarfed by the efforts of other, smaller nations, such as Germany. This is, quite literally, the least we can do.

This bill, however, is not simply a humanitarian endeavor. The Freedom Support Act is an attempt to protect long-term American interests. We have an enormous stake in what happens in what was the Soviet Union. There are hundreds of nuclear weapons in the ex-Soviet Union, thousands of tanks, and huge stockpiles of military equipment. These weapons, in and of themselves, pose a tremendous threat to United States security either in the hands of their current owners or in the hands of Middle Eastern terrorist countries.

The nations of the ex-Soviet Union are desperate for hard currency. The temptation to sell these weapons to oil rich purchasers will be absolutely irresistible if we do not help to ameliorate the severe economic situation in the former Soviet Union. In my mind, this bill is an investment in our own security and our children's future. We do not want them to be forced to spend trillions more fighting another cold war or waste more lives halting the aggression of dictators in the Middle East armed with excess Soviet weapons.

I appeal of my colleagues to look at the broader picture. The Freedom Support Act is not a waste of money, it is an opportunity to help protect our American way of life for generations to come. My hope is that 40 years from now, people will look back and say, "Congress did the right thing by aiding our old enemies in the former Soviet Union," just as we look back to the Marshall plan and applaud President Truman's courageous decision to aid our recent enemy, Germany. Democracy is alive and well in Germany today, let us hope we can say the same thing about democracy in Russia and Ukraine 40 years from now.

Mr. WALKER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I rise in support of H.R. 4547, and particularly wish to emphasize the importance of the Democracy Corps.

Mr. Chairman, the idea of a "Democracy Corps" established in this legislation is most important. We need to see that these newly independent States are give vital assistance in establishing democratic institutions.

I rise to support the legislation and, specifically, to emphasize that in the implementation of the provisions of H.R. 4547 the United States take advantage of what has already been accomplished. Dedicated Americans and nongovernmental American organizations have been extremely active in pursuing these very goals within the former Soviet Union and they should be supported.

The report that accompanies H.R. 4547 says on page 16 that:

In the promotion of the active involvement of the U.S. private sector, every effort should be made to take advantage of on-going efforts by U.S. citizens, organizations, and foundations to pursue the objectives of this act as evidenced by the establishment by such entities of programs in one or more of the independent states that involve local reformers in the process of establishing democratic and free market systems.

This report language is important and, I believe, should be emphasized. The legislation should be used to provide assistance to efforts already underway. American organizations have established American centers in republics of the former Soviet Union designed to accomplish the very objectives sought by this legislation, and are already operating. We should take advantage of these efforts and build upon them.

One example of which I am aware is the center established in Kiev, Ukraine, by the United States-Ukraine Foundation. The United States-Ukraine Foundation was established to assist the democratic movement in Ukraine in its peaceful transition to individual and national freedom, democracy, pluralism, and a market economy, as well as to strengthen ties between the United States and the Ukraine. During these last 2 years, the people involved in the foundation have work closely with Ukraine's Government and democratic leaders, they have had staff in Kiev for over a year, and have significant in-country experience.

They are Americans. The vice-president of the foundation, Kathy Chumachenko, a former congressional staffer of the Joint Economic Committee is in Kiev now coordinating programs and assistance for Ukrainians and for United States entities interested in Ukraine. The president, a friend of mine, Nadia McConnell, is leaving for Kiev in another week-and-a-half to coordinate the visit to this country of the head of the Ukrainian Parliament.

Mr. Chairman, I want the RECORD to show that the intent of the report language I referred to is to take advantage of on-going efforts like those of the United States-Ukraine Foundation and other organizations that already are in operation in-country, advancing the ideals of democracy and the rule of law.

Mr. WALKER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of this legislation. It is not an easy vote—politically. But, my colleagues, it is the right vote—not just for Boris Yeltsin, not just for Russia, but for the United States.

I have often voted against foreign aid. I strongly believe that our foreign policy—and foreign aid—should be only for what is in the U.S. national interest. This bill is in our interest. We have invested trillions of dollars in containing Soviet communism—so accurately described by President Ronald Reagan as the evil empire. Thousands of lives have been sacrificed in this effort also. It is in our interest that Russia—still armed with ICBM's—go forward with democracy, not lapse back into totalitarianism with all that implies.

Mr. Chairman, I am the chairman of the International Republican Institute, an NED core grantee. We have conducted democracy training programs in the former Soviet Union—as has the National Democratic Institute. Therefore, I strongly support the Democracy Corps provisions in the bill—so as to assist democracy.

At the end of our democracy conference last September in Moscow, our Institute was presented with one of the only three Russian—not Soviet—flags that flew over the Russian White House in August when and where President Boris Yeltsin courageously stood on a tank to—as it turned out—successfully stop the coup. Needless to say, that flag will always be valued.

Many of us have been heavily involved in the MIA/POW issue for years. The answer to the questions as to what happened to MIA's from Vietnam, cold war, Korea, and World War II lie in Moscow, perhaps in military and KGB files. I am absolutely convinced that we will have a better chance of obtaining the answer and of finding any live Americans by furthering democracy. We help do that by passing this legislation.

My colleagues, no one knows if passage of this legislation will save democracy in Russia. No one knows if failure to pass this legislation will doom democracy and free enterprise in the former Soviet Union. But, my friends, you can be absolutely sure failure would not help, and that the enemies of democracy in Russia would use our failure to act positively on it as arguments to return to the past.

The vote we cast not so long ago on the use of force against Saddam Hussein was for many of us the toughest vote we ever made in our congressional careers. The vote our predecessors made on the Marshall plan after World War II was equally tough—and important.

So is this vote my colleagues. Do what you know is the right thing—vote "yes".

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Chairman, I rise in strong opposition to the bill.

I have heard all the arguments in favor of this bill. Such as "we cannot allow Boris Yeltsin to fail, for if he does we risk a new cold war" and that Russia now stands at an historic cross roads of history and our assistance may help make or break these new nations.

Well sometimes we just cannot see the forest for the trees. Forget the Russian economy. Today, it is more important to ensure that America does not fail. Even under the best of conditions, I'm no fan of foreign aid, but right now it is imperative we get Americans back to work and we need to get our own economy back on the move again.

Mr. Chairman, the unemployment rate in Oklahoma rose from 5.8 to 6.6 percent in June. That means more than 100,000 Oklahomans are out of work right now. In Oklahoma City, the unemployment rate grew from 4.8 to 5.5 percent, with more than 27,000 people without jobs. And Members here on the floor are fighting to provide more than $1 billion to help Russia, not to mention the $12 billion for our share of the International Monetary Fund's replenishment.

I want to point to one specific section in this bill which I find especially concerning. It is entitled "energy efficiency and production." It states that our goals—paid for by American taxpayers—are to promote market-based policies and to transfer technologies which promote the efficient production of oil and gas.

An article in last week's "Daily Oklahoman" newspaper states that the number of oil and gas rigs operating in the United States has decreased from 831 a year ago to 690 today. That is 141 fewer oil rigs producing domestic oil. Only 2 months ago, Oklahoma reached a 20-year low in oil rig activity. I can tell you our consumption has not been reduced, which can only mean one thing: our reliance on foreign oil is increasing.

And we want to help Russia and Kazakhstan develop their petroleum and gas industries so they can better produce oil? So they, too, can begin exporting more oil to the United States and put more American workers out of work?

Meanwhile serious legislation to improve our domestic energy industry has not been passed. Legislation which invigorates our domestic energy industry should be signed by the President before we enact laws which help Russia's oil industry.

No doubt democracy is struggling in Russia. Times are tough there—but times are tough here too. Now is the wrong time to be worrying about the problems of Russia and time to start addressing economic problems here at home.

I urge a no vote on Russian aid.

I reserve the balance of my time.

Mr. BROWN. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Los Angeles, CA, Ms. WATERS, and I regret that I cannot yield her more.

Ms. WATERS. Mr. Chairman, with all due respect to those who represent all of the new jobs that they are going to be creating for Americans because of this aid to Russia, I would like to point out that we have exported thousands of jobs to Third World countries for cheap labor, that our jobs have gone to Taiwan, they have gone to Mexico, they have gone everywhere. I suppose we are finding one more place where we can

manufacture goods cheaply and rob Americans of more jobs.

I would like to ask the Members who are worried about Yeltsin, who had such a good time with him when he visited America, to visit some of your own American cities. Come to California and go to some places in New York, go to some places in this country and understand that the people are indeed without jobs. And the promise of jobs that we have been hearing about, all the jobs that were supposedly created in the last 10 years are not there. I guarantee there will not be more jobs as represented on this floor today. But perhaps there will be another place where we can export some more jobs and get some cheap labor and cause this economy to fall further and further down.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman, if I may be permitted, I would like to engage in a colloquy with the chairman of the Subcommittee on Europe and the Middle East.

Mr. Chairman, there is a program currently under development which would use telecommunications technology to provide educational and instructional programming to the former Soviet Union. Grant recipients under the Star Schools Program Assistance Act would produce programming which would be broadcast to the former Soviet Union. Such technologies and programs have been put to great use in the United States, especially in States in the Northwest. For example, the Educational Service District 101 in Spokane, WA, is not only doing great work in Washington, Oregon, Idaho, Alaska, and Montana; it has recently signed an agreement with the Russian Ministry of Education and Telecommunications to begin the planning of an effort to offer educational and other programming to Russia. Mr. Chairman, it is my understanding that this bill would authorize funds which could be used for such programs. Is that correct?

Mr. HAMILTON. If the gentleman will yield, Mr. Chairman, yes, the gentleman is correct. This bill authorizes both bilateral assistance for educational and telecommunications purposes. Grant recipients under the Star Schools Program Assistance Act could certainly be one such program, and would be a worthy program.

Mr. MILLER of Washington. I thank the subcommittee chairman. Using telecommunications technology for educational purposes will allow us to reach many in the former Soviet Union where we could not reach them ordinarily.

Mr. BROWN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Chairman, I rise to strongly support the Freedom Support Act.

You asked the question why is this legislation so critical to the United States' interest. To appreciate the significance of this bill, it is useful to step back and reflect upon the current international landscape. It is a landscape that offers the historic opportunity to build a new, cooperative, a more peaceful world.

The great enemy, the Soviet Union, has dissolved. Not since 1919, after the aftermath of World War I, have we had a chance to create a fundamentally cooperative international arena. The United States failed then. This Nation opted out of the League of Nations. Let us do better now. We now have a chance to integrate Russia into the community of nations. This would mean Russian cooperation in future U.N. collective security operations.

□ 1650

Mr. Chairman, this would also mean Russia's cooperation in the new international relations agenda, terrorism, drug trafficking, and the environment.

In addition to the big picture, there are substantial bottom line advantages for the American taxpayer. No. 1 is the peace dividend. No. 2 is that traditionally over 50 percent of the defense budget, still over $270 billion, was dedicated to the former Soviet Union. The record shows that democracies do not go to war with democracies.

As Russian democracy evolves, the old threat can essentially vanish, yielding this country enormous savings in defense spending. But the savings are dependent on events in Russia.

A successful Russian transformation means a multibillion-dollar peace dividend for the American taxpayer. American businesses will stand to prosper from the development of this new market-oriented nation.

In the telecommunications industry, AT&T estimates that in the year 2000 Russia and other states will offer a market of $25 billion. That potentially means thousands of new American jobs, contrary to my previous speaker.

In the oil industry, United States companies are exploring investments in Russian, Kazakh, and Azeri fields that contain up to 10 billion barrels in proven reserves.

Ambassador Robert Strauss told a small group of us that this is the decisive moment for U.S. foreign policy. In his words, ladies and gentlemen, this is the big casino. He is right.

We won the cold war. If we are going to win the peace, to give purpose to all of our sacrifices, this House must pass this bill.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I support the Freedom Support Act. It will provide sorely needed aid to the former Soviet States to help these newly independent and democratic societies cope with decades of neglect and mismanagement by their former governments.

I have visited the Soviet Union on several occasions before its dissolution, and once since the newly independent states were formed. They have an unbelievably monumental task ahead of them if they are to preserve and foster the promise of democracy and open markets.

The idea of a market economy is new to most of its citizens. But if it is to succeed, one of the first orders of business for their respective governments is to improve their transportation systems. I speak from personal experience when I tell you that their roads are in horrendous shape.

Without good roads, crops cannot be delivered from farms to market. That fact has already been proven several times over as their societies annually confront huge losses from fruits and vegetables rotting in the fields for lack of good road and rail services. The bottom line is that their food supply is imperiled, and we've all seen evening newscasts showing empty store shelves. It's not for lack of domestic farm production; they simply can't get their products into the cities.

The same problem imperils their industrial sector. Parts, raw goods, and other supplies, are not able to be delivered efficiently.

The Freedom Support Act enumerates several new authorities that our Government can offer to the newly independent states, and I thank the chairman and ranking member of the Foreign Affairs Committee for their attentiveness to the role of transportation infrastructure.

I would also like to remind Members that in addition to financial aid, our Government stands ready to deliver technical expertise on the institutional, structural, and management skills necessary to develop and implement an integrated transportation network. Within the U.S. Department of Transportation are its modal agencies regulating highways, aviation, rail, and maritime activities.

With respect to highways, Members should be aware that the United States is unique in the manner in which it has developed a Federal/State partnership over its highway system. No other country in the world has instituted a similar model, where the Federal Government is the principle source of capital and design and construction standards, but gives States the discretion to designate highway alignments and to manage construction and maintenance of its roads. Our shared system of highway construction and maintenance has produced one of the most advanced, safest, and efficient roadway systems in the world.

It is my hope the administration, specifically the Department of State, will recognize the tremendous tech-

nical expertise that resides at the Department of Transportation as it begins to carry out the authorities provided by this legislation. It is absolutely essential that the newly independent states begin to upgrade their transportation systems quickly. Otherwise their ability to become self-sustaining will be seriously jeopardized.

Mr. BROWN. Mr. Chairman, I yield 3 minutes, the remainder of my time, to the distinguished gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I rise in strong support of H.R. 5750, to authorize supplemental assistance for Russia and the other newly independent states of the former Soviet Union.

Let me address three issues.

I. THE SETTING BEFORE US

First, the setting in which we are considering this piece of legislation is extraordinary.

A great historical struggle is taking place in the former Soviet Union today. It is a struggle about the future of democracy, and the future of free market reform.

It is a great historical drama. The outcome is important for the world and for the United States. We do not know how the story will end.

THE ROLE OF PRESIDENT YELTSIN

President Yeltsin of Russia has taken several remarkable, difficult decisions. He has done things that were thought impossible just a year ago.

He put his life on the line to stop a coup;

He has destroyed the Communist Party;

He has thrown open the doors of Russia;

He has made extraordinary concessions to cut nuclear arms;

He has stopped aid to Cuba;

He has vowed to find the truth about all POW's;

He has freed prices, made the ruble convertible internally, and begun the wrenching process of creating a market economy.

U.S. STAKES IN THE SUCCESS OF REFORM

On key issues of importance to the United States, President Yeltsin has made progress. He has fulfilled some commitments, and we want him to fulfill those that remain. We have an enormous stake in his success.

Yeltsin and his reform program today are on the precipice. His economic reforms are causing great pain. Many voices are urging him to slow down and to stop. The backlash against reform is in full swing. Yeltsin's critics say that he is doing what the West asks, but that he is getting nothing in return.

Passage of this bill today will give Yeltsin an important boost. It will show that we stand with him. It will show that the United States is committed to help democracy and economic reform.

We cannot guarantee the success of reform. Only the Russian people and the peoples of the new independent States and their leaders can. They are the ones who have to do all the hard work.

But our help can make a difference. In the close race between reform and collapse, our help can buy time for Yeltsin—time for reform to work.

THE CONSEQUENCES OF FAILURE

What if the bill today is defeated?

Defeat of this bill will mean a stinging rebuke of our President.

Defeat will mean a stinging rebuke of President Yeltsin and all that he stands for. It will give aid and comfort to those hard-liners working to reverse his reforms.

Defeat will mean that the United States is dropping out, that the United States does not want to lead. It will mean that the United States doesn't care about democracy and freedom. It will mean that we are walking away from everything we believe in.

II. WHY THIS BILL IS IN THE U.S. NATIONAL INTEREST

Second, I want to spell out in detail why this bill is in the U.S. national interest.

This bill will improve our security.

The success of reform in the former Soviet Union will mean:

Less defense spending than would be the case if Russia remained our adversary;

A reduced nuclear threat and a more peaceful world;

Reduced arms exports, and less proliferation;

Better nuclear power plant safety, and less risk of environmental disaster; and

The conversion to peaceful uses of defense industries.

This bill will benefit the U.S. economy. The success of reform will:

Reduce the defense burden for taxpayers;

Help American farmers;

Open new markets to American business;

Open up vast natural resources to peaceful commerce;

Increase energy supplies and lower prices;

Redirect enormous human talent to peaceful pursuits; and

Boost world economic growth and American exports.

This bill will promote American values. The success of reform will mean:

A society based on the rule of law;

Governments accountable to the governed;

The protection of individual and minority rights; and

Democracies that not only share but help promote our values: in freedom, free markets, and the peaceful resolution of disputes.

This bill will also serve humanitarian objectives and help those in need. Easing the pain of reform will buy time for reform to work.

People are not starving in Russia or the other republics, but they are in dire need of medical supplies and humanitarian assistance. It is in the American tradition to give a helping hand.

As you add up each of the reasons to vote for this bill, the case is an overwhelming one. This bill represents an extraordinary opportunity:

To help consolidate democracy and free markets;

To turn former enemies into permanent friends; and

To secure a safer and more prosperous future.

III. THE ISSUE IS NOT HELPING US VERSUS HELPING THEM

Third, the issue is not helping us versus helping them. There are those who say that the choice before us today is helping those at home or helping those in Russia. That is a false choice. That is not the debate here.

This bill helps Americans as much as it helps Russians. We do not live in a safe little corner of the world. What happens in Europe, what happens in Russia and the other republics makes an enormous difference to us and our security and our well-being. That was true in the World Wars I and II, the cold war, and it is still true today.

We cannot live safe, prosperous and free if there is turmoil and upheaval in a vast land that possesses some 30,000 nuclear warheads. When we work for democracy and economic reform in the former Soviet Union, we work to help Americans and to make all Americans more prosperous, more free and more safe.

IV. WHY A CLOSED RULE

Mr. Chairman, many colleagues have raised questions about the closed rule for consideration of this bill.

The bill before us is not perfect. We have tried to accommodate the concerns of many Members. I know that we have not accommodated all.

Many Members have worthy and meritorious ideas for amendments, and I know that they are frustrated that they will not be able to offer them today.

I would like to say to my colleagues that this closed rule is an extraordinary rule, for an extraordinary piece of legislation at a critical moment for American foreign policy.

This bill is not the end of a process, it is a beginning. There will be a need for adjustment as we go along. There will be ample opportunity to offer amendments in the normal foreign aid authorization and appropriation process.

There are plenty of excuses not to vote for this bill. I have heard many of my colleagues worry about voting for this bill before the November election. I worry about it, too.

But I also hear from my colleagues saying: "This bill is the right thing to do."

This bill is a summons to leadership.

I appeal to you to give public voice today to your private judgment. This bill is the right thing to do.

V. CONCLUSIONS

Mr. Chairman, I want to close with a few observations.

First, the toughest work on democratic and economic reform has to be done by the people and leaders in the former Soviet Union themselves. We can—and should—help them, but we cannot do it for them.

Second, we are not alone. Every Western government is playing a role and providing support for reform. Some are providing more than we are. All that we are being asked to do today is to do our fair share—no more, and no less. American leadership is needed if we are to get others to share the burden.

Third, the former Soviet Republics are moving in the direction we want them to go. They are not there yet. Some have only started. But if their reforms fail or are derailed, we will be worse off. The costs and risk of going ahead with assistance are less than the risk of not trying.

Finally, we will face no more important vote on foreign policy during our time in the Congress. How we respond today will help determine the shape of the world for the next century.

Turning Germany and Japan into democratic allies and prosperous trading partners was the challenge of a previous generation.

The future of the former Soviet Republics is our challenge and opportunity.

But this opportunity will not last forever. The hour is already late. Yeltsin and reformers now face a great test. They need our help.

Whether we seize this opportunity to help them—and help ourselves—is the great question before us.

I urge my colleagues to support this bill.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition to this bill.

I wanted to put an amendment in to condition United States assistance to the independent states of the former Soviet Union upon those Republics terminating all assistance to Cuba, terminating all intelligence bases in Cuba, such as the facility at Lourdes, withdrawing military personnel from Cuba, and terminating all assistance in the construction of nuclear reactors in Cuba.

These conditions are need for the liberation of the Cuban people from the tyranny of the Castro regime, and are also in the best United States interests.

We need to remember that Cuba today, which is only 90 miles away, continues to pose a serious threat to the U.S. by being within striking distance of most of the Eastern United States, and by maintaining several major military installations. Also, unconditioned United States assistance in this bill would work against other United States efforts such as the Cuban embargo which are already in effect to further isolate and bring down Castro's brutal dictatorship.

I urge a "no" vote on passage.

□ 1700

Mr. WALKER. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. EARLY].

Mr. EARLY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to this bill.

Mr. Chairman, everyone welcomes the dramatic changes in Eastern Europe and the former Soviet Union and the close of the cold war. Everyone hopes for continued progress toward a free and open society in these countries.

In general, the purpose of the legislation before us, H.R. 4547, the Freedom Support Act is admirable. The legislation has a number of provisions which I support. And I would like to be able to support H.R. 4547. However, I cannot do so at this time.

Mr. Chairman, we have spent much time this year discussing how to address the deficit and the $3.7 trillion national debt this Nation faces; whether or not we are in a recession, and how to get our economy moving again; and the many unmet and pressing needs here at home.

Earlier today, we had a lengthy and vigorous debate on the Family Preservation/Childhood Hunger Relief Act. A good deal of the debate centered on whether or not we could afford it. Too many children in this country need our assistance, and too many of them go to bed hungry.

The dean of the House, the distinguished chairman of the Appropriations Committee, and the distinguished gentleman from Kentucky, my chairman, just finished sheparding our 10 domestic appropriations bills through this house. How many times this year, Mr. Chairman, did we hear the words "fiscal constraints"—we do not have the resources to do it.

A little more than 2 weeks ago, we debated the fiscal 1993 Labor/HHS/Education appropriations bill. I don't think that too many Members of this House were satisfied with this—the people's bill. Funds for many social programs had to be cut. And there were not enough funds to address the needs of our children and families and senior citizens the way we should. There were not enough funds to provide the increases needed in health, education, research, job training, and the fuel assistance programs.

LIHEAP, the Low-Income Energy Assistance Program, is one which was not adequately funded, either in the budget request or the bill. The President's budget provided only $266.2 million, which would be available at the beginning of the cold weather season. In this bill, we increased that amount to $891 million, still inadequate when compared to the $1.5 billion we provided for fiscal 1992, of which $1.1 billion was available immediately. Fewer and fewer families are receiving assistance, and the amount of assistance is being reduced.

Approximately 38 million Americans lack health insurance. We cannot agree on what we can afford to do.

Some 17 million Americans are unemployed. Yet, how many times did we debate whether we could afford to extend unemployment benefits to the working men and women of our Nation who, through no fault of their own, lost their jobs and have been struggling to keep a roof over their family and food on the table.

When we considered the VA/HUD appropriations bill, we heard again and again that we did not have the resources to better address our housing needs, and the needs of our veterans, and our environmental problems. As we all know, the list goes on.

Too many times this year, we have heard that we cannot afford to do more—for our children, our families, our senior citizens, our working men and women, our cities and towns—our Nation.

Mr. WALKER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, I rise today in opposition to this bill and in support of the Kyl amendment that the Rules Committee precluded from being considered today on the floor. I do so because I believe Members of this Congress should have the opportunity to get some answers to, what are to me, very important questions.

Supporters of this legislation maintain that the aid is necessary to stabilize conditions across the former Soviet Union and solidify President Boris Yeltsin's position in order to reduce the possibility of another hard-line Communist faction coming to power.

While this may sound credible, given Mr. Yeltsin's apparent democratic ideas and willingness to open his country to United States investment and trade possibilities, disturbing reports emerging from Russia must, I believe, be thoroughly explained before any assistance for Russia is considered further.

For instance, the newly independent Republic of Latvia, which had been forcibly annexed by the Soviet Union during World War II, has asked for United Nations monitors to investigate what could be a grave violation by Russia of U.N.-imposed sanctions against arms transfers to Libya, sanctions with which Russia voted to comply.

Latvian officials claim that—unknown to them—a submarine Libya had purchased from Russia was undergoing work in a Russian-controlled factory in a Russian-occupied zone of Latvia. According to the Washington Post, the Russians used the same port factory last year to train the crew of an Iraqi missile boat, despite the fact that Russia was at the time officially participating in the coalition of forces against Iraq, and may now be using it again to outfit another submarine—this one for Iran.

Mr. Chairman, questions that need to be answered by Russian authorities are whether or not the new Russia is practicing in secret the

foreign polices of the old Russia while claiming otherwise. In this instance, was Latvia being set up as a fall guy through Russia's activity on Latvian soil?

Furthermore, does Mr. Yeltsin support these actions? If so, why is he telling the world the opposite, and if not, is he, in fact, in control of the Russian military as he claims?

This last point is particularly disturbing in light of a recent accusation by a senior Yeltsin aide that the Soviet Communist Party had been supplying international terrorist organizations with funds and weapons for attacks against Western targets while the Communists were still in power.

If, in fact, the Latvian incident had been ongoing without Mr. Yeltsin's knowledge, who is to say that support of such international terrorist groups is not likewise continuing?

When former Soviet President Mikhail Gorbachev visited the United States Congress, I signed a letter to him seeking answers to a number of questions:

First, how much money did the Communist Party of the Soviet Union donate to the American Communist Party?

Second, what was the fate of United States POW's from World War II, Korea, and Vietnam that were held in Soviet prisons?

Third, who were the top spies in the KGB and what actions did they take against the United States and her interests?

Fourth, what was the true fate of Korean Airlines flight 007 that was destroyed by Soviet Air Force jets in September 1983?

These questions and those regarding the Latvian allegations should be presented to Mr. Yeltsin, and any aid package for Russia should, at the very least, be contingent upon the United States receiving thorough and satisfactory answers.

Furthermore, the gentleman from Arizona [Mr. KYL] has brought to the attention of this House other points that, likewise, should be addressed before this legislation is considered. A measure of freedom may have come to the Baltic nations of Latvia, Lithuania, and Estonia, but they will not be truly free until all of the troops of their former occupier have been removed. Two years seems a reasonable timeframe for the withdrawal of these troops, and I fully support the gentleman from Arizona in this proposition.

Providing Russia with United States-taxpayer-supplied assistance should be out of the question until these questions are addressed fully.

I oppose open-ended aid; blank checks for any foreign nation should be out of the question. Any and all assistance must be in the best interest of our country, and I maintain that this cannot be clearly divined until we get our answers.

It is, in fact, Mr. Chairman, not a contradiction that any and all foreign aid bills should start and end with the interests of the United States.

Mr. WALKER. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH].

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. GINGRICH. Mr. Chairman, I thank my friend, the gentleman from Pennsylvania, for yielding me this time.

I believe that this may well be as important a vote as any of us will ever cast. I think it is a vote which in many ways equals the vote on Desert Storm. I think it is a vote which frankly harkens back to the Marshall plan, to President Truman's historic moment when the United States Congress decided to help democracy survive in Western Europe.

I was very emotionally moved, and I think almost every Member of the House was, when President Boris Yeltsin came here and stood and spoke. I thought it was a remarkable performance, a remarkable speech. It made all of us a little more in touch with the nobility and the romance of democracy and freedom.

I would say to all my colleagues who are thinking about voting no, harken back to how you felt when you stood that day on the floor and applauded. Harken back to how your heart went out to this man who had so much courage, and ask yourselves, if he had the courage last August to stand on a tank, to risk his life to challenge the entire might of the old Soviet Empire, because he was willing to risk his life for freedom, should we not be willing to take a much smaller risk to help freedom today?

There is no guarantee that this help will be decisive, but if we vote no and if this fails and if in the process the forces of democracy in Russia lose morale and lose momentum, and if we are someday faced in the near future with a dictatorship, and it is very possible, this Congress will spend far more rebuilding our national defense against a renewed Russian dictator, far more than is involved in this bill.

This may be the wisest national security vote any of us have ever been able to cast, because if in fact Russia continues the process of democratization, if in fact we are able to reach out a helping hand and the Russian people continue on their road to private property, and free enterprise, and the rule of law and free elections, and if we can in fact for the rest of our lives live in peace with the Russian people, we will have done more to defend America and protect America than the next 3,000 nuclear warheads or the next 500 military aircraft, and we will have done it by reaching out in a peaceful way to help peace.

I used to teach history. I have often wondered about the late 1920's when Weimar Germany was trying to be a democracy and we in America were not as helpful as we could have been, and you look back at that period and you ask yourselves, if we had been a little more concerned, if we had been a little more willing to help, could the world have avoided Adolf Hitler? Could we have avoided the Third Reich? Could we have avoided the concentration camps? Could we have avoided the loss of American men and women who died in World War II?

So I would say to all my colleagues, if you vote no today, be very sure in your hearts that you could stand and explain to Boris Yeltsin why you applaud his courage, but you are not willing to support it. If you vote no today, be sure in your hearts that you understand the burden that you are taking, because you are willing to risk the collapse of democracy in Russia and stand to one side and do nothing about it.

Mr. Chairman, I would urge every one of my colleagues to search their hearts deeply. I believe this is a vote for America. This is a vote for American jobs, trading with a prosperous Russia. This is a vote for American budgets to be smaller to save money because we do not have to worry about a militarized dictatorial Russia. This is a vote for a peaceful world and a free world for our children and our grandchildren.

I would far rather vote yes and tell them I tried than to vote no and have it collapse and tell them I have lacked the courage to stand for Boris Yeltsin on behalf of freedom.

Mr. FASCELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I rise in opposition to the bill.

Mr. Chairman, my vote against this bill sending more than $1 billion to the former Soviet Union is not a vote against the Russian people, it is a vote for the American people.

There are thousands of unemployed timber workers and their families in my State of Oregon who would love some assistance from their Government. Our people need better schools, expanded access to health care, and more affordable housing. Many of them are lacking the basics—things like home heating in the winter, adequate food for their families, decent job opportunities.

And in case our leaders haven't noticed, the Federal Government is going broke.

Instead, Congress and the President are proposing to send more than $1 billion to the remnants of a corrupt oligarchy presiding over the remains of one of history's most inefficient and incompetent bureaucracies.

We should be investing in the people of this Nation, not pouring our money into the black hole of the Soviet Union's failed economic experiment.

I urge my colleagues to oppose this bill and support efforts to revitalize this Nation and its people.

The CHAIRMAN. The time allotted to the Committee on Science, Space, and Technology has expired.

There is now the time reserved for the Committee on Foreign Affairs.

The gentleman from Florida [Mr. FASCELL] has 7½ minutes remaining, and the gentleman from Michigan [Mr. BROOMFIELD] has 6 minutes remaining.

PARLIAMENTARY INQUIRY

MR. KANJORSKI. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KANJORSKI. Mr. Chairman, I thought I had made an objection on the record to the reservation of any time. I cannot understand how there is any reservation of time remaining.

The CHAIRMAN. The reservation to the Committee on Foreign Affairs was ordered at the time that they had at the beginning of general debate as the primary committee. That was ordered by the Chair at that time, in the Chair's discretion.

Mr. SERRANO. Mr. Chairman, before considering providing assistance toward the establishment of a new world order, we must get our own house in order. My constituents in the Bronx are in dire need and would gladly welcome any technical, humanitarian, and democracy-building assistance we are discussing here today.

We have a prior, pressing duty to meet our domestic obligations. Housing, health, education, and employment for Americans are our neglected and long-overdue priorities.

Mr. Speaker, the facts are sobering. The American people are suffering. Unemployment is at an alltime high of 7.8 percent; over 5 million children go to sleep at night hungry; in New York City alone, there are 90,000 homeless people, many of whom are families. Close to 8 million Americans are uninsured or lack basic health care.

As a member of the Education and Labor Committee, I am disheartened that fiscal constraints have prevented increases in any of the education programs, especially the exemplary chapter 1 program which has won universal approval. The maximum Pell award will be reduced to $2,300 for fiscal year 1993 and the shortfall of $1.4 billion will be forward funded.

Education is the key to escape from poverty, and making education accessible and affordable to all Americans is a priority for this Congressman who represents one of the poorest districts in the Nation.

Mr. Chairman, until we have met these obligations, I cannot in good conscience justify to my constituents voting to send $1.2 billion in aid abroad.

Mr. HOUGHTON. Mr. Chairman, the question that so often arises is why don't we take care of ourselves first? Why help others like the Russians who have been our enemy since 1917 when we have so much to do all the way from Watts to Washington?

It's a good question. It deserves an answer—as a matter of fact, several answers. First—let us not forget that $1 trillion goes to our entitlement programs. This out of a $1.5 trillion budget. Of the other $500 billion, $486 billion is pushed toward other projects in this country. Fourteen billion goes to help others in other Nations including starving people, who have no other source of support, other than to reach out to the richest country on Earth.

Second, $12 billion has been bandied about as the aid figure for Russia. That is 40 times too high. The $12 billion is primarily for the International Monetary Fund—which we make money. It is possible, if you can believe it, to be out not one red cent for our Russian aid. Why?—because of the income we receive from the IMF.

Third—this is a good investment. After spending $4 trillion since 1945 to defend against Russia, a small effort now to keep democracy afloat is not too bad an idea. I support this bill.

Mr. DORGAN of North Dakota. Mr. Chairman, after considerable thought, I have concluded that I must oppose the pending bill providing a variety of United States aid to the former Republics of the Soviet Union. At a time that we should be investing in America as priority No. 1, we must weigh critically what foreign assistance makes sense.

This is a close call and both sides on this debate have offered some very persuasive arguments. I agree with proponents that we must seize the opportunity to encourage Russian democracy and to prevent a return to totalitarianism and militarism. I am also persuaded that this bill affords a flawed means to achieve that goal.

Let me underscore that I favor the right kinds of aid to Russia and other former Soviet Republics. As chairman of the Hunger Committee's International Task Force, I have convened hearings on the humanitarian plight of the many people in these Republics. As a result of those hearings I have endorsed and voted for humanitarian aid and supported expanded agricultural credits. This aid will prevent needless suffering and help to stabilize fragile governments en route to democracy. Food aid and sales will also benefit American farmers, since Russia has been one of their biggest customers.

Further, I support transferring defense dollars to aid Russian demilitarization and compliance with arms control and nonproliferation. I favor creative efforts to prevent the brain drain of Russian scientists to other countries bent on terrorism or the production of weapons of mass destruction. Again, I have voted for such spending as part of the defense authorization and foreign aid bills this year.

On the other hand, we must husband our investments for our own economy. We simply must get America back on the economic track. With gigantic deficits, we don't have the luxury of approving another $12 billion in foreign aid as this bill does. We could do so if we tapped the riches of Russia and other Republics and if we insisted on further military concessions by Russia's leaders—such as the certain withdrawal of Russian troops from independent Baltic Nations.

One thing that troubles me about the present bill is its approval of $12 billion of United States funds for the International Monetary Fund, of which only $3 billion will be used to aid Russia and other Republics. The IMF has not established a solid track record in promoting humane recovery and balanced development in other nations; I don't know why it will now do so in Russia.

I also fail to understand why we can't tap some of the estimated $1.4 trillion in strategic minerals and resources owned by Russia. This is a country rich in resources, if poor in economic output. Unfortunately, the rule for this bill did not permit amendments to barter some of the Russian wealth for aid that is needed.

I am also puzzled that we could not require a specific timetable for the withdrawal of Russian troops from the Baltic States. I understand the lack of housing in Russia limits troop withdrawals, but we could at least demand a certain schedule and guarantees for achieving that goal.

Some aid proponents have posed a troubling dichotomy: Either support this bill or no aid will go forth. Provide aid or assume responsibility for the failure of Russian democracy. It's a false dichotomy. This is not the Marshall plan. Russia is not a vanquished nation like Germany or Japan after World War II.

Even without this bill, we will provide aid—via the defense and foreign aid bills and with existing agricultural credit programs. Beyond that, the decisions of Russian leaders more than aid from the IMF will determine the future course of democracy.

So the question is not whether we provide aid, but whether we provide the right kind of aid under the right circumstances. We have a responsibility to measure whether the aid in this bill genuinely serves our national interest. I conclude that some would, but some would not. Without recourse to amendment, I am compelled to oppose the bill.

Mr. SMITH of New Jersey. Mr. Chairman, the consideration of this bill, the Freedom for Russian and Emerging Eurasian Democracies and Open Markets [FREEDOM] Support Act, by the House demarcates this Age of Democracy from the dominating cold war era. Until the revolutions of 1989 and the ensuing pursuance of individual freedoms, human rights and representative government, the objectives of the Soviet Republics were diametrically opposed to the ideals of the United States.

The United States and mature representative democracies in Europe and the West truly have a historic opportunity to nurture these new, changing markets, markets that offer promise for U.S. exports. Furthermore, we are blazing an unchartered course as we help ensure these centrally controlled economies become market-based economies, as we foster democratic governments of the people rather than fight and condemn communist governments against the people, and as we support the dismantling and destruction of weapons of mass destruction rather than spend trillions to defend ourselves against the threat of nuclear war. I believe this unchartered course cries out for innovative, flexible initiatives which build on the private sector expertise in this country and cultivate the private sector among the emerging democracies.

I urge my colleagues to join me in supporting the Freedom Support Act which stipulates that the assistance granted through any government entity is predicated on significant progress by these emerging democracies toward economic and political reform, a guarantee of human rights and respect for the rule of law, and adherence to weapons and arms control agreements. The bill clearly prohibits at this time assistance, other than funds for the disarmament and nonproliferation of weapons, to Azerbaijan due to the continued hostilities against Armenia and Nagorno-Karabakh. I fully support these stipulations.

Furthermore, Mr. Chairman, the bill outlines Congress' continued concern that former Soviet military forces remain deployed in the independent Baltic States. While President Boris Yeltsin made a public commitment to that effect when in Munich last month, the

United States must continue its pressure on the Russian Government and insist that the tens of thousands of ex-Soviet military personnel be removed.

Building on the framework of expanded trade and business opportunities for U.S. entrepreneurs which Presidents Bush and Yeltsin agreed upon recently, this bill would help facilitate ventures within the private sector. Technical assistance will emphasize practical problem-solving techniques fundamental to management and marketing within the private enterprise system. Through the establishment of business assistance centers, American businesses, especially small and medium-sized businesses, will be better equipped to penetrate these new markets.

The Freedom Support Act also authorizes an increase in the United States contribution to the International Monetary Fund [IMF], essentially increasing the pool of resources and capital available for loans. In exchange for the value of the contribution, the United States receives and increase in Treasury reserve assets which remain available for use by the United States at any time. With the replenishment provided by the United States, other countries such as Japan, Germany, and other Western European countries are obligated to increase their share of the quota. These resources are needed to allow the IMF to respond to the borrowing needs of the emerging democracies in East Europe and the former Soviet Union.

With the dissolution of the monolithic, centrally controlled Soviet economy, the economies of these emerging democracies are in shambles. With the closing of the cold war, the seething nationalistic and ethnic conflicts which threaten political and social stability have been uncovered. And, the extensive military arsenals exacerbate the uncertainty which persists between the newly independent countries. I agree with the President's analysis suggesting that "if we do not act now, we collectively will have failed to live up to the challenges and the strategic opportunity—perhaps the greatest this century—that this new relationship gives us."

Mr. McMILLAN of North Carolina. Mr. Chairman, I rise in support of this landmark legislation. After years of sacrifice during the cold war, we have won a tenuous victory. We need to be careful, however, that economic hardship in the former Soviet Union does not undermine our efforts over the last four decades.

Boris Yeltsin has pushed through far-reaching economic reforms, and announced plans to cut the military in half. It is imperative for us to support both of these efforts, and do what we can to ensure their success.

The bill before us today is a balanced measure. It emphasizes arms control—providing money for nonproliferation and dismantlement efforts—humanitarian assistance, and includes aid to encourage the export of U.S. agriculture products.

The nuclear containment provisions are particularly important, and makes up the largest portion of the aid package. We have spent hundreds of billions of dollars in an arduous effort to counter the buildup of the Soviet arsenal. Surely, it behooves us to spend a fraction of our former outlays to do what all our former expenditures never could: Eliminate weapons from the Soviet arsenal. I would also note that the legislation targets funds for nuclear reactor safety measures, to avoid future Chernobyls.

While this aid may not save the independent Republics, we have to try. Economic collapse would reverberate through Western Europe, and ultimately have an adverse impact on the international economy. Much of the credits authorized under the bill are aimed at currency stabilization, which is the key step toward real reform and integration into the family of nations.

Let us be clear, this aid is not free. There are terms and conditions placed on the aid. The bill lays out specific steps to facilitate the peaceful resolution of ethnic disputes, and it ties aid to strides made on human rights, democracy, the rule of law, and market-oriented economic reform.

The newly established Republics are moving in the right direction. It is imperative for us to seize this opportunity, and fight to win the peace just as arduously as we fought to win the cold war.

Mr. REED. Mr. Chairman, although I rise in opposition to the Freedom Support Act, H.R. 4547, I do not rise in opposition to the idea of aiding the former Republics of the Soviet Union.

Like many Members, I joined with Mr. BONIOR and Mr. WISE in urging the President to sign an additional extension of benefits as well as an accelerated jobs bill before we would consider the Freedom Support Act.

When unemployment shot up in June, the President finally decided that he had to respond and signed an extended unemployment benefits bill into law. However, despite my State's unemployment rate of 9.4 percent, Rhode Island does not seem to merit a special or extraordinary response like the jobs plan before us today. There is aid for Soviet defense workers, but there are no jobs for the thousands laid off at the Electric Boat plant.

Our basic message has been—Mr. President what about a special plan for the United States? It appears his vision for the American people has yet to arrive.

Today I ask again, what about America? Our distinguished majority whip has stated that the President has said he will work on an accelerated jobs bill. But we need jobs now not just promises. I need to see a concrete proposal for job creation, not a capital gains tax break for the rich, but jobs for hard-working men and women here at home.

Turmoil in the former Republics of the Soviet Union should be avoided. But, the fundamental threat to world peace is not linked just to the Soviet Union's future, it is tied to the failure of our economy. So long as America is a strong and productive country, we will have the capacity and determination to support peace. An economically weak America cannot serve its people at home or defend its ideals of peace and progress abroad.

Moreover, I am concerned by another missing element in this legislation. It is a simple provision that has been included in the Senate's version. I am speaking about ensuring that all of America's food producers are included in the food aid sent to the Soviets.

Section 702 of this bill mentions many specific agricultural products from vegetable oil to tobacco, but again there is something missing—underutilized species of fish. It appears that aid to the Independent States will mean work and jobs in the Midwest, but not for the fishermen who make their living deep at sea. These fishermen are threatened by the loss of their livelihood because the stocks of groundfish are shrinking, just as many American farmers are threatened by drought. However, there is another option—there are other fish in the sea, like mackerel, skate, and dogfish. Simply stated, I would like to see language in this bill that says underutilized species of fish should be part of our aid package for the independent states.

Mr. Chairman, I repeat again, I am not opposed to the concept of aiding the Soviets and creating a special plan to address their particular needs. What I cannot vote for is placing the needs of the former Soviet Union above the needs of America.

I have suggested two specific ideas that would make my support for this bill more likely. First, an accelerated jobs bill. And, second, putting fish on equal footing with other agricultural products. Mr. Chairman, when these two basic concerns are addressed, I will reconsider meeting the needs of the Independent States.

Mr. PALLONE. Mr. Chairman, I rise to commend the chairman and the members of the Foreign Affairs Committee for the excellent job they have done in putting together H.R. 4547, the Freedom Support Act. I feel the bill strikes the right balance between judicious investment in the emerging democracies of the former Soviet Union and the fiscal realities of our economic situation here at home. After 74 years of Communist rule and human rights abuses in the Soviet Union, these Republics have formed a Commonwealth of Independent States committed to ensuring a peaceful world order and to allowing each of its citizens a voice in their government. I am proud to support this bill and I urge my colleagues to do likewise.

I do want to mention one reservation I have about the Freedom Support Act. The legislation which this body will vote on today urges Russia to begin the process of removing the troops currently occupying the Baltic States. Of course, as a sovereign nation, Russia can choose to heed our urging or to ignore it. I believe that the United States should take a stronger position. As a cosponsor of the bill introduced by Representative DURBIN, which explicitly conditioned all aid to Russia on removal of this occupying army, I feel the Freedom Support Act does not go far enough.

A year and a half ago, the United States went to war in the Persian Gulf because Iraq illegally occupied that small nation. Now, we are faced with a situation where we are giving aid to Russia, a country which maintains an occupying force in the small States of Latvia, Lithuania, and Estonia. We have tremendous leverage available to us to influence Russian policy on this issue. We should use aid to pressure Russia to withdraw these troops. If not that, then we should at least demand that no replacements are sent to the Baltics for Russian soldiers who return home.

The Freedom Support Act laudably refuses aid to the Republic of Azerbaijan for all activities except nuclear nonproliferation until the President has informed Congress that Azer-

baijan is clearly trying to end blockades against Armenia and Nagorno-Karabakh. This provision against Azerbaijan aid sends a clear message that human rights abuses and suppression of a people's right to self-determination is intolerable to the people of the United States.

It should also be emphasized that this tremendous piece of legislation comes at little cost to the weary American taxpayer. The $12 billion increase in the U.S. quota contribution to the International Monetary Fund is a credit and would not result in another burden on our already beleaguered budget.

When I entered the House of Representatives 4 years ago, it seemed a remote dream that one day my colleagues and I might help ensure a democratic government in the former Soviet Republics. But today, my friends, that dream is a reality. The Senate acted wisely in passing this bill. Again, I urge my colleagues on both sides of the aisle to vote to pass the Freedom Support Act.

Mr. HALL of Ohio. Mr. Chairman, I rise today to urge passage of H.R. 4547 which provides humanitarian assistance to the children of the former Soviet Union. New freedoms and opportunities are emerging, but not for many of the children of these Republics.

At a hearing convened by the Select Committee on Hunger earlier this year, we investigated humanitarian conditions in the republics. UNICEF has stated that children in the former Soviet Union face a series of health and nutrition problems that are escalating in severity. The incidence of infectious diseases is increasing, the nutrition status is declining, and infant mortality is rising.

The Russian Ministry of Health reports that children up to 2 years of age are receiving only 11 percent of the protein they need, only 20 percent of the fruit and vegetables, and only 43 percent of the cereals. Milk is in short supply. The milk that is available is expensive and has a shelf life of only a few days.

To date, we have done little to meet the special needs of these children. During the markup of this bill, an amendment was adopted in the Foreign Affairs Committee that directs AID to address the nutritional needs of infants in any of its humanitarian assistance programs. This is a crucial and important addition to the bill.

We must act now. I urge my colleagues to pass H.R. 4547.

Mr. EWING. Mr. Chairman, the Freedom Support Act is a good bill for America. It's not often that we get a chance to vote on a bill that will both provide American jobs at home and increase American security abroad. But that's what this bill does.

This bill is not a handout. On the contrary, it is an investment that will provide an excellent rate of return. By opening the doors to additional export credit guarantees for agricultural products, we will be doing much more than providing U.S. farmers the opportunity for sales for 1 year. We will be establishing ourselves as reliable suppliers that can be counted on for years to come. Additionally, by requiring that USDA export programs be used to promote value-added products, we will be increasing American competitiveness in one of the fastest growing areas of agricultural trade.

By some estimates, we've spent over $4 trillion during the cold war to get to where we are today. The $440 million that this bill provides is a small fraction of that amount to get the rest of the way—to free and democratic Republics in the former Soviet Union. In fact, if we do not invest in the Republics, we could see the area degenerate into chaos and civil war like we now see in the former Yugoslavia. That could wind up costing us a lot more in the long run. Our investment in those fledgling democracies can ensure that they survive, and I think that's a pretty wise investment.

I'd caution my colleagues not to view this as a cost—it is a loan that we all hope and expect to see returned. In fact, the Russians have been excellent creditors in the past. There is no reason to believe that they will renege on these guarantees.

Mr. Chairman, for the sake of both American security and American trade interests, I urge my colleagues to support this bill.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong opposition to the Freedom Support Act which provides aid to Russia and the other former Soviet States. I cannot support this legislation because it comes at a time when this country needs to concentrate its efforts on the enormous crises facing its own cities. If ever there were a time for addressing the needs of our cities it is now. We cannot afford the luxury of ignoring them.

The recession that grips our country has wreaked havoc in the usually middle-class suburbs in my district, places like Oak Park and Maywood, which are not normally so adversely affected are littered with closed businesses. In the urban communities of Lawndale, Austin, and sections of the 37th and 28th wards of Chicago, many of the citizens are facing absolute destitution.

How can I go back to my district and tell my constituents that I felt it more necessary to give funds to Latvia than to try to help them correct their abysmal economic situation. In all good conscience I cannot. I will vote to defeat this bill and I urge my colleagues to do the same.

Mr. LEWIS of Florida. Mr. Chairman, I rise in reluctant opposition to this legislation aimed at assisting the Republics of the former Soviet Union.

To begin, I would like to state that I believe there is no doubt that a secure and stable Russia is in the United States' best interest. The lessening of our defense budget and the business opportunities presented will certainly help our economy.

However, today, we are not voting on the philosophy of whether or not we should help the Russians. We are voting on a very specific piece of legislation which will be the law of the land.

In short, I do not believe this legislation takes the wisest approach to the problem.

First, the bill does not adequately condition aid on continued reforms. For example, it allows Russian troops to remain in the Baltic States of Estonia, Latvia, and Lithuania. In addition, it does not address the problem of continued military spending. I cannot in good conscience support legislation which could result in United States taxpayers subsidizing military activities in the Baltics or further military spending.

Second, this bill does not call for any repayment or collateral, even though there is over 2½ trillion dollar's worth of verified natural resources in the former USSR. I could have supported this legislation had the Kanjorski-McCollum amendment been attached. This amendment would have allowed the Republics to convert their resources into cash by pledging natural resources, the right to develop them, or revenues from them, as collateral for developmental assistance.

These simple commitments are not meant as a punitive action. Instead, it is a simple commonsense approach that allows for the protection of the American taxpayer, while allowing the Independent States to receive their assistance. This approach has the added benefit of putting Russian workers to work, and easing their transition into the free market.

To conclude, Mr. Chairman, I do not stand here today in reckless opposition to the idea of helping the brave citizens of Russia and the other Republics who endured nearly three-quarters of a century of brutal Communist control.

I simply do not believe the legislation before the House today is the wisest approach to solving the problems presented by the end of the cold war. Should legislation be considered with more specific conditions, and a more appropriate funding mechanism, I will be proud to lend my support.

Mr. RICHARDSON. Mr. Chairman, I rise in support of this legislation to assist the newly independent States of the former Soviet Union in their transition to a free-market democracy.

For the past 45 years, the United States invested billions of dollars to contain communism. The American people carried that burden because the United States has always been a Nation defined by its dedication to freedom and democracy. Because of the vision of America's post-World-War II leaders, the United States won the cold war.

Today, America has a once-in-a-lifetime opportunity to advance our historic dedication to freedom and democracy in the newly independent States of the former Soviet Union.

This aid package is not a panacea for the problems facing Russia and the former Republics. This bill is not, as some have characterized in the debate, an economic recovery plan for the former Soviet Union. The new leadership in Russia and the independent States will have to embark on a massive restructuring of their economy if they are to provide a better future for its people.

America's task today, however, is to provide these newly independent States with the tools and resources to accelerate the dramatic changes underway that are being advanced by Russian President Boris Yeltsin and other leaders of the former Republics. Our role in the world community is to join with the other G–7 industrial countries to help the former Soviet Union in its transition to a free market democracy. We can do that by passing this bill.

The dramatic changes in the world should force us to think anew about our challenges both at home and abroad. As we renew our commitment to freedom and democracy abroad, we must also reinvigorate our efforts here at home to fight for those same principles. Sadly, too many Americans are seeing our values of democracy, individual freedom, and collective prosperity erode here in the United States.

So as we fight for a better life for people in emerging democracies, the Federal Government must also fight to give America's cities, rural communities, and citizens the tools and resources to make life better and more prosperous at home.

Mrs. LOWEY of New York. Mr. Chairman, I rise in support of H.R. 4547, the Freedom Support Act.

Approval of this aid package to the successor States of the former Soviet Union is extremely important. It is important because we have a tremendous stake in the success of the struggle for democracy in the Republics. The continued success of the transformation from communism to democracy in these nations makes it possible for a dramatic reconfiguration of world politics. This reconfiguration offers hope for greater international security. It also offers us the opportunity to make further reductions in our own defense budget. We must act responsibly to ensure that this transformation is not interrupted.

That means that we must ensure that conditions do not persist which would prove to be breeding grounds for dictators. It is no secret that massive economic problems and the deprivation and hunger that result give those who would destroy freedoms an opportunity to seize power.

It is also a well-documented historical fact that during times of instability, religious and ethnic minorities end up suffering the most. In those circumstances, people are angry and looking for scapegoats to blame for the hard times. Ultranationalism breeds bigotry and intolerance. In the former Soviet Union, economic hardship has meant persecution of Jews, Evangelical Christians, Ukrainian Catholics, and those of the Ukrainian orthodox faith in the past.

The Freedom Support Act will help to alleviate some of the conditions that have led to the persecution of these individuals. In addition, in recognition of the fact that persecution is already occurring, this bill extends important provisions of U.S. law that grant these individuals automatic refugee status for the purposes of admission to the United States. This status will enable them to escape dangerous situations that may arise by coming to the United States.

By approving this legislation, we will continue our important leadership in the quest for freedom and democracy around the world. I urge my colleagues to join me in approving the Freedom Support Act.

Mr. KLECZKA. Mr. Chairman, I rise in opposition to the Freedom Support Act (H.R. 4547).

In addition to providing $1.2 billion in aid to the Russian and other former Soviet Republics, the bill would increase the United States quota contribution to the International Monetary Fund by $12.2 billion.

My colleagues should note that this $12.2 billion IMF quota increase could best be characterized as a blank check. There are many conditions which should accompany such a quota increase. Conditions on international development assistance were, in fact, added by the House Banking Committee, a panel on which I serve, only to be stripped from the bill.

Let me describe some of the provisions which the Banking Committee included in its version of an international development bill which this bill eliminates.

H.R. 4547 does not include the Banking Committee sections on debt restructuring, fair labor practices, promotion of human rights activity in the Horn of Africa and elsewhere, and environmental and consumer health and safety requirements.

It fails to include provisions to promote energy efficiency, or to address the question of excessive weapons expenditures by borrowing nations.

While the bill before us today does include Export-Import Bank language, it does not include an amendment I offered at the Banking Committee, and which was part of the Banking Committee international development bill, which restricts the financing of sales of military equipment by the Export-Import Bank. The bill also deletes an amendment I offered to require a GAO study on past sales of defense material by the Export-Import Bank to determine whether such weapons may have fallen into the wrong hands, or been used to violate human rights.

These provisions were somehow considered inappropriate, and deemed necessary to strip from the bill.

That was a mistake. The House Banking Committee worked long and hard to ensure that international development assistance include the appropriate strings—strings which the American people demand.

The failure of this measure to address legitimate taxpayer concerns makes clear that there are more pressing priorities, both foreign and domestic.

I urge a "no" vote on the Freedom Support Act.

Mr. OWENS of Utah. Mr. Chairman, I rise today in strong support of H.R. 4547, the Freedom Support Act of 1992. This measure is good for American business and it will create jobs here in the United States. At the same time, I am hopeful it will assist the newly independent republics of the former Soviet Union to turn their economics around, institute democratic and free market reforms, and change forever the face of that land.

I especially want to point out the provision prohibiting United States aid to Azerbaijan until the President reports to Congress that Azerbaijan is clearly trying to end the blockade and stop the use of force against Armenian and Nagorno-Karabakh.

This provision is particularly important because of Azerbaijan's ongoing aggression against Armenia. For over 4 years now, Azerbaijan has enforced a blockade against Armenia. This blockade is illegal and immoral. It inflicts pain and suffering on innocent civilians. Food and medicine shortages are commonplace. Armenia's economy has been devastated.

Yet, somehow, this reborn State has a soaring spirit. Armenia is far ahead of other CIS Republics in implementing economic reforms, including privatization of land and market-based manufacturing policies. And Armenia was among the first States in what was formerly considered to be behind the Iron Curtain to hold democratic elections and institute democratic reforms that are meaningful and lasting.

I hope that the provision barring aid to Azerbaijan will be heard loud and clear in Baku. End the blockade—now. Stop the shooting and shelling—now. You will not be allowed to join the civilized world until you abide by international law and demonstrate your commitment to humanitarian values.

And to President Bush and Secretary Baker I would say this: The United States established diplomatic relations with Azerbaijan after Azerbaijan promised to end the blockade and stop the violence. These promises have been broken, they were never complied with even for a day. It is wrong for the United States to ignore these principles and conditions.

Finally, Mr. Chairman, I would like to say for the record, that I fully expect the IMF to distribute the loans and assistance equitably. Furthermore, the IMF should not use Azerbaijan's aggression toward Armenia as an excuse to ignore Armenia's impressive economic strides. Armenia needs immediate economic aid. I am convinced that Armenia both has the will and wherewithal to utilize this aid wisely.

Mr. BONIOR. Mr. Chairman, today, the House is taking up the Freedom of Support Act to help the independent States of the former Soviet Union make the transition to democracy and a free market system. This is an extremely difficult transition which requires courage and tremendous sacrifice.

I strongly believe that aid should only go to those countries who have committed themselves to democracy and respect for human rights. The aggression of the Government of Azerbaijan against Armenia and Nagorno-Karabakh is contrary to these goals.

For several years, Azerbaijan has blockaded the delivery of food, medicine, and fuel to Armenian populations. At the same time, hundreds of thousands of Armenians are struggling to recover from the terrible earthquake and hundreds of thousands more are refugees fleeing from Azerbaijani aggression. In another few months, Armenians will face another harsh winter without heat because of the blockades.

I strongly support provisions in the Freedom of Support Act that prohibit aid to Azerbaijan until they take steps to lift these blockades and to stop aggression against Armenians. The new world order must not condone the denial of essential supplies to civilian populations or the denial of self-determination.

Mr. TAYLOR of North Carolina. Mr. Chairman, since the introduction of the Freedom Support Act, I have spent a considerable amount of time trying to determine whether or not to support the act. What I have discovered is both encouraging and disappointing.

It is encouraging that there are so many individual Russian and Republic citizens who are optimistically working to build a free enterprise democracy. It is encouraging that Russia and the United States have agreed to eliminate heavy ICBM's, multiple-warhead ICBM's and all MIRV'd ICBM's together with certain tactical nuclear weapons. The total nuclear arsenal of both nations will be reduced to about one-fourth of the 1990 level. It is encouraging that the Russian military may be substantially reduced.

And it is encouraging that in Russia today there are 500 commercial and private banks, trading houses, 450 commodity exchanges and brokerage houses, and 2 stock exchanges.

It is, however, disappointing that every month the Government is printing 275 billion worthless rubles and that inflation is running over 1,000 percent per year. There is little evidence that the Government has the will to take steps that would drastically reduce the inflation.

It is disappointing that privatization is not moving faster and that approximately 10 billion dollars' worth of brandnew foreign equipment sits in storage while obsolete State industries continue to be subsidized.

The money requested in this bill is intended for a variety of goals. A portion will be direct humanitarian aid. A portion will be to aid in the disassembling of nuclear weapons. A portion will be used to teach the construction of a free economy at the lowest level possible. A portion of funds already available will be used to finance the purchase of American goods especially agricultural products. And a portion will be used to fund our 20-percent increase of the IMF so that currency stabilization can be had.

The stabilization depends upon Russian leadership's will. A failure of that will should cause the IMF to halt its support, for we cannot allow our support to be wasted on bureaucracy or diverted to nonessential industries or nonpeaceful purposes.

Mr. Chairman, almost all my life the United States has been in a cold war with the Soviet Union under a mutually destructive threat. We have spent trillions of dollars to win that war and to protect our Nation. I want my children and your children to be free from that financial burden and that threat. I am not naive. Whether the State of Russia will be successful in the quest of democracy for its people is very much in doubt. The odds are long and the chances slim. But the people of Russia are trying.

This spring my youngest son who was 9 and the shyest of my three boys, began swimming for the local team at home. I attended as many of his events as I could. Not because I thought he would always win first place. I didn't. Not just because I am his father, I like most of you miss too many parental events in order to be here. My wife and I attended those long arduous meets to pay tribute to our son's courage for trying.

And that, ladies and gentlemen, is where we are today with Russia and the Republics. We have spent most of this century wishing for and looking for a change for the Soviet Union, hoping for a freedom loving entrepreneurial capitalist revolution that would bring the people of the Soviet Union from under the dark cloud of Communist oligarchy and into the sunshine of freedom.

And now that the Russian people have done it, now that they have shown the courage to withstand and attempt to turn them back and are desperately struggling to develop a free enterprise system that can help guarantee their liberty, we of all people, the United States of America, should by this action pay our tribute to their courage to try.

Sadly, Mr. Chairman, the legacy of the former Soviet regime will live on even for those too young to remember the oppression of the human spirit and physical bondage under which so many suffered. Those babies recently born and being born are suffering today and will see their development stunted in the future because of poor nutrition and a lack of proper sanitation. It is estimated that there are over 1.2 million infants less than a year old in State institutions in Russia alone. The collapse of the Central Government and its poor manufacturing processes in the past have resulted in pesticide and nitrate contamination in 42 percent of all baby food produced in the former Soviet bloc. In addition we are all aware of their lack of safe water with which to prepare processed baby food. Added to poor sanitation, lack of refrigeration and a limited production and distribution capacity these factors leave Russia infants in desperate need of assistance from the United States. The Russian Ministry of Health has stated that Russian infants receive only 11 percent of the meat they need and only 19 percent of the fruit and vegetables required for healthy and normal development.

Language is included in the Freedom Support Act to guarantee sales of processed food products to Russia. Even though baby foods are not mentioned directly, I would urge the Commodity Credit Corporation to provide access to its export credit guarantees for baby food sales under the Processed and High-Value Agricultural Export Credit Guarantee Program.

I can think of no worthier product to guarantee or one with higher value than pure, nutritious baby food produced in America and badly needed by infants across the former Soviet Union.

Mr. CAMP. Mr. Speaker, today I rise in support of a provision included in the Freedom Support Act which will benefit both the Russian people and American farmers.

I am referring to an amendment that I co-offered with my colleagues which was unanimously approved by the House Agriculture Committee to allow livestock, including dairy cattle, hogs, and poultry, for export to the former Soviet Union.

Allowing the Russians to import livestock, including dairy cattle, hogs, and poultry under the Export Enhancement Program is a win-win situation. It will help Michigan farm families and the Russian people who are struggling to establish their democracy.

This provision in the bill will also help balance the diets of the people of the former Soviet Union. There is an extreme shortage of milk and dairy products, resulting in hardship particularly for pregnant women and children. Allowing farm animals to be included in the Export Enhancement Program will allow the former Soviet Republics to significantly improve their dairy industry, providing fresh dairy products and breaking the current hand-to-mouth existence.

Mr. Chairman, we are faced with a massive Federal deficit and cannot afford to fund programs for our own people. That is why I cannot support sending billions of dollars in foreign aid to the former Soviet Union at this time. However, I do support export opportunities for American farmers and support the provision in the Freedom Support Act which would provide these opportunities.

Mr. AUCOIN. Mr. Speaker, because it includes a surtax on millionaires, George Bush can't sign a bill we passed today to help needy kids, but he's eager to send hundreds of millions of dollars to the former Soviet Union. Why can this President only see pain abroad and miss it entirely right here at home?

When the cold war first showed signs of a thaw, I called on our Government to protect our security by eliminating the threat posed by Soviet nuclear weapons. I spoke out for aggressive nonproliferation policies directed at the former Soviet republics. I said that the United States must lead the way in support of democratic values in the newly independent states. As one who worked long and hard for the right of refuseniks to emigrate, I made it clear that these values had to include strict protection for the rights of religious and ethnic minorities.

We must continue to press hard for progress on these goals, for the sake of world peace and the security of every nation. But we cannot lead the world if we are weak at home. Our unfinished domestic agenda has cried out for action for more than a decade. President Bush has demonstrated time and time again that he is more worried about Panamanians or Kuwait than he is about disadvantaged children, unemployed workers, or those without health insurance right here at home. We cannot accept vague promises that, after this bill is passed, the administration will produce a visionary domestic agenda or even accept some of the good proposals that we have sent to the White House.

Congress must tell George Bush—in no uncertain terms—that aid to Russia and the other republics will just have to wait until he starts dealing with our economy and urgent domestic needs. Let's say no today to aid for the former Soviet Union and see how long it takes the President to come around.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise in favor of today's Freedom Support Act. We fought many years and spent a great deal of money to win the cold war, but the battle is not over in Russia. While democracy may be in the hearts and minds of the people in the former Soviet Union it doesn't feed their children. Communism has collapsed but what it has left behind is a country lacking in direction and full of confusion. An unstable Russia is a dangerous Russia.

Clearly, it is in the best interest of the U.S. to stabilize a country that is a major nuclear power. While communism may be gone, the weapons of mass destruction that it produced are not. In an economy that has collapsed the temptation to sell weapons to the highest bidder may prove too profitable to resist. This legislation will help deter that temptation and convert their defense industrial base into a growing manufacturing base.

Russia has never had a free market economy and adopting one is not going to be painless. In the marketplace, long lines remain and the price of bread has increased. Vast in natural resources, the former Soviet Union has the potential to be a tremendous market for the United States to trade with, which will only improve our economy. They need our technical assistance to properly manage these resources and bring them to the market place. This bill will encourage the sharing of information with the republics, allowing them to establish their markets and clear the way for trade routes in the future. By passing this legislation, Congress can provide not only the humani-

tarian aid needed, but also much needed advice on how to become a self-sufficient society.

In closing, this legislation will not only help the former Soviet Union, but it will help the United States. The end result, with help from the United States, will be a more stable society with which we can begin developing a healthy trade relationship. I urge my colleagues to vote in favor of the Freedom Support Act.

Mr. COLEMAN of Texas. Mr. Chairman, I rise today in support of the Freedom Support Act. I have not failed to recognize the tremendous dilemma which evolves at moments such as these: Moments when we are called upon to send aid abroad at a time when our own economic needs are so very pressing. Nonetheless, it is vital that each of us understands that our own well-being is inextricably linked to the well-being of the global community. This is particularly true in the case which lies before us now. If we ignore the plight of the citizens of the former Soviet Union, we place our own security at risk.

The collapse of the Communist system in the former Soviet Union, while undeniably a joyous occasion, has raised many challenges for the United States. In place of the authoritarian regime, there have emerged several tenuous and fragile democracies. Our obligations in the face of this landmark event are twofold. We must first of all ensure that the hope of self-determination can be safeguarded for the people who live in the former Soviet Republics. After hundreds of years of repression, first under the czarist system, and then under the heavy hand of the Communist Party, these people deserve the freedom which so many of us take for granted. Furthermore, if we help the Governments of these fledgling democracies, which are amenable to cooperation with the United States, the mutual economic benefits will be substantial. We will not only save money on defense expenditures, we will also open up new channels of trade for our country. The nations of the former Soviet Union are rich in resources. We ought to do all we can to ensure favorable trading conditions between these nations and the United States. This would mean more jobs in the United States, and cheaper goods for American consumers. Such gains are not possible if we fail to stabilize the democratic Governments of Russia and other Republics. Without our help, it is possible that the chaos which has besieged much of Eastern Europe will grip the great nations of the former Soviet Union as well.

This brings me to the second obligation with which we are faced. I have stressed before the tenuous order which is currently being maintained in Russia and several other Soviet states. Unfortunately, without our help, it is dubious as to whether this order can be maintained. Witness the chaos in the Republics which used to be part of Yugoslavia. If such disarray were to be mirrored in the former Soviet Union, with its tremendous nuclear arsenal, the global consequences would be cataclysmic. The Freedom Support Act not only provides aid to bolster the needy Governments of the former Soviet Republics, thereby ensuring within these nations a much needed measure of stability, but also makes important provisions of nonproliferation and disarmament. We owe to our country and to the world the assurance that we are doing everything possible to ensure that no disaster occurs at this promising historical moment.

For these reasons, I feel that the Freedom Support Act is one in which our economic, political, and security interests are best served through serving the needs of others.

Mr. BROOMFIELD. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

[Roll No. 373]

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Allard
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Flake
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Ford (MI)
Franks (CT)
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James
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Jones (GA)
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Kennedy
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Pastor
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Rahall
Ramstad
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Regula
Rhodes
Richardson
Ridge
Rinaldo
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Roberts
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Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
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Shaw
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Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
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Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1726

The CHAIRMAN. Three hundred ninety-five Members have answered to their names, a quorum is present, and the Committee will resume its business.

Mr. DE LA GARZA. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Chairman, I rise today in support of the Freedom Support Act because I feel we must capitalize on historic events in the former Soviet Union and Eastern Europe to give freedom and democracy a chance in that area of the world.

Recent tragic events in Eastern Europe graphically illustrate that the alternative to paving the way for freedom is chaos and destruction.

We clearly must turn our primary focus to our serious problems at home—jobs and economic growth, health care, education and physical security. But as we turn to confront our domestic challenges, we must not turn our backs on those abroad who fought to gain

their nation's freedom and to rid themselves of Soviet domination.

I support this bill with several important reservations. First, the aid we are sending to the former Soviet Union must be distributed equitably amoung all the successor Republics, as stated in the committee report. I congratulate the Foreign Affairs Committee for including this important condition in their report.

The report states:

It is the expectation of the committee that assistance to the independent states of the former Soviet Union will be fairly and proportionally distributed among them, according to each state's size and needs.

That means that the needs of the people of Ukraine, for example, and the other Republics are just as important as those of the people of Russia. It is imperative that the Congress monitor disbursement of aid under this bill to ensure that it is equitably distributed.

I have spoken personally to the chairman of the Foreign Affairs Committee, who ensures me that it is the intention of the committee that this language be taken seriously and be implemented accordingly by the administration.

Second, I am concerned about the continuing presence of Russian troops in the Baltics, and disappointed that the House did not have the opportunity today to consider the Durbin amendment.

The people of Lithuania, Latvia, and Estonia have fought too long and too hard for freedom to have it impaired at this late date by the presence of the very troops who denied them freedom for half a century.

This sentiment was stated persuasively and intently by the leaders of the Baltic Nations when I visited them a year ago. The United States has an obligation to take steps to help turn our sense of Congress language into reality in the Baltic Nations.

Third, I hope that during a House-Senate conference on this bill the committee will agree to include the Gore amendment, which will prohibit assistance to government institutions in the former Soviet Union that are unlawfully holding the property of United States citizens. I am particularly concerned about the ongoing struggle of the Lubavitch community to regain possession of sacred texts and manuscripts held by the Russian State Library in Moscow.

Fourth, I strongly support provisions of this bill that condition assistance to the Republic of Azerbaijan on the end of that Government's economic blockade and aggression toward the people of Armenia and Nagorno-Karabakh.

When I was in Armenia last summer, the new democratic government of Armenia gave us their assessment of the tragic events in Nagorno-Karabakh and discussed their desire to avoid further bloodshed. Unfortunately, the bloodshed has continued, as I've heard in first-hand accounts from objective observers. It is vital that the bill's conditions relating to any funds for the Republic of Azerbaijan be actively implemented by the administration.

Mr. BROOMFIELD. Mr. Chairman, to conclude the debate on the minority side, I yield the balance of our time to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

The CHAIRMAN. The gentleman from Illinois [Mr. MICHEL] is recognized for 6 minutes.

Mr. MICHEL. Mr. Chairman and members of the committee, consider the facts of international life. The arms race continues. The Berlin Wall stands strong. The Soviet Union and all of Eastern Europe are under Communist Party domination.

As I said, Mr. Chairman, these are facts of international life. But they are not the facts of 1992; they are the facts of 1988.

Something marvelous has happened during these past 4 years. Some call it a historic inevitability. Some call it the result of Presidential leadership. Some call it a miracle. But, whatever happened, they were 4 years that changed the world.

Think of it: The sudden total collapse of the most dangerous tyranny in the world, the rebirth of freedom for the ancient nations of Eastern Europe, the fall of the Berlin Wall and German reunion, and President Bush's historic agreement with Boris Yeltsin to eliminate the most dangerous of nuclear weapons.

□ 1730

These 4 years were a culmination of a decades-long struggle for freedom. The cost of victory was high; tens of thousands of lives and trillions of dollars over a period of 45 years. In my conversation with the gentleman from Wisconsin [Mr. OBEY], we had concluded that if you added up what we have spent, it would amount to better than $85,000 for every taxpaying household in this country over that period of time, a phenomenal amount, to bring us to where we are. Just think, for a few extra dollars, we are going to give the peace that is within our grasp to our future generations.

When I listened earlier to the trashing comments that were made by those who thought only about today instead of what our children and grandchildren are going to have to live with, I say let us not be so shortsighted.

Today, by voting for the Freedom Support Act, we have a chance to celebrate that victory, honor those sacrifices, and seize a historic opportunity for progress. We have arrived at one of those rare historic moments that Winston Churchill called the hinge of fate.

The destiny of nations, including our own, is in the balance. The former Soviet Republics are emerging from a nightmare of 75 years. Three are still economic and political and social remnants of the great terror they must come to grips with. We can expect progress in these nations only if they have stability, democracy, and, yes, a good deal of hope. And those goals are what this bill is all about.

But let us now turn to the most important question about this bill, the one each of us is asking: What is in the Freedom Support Act for the good old USA? That is a pretty practical question to be asked today.

My answer is, quite frankly, more jobs, more exports, an end to fear of nuclear war, and a better future.

It has been said no man is an island. In 1992 we must say in a global economy, no nation is an island.

As far as American economic progress and job building are concerned, we can say the world is our future. The Freedom Support Act gives us the chance to begin to shape that future in America's interests, economic political, and by America's values.

American businesses and farms need a signal from our Government. They need to know we are going to help them expand trade with the former Soviet Republics, and create American jobs.

This bill can begin that process.

Some say the American people do not care about what is happening in the world, and that only domestic affairs matter in an election year. Well, I do not know. I would not underestimate the American people's wisdom. They know that what happens abroad in many cases has a direct bearing on our domestic economy and their job opportunities.

Mr. Chairman, the door to a better, safer, more prosperous future is open before us. If we go through that door today, we carry with us American values, American interests, American ideas, and American jobs to build that future.

Mr. Chairman, I would like to digress for a moment to read a memo that President Nixon sent me, a copy of his memo to Bob Strauss, our Ambassador, when he testified before the committee, because I think he sums it up very carefully in his note of commendation to Bob Strauss.

Your testimony in support of the Federal Support Act was right on target. This is the most important vote Members of the House will cast in their lifetime. If democracy and freedom fail in Russia and the other former communist states, this will be a fatal blow to all we have fought for during the page 45 years. Rather than winning the Cold War, we will have lost it. Reactionary leaders will come back into power. The peace dividend will be down the drain. Instead of reducing the defense budget, we will have to increase it by billions of dollars. Thousands of nuclear weapons, which President Yeltsin is eliminating, will again be aimed at the United States. Aid to Russia and the other former communist states is an investment in peace and prosperity for the American people. Keep up the good work.

Mr. Chairman, I would have to certainly endorse that. I will include at the end of my remarks the letter from the President, a letter signed by all our former Presidents, Nixon, Carter, Ford, and Reagan, and prior Secretaries of State stretching all the way back to Henry Kissinger and Cyrus Vance.

Mr. Chairman, some say in this vote we must choose between our typical American desire to help others and our own domestic interests. But in fact, it is only by being generous with our

former adversaries that we can prosper in today's interdependent world.

If democracy fails in the former Soviet States, the ensuing civil wars will make today's Bosnia look like an oasis of calm and peace. I think everyone ought to think of that very seriously. There are those who think they may have the magic answer to what is happening over in Yugoslavia today. But I will tell you, when you explore all the options that would be involved in trying to settle that kind of a dispute just think how much more magnified that will be if the same violence and unrest were to occur in what was once the old Soviet Union.

Does anyone seriously argue that such a calamity would not affect our jobs, our families, and our security?

Mr. Chairman, we have a golden chance here to help shape the world for the future. Let us make it a world in which 45 years of sacrifice are given significance, in which the promise of democracy becomes a reality in the former Soviet Union.

Mr. Chairman, obviously I urge Members to support us in this effort and to pass the Freedom Support Act this afternoon.

THE WHITE HOUSE,
Washington, DC, August 3, 1992.

Hon. ROBERT H. MICHEL,
Republican Leader, House of Representatives, Washington, DC.

DEAR BOB: As the House moves to consider the Freedom Support Act (H.R. 4547), I wanted to convey to you my strong backing for the bill and my hope that it will have the support of you and your colleagues.

I submitted the Administration's Freedom Support Act proposal in April and requested prompt Congressional action. On July 2, the Senate passed its version of the bill, S. 2532, by a bipartisan vote of 76 to 20. The Senate and House bills differ from the measure I proposed to Congress, but they contain most of the basic authorities which I requested. I hope that, working together, we can produce a conference report that serves as a bipartisan foundation for our assistance effort.

I am convinced that we now stand at a critical movement in history. Together with our allies, we have the once-in-a-lifetime opportunity to help consolidate democracy and free markets in Russia, Ukraine, Armenia, and other states and to turn former enemies into permanent friends and partners. Most important, we have the chance not only to help the peoples of Russia and the new independent states escape the long nightmare of communism, but also to secure for us and our children a future that is infinitely safer and more prosperous.

Six weeks ago, Russian President Yeltsin came to Washington. Together we defined a new era in our relations. In signing with me the Washington Charter, President Yeltsin made clear and unequivocal commitments to democracy, free markets, and security cooperation that no Soviet leader could have possibly contemplated. After tough negotiations, we signed a historic nuclear arms reduction package that will achieve the greatest measure of security for the United States since the dawn of the nuclear age.

President Yeltsin also reaffirmed his determination to build a free market in Russia and to push ahead with his program of radical economic reforms. Together, President Yeltsin and I established a new framework for vastly expanded U.S.-Russia trade and investment that will benefit our businesses and our workers for years to come. We signed new Tax and Bilateral Investment Treaties that will help our firms enter the Russian market, and the U.S. granted Most Favored Nation status to Russia.

President Yeltsin has boldly and unambiguously committed his government to the values that all Americans hold dear: democracy, freedom, and free markets. He has promised to uncover the darkest secrets of the communist past and to help resolve our deep concerns about American MIAs, POWs, and the KAL 007 tragedy. Now it is time for America to do its part to assist Russia, Ukraine, Armenia, and the other new states to make the historic transition from tyranny to freedom. Together, the Administration and Congress must send a clear message that we stand with them at this difficult hour, when they need our help most.

To those who say America cannot afford to assist these reformers at a time of domestic difficulty, I respond that no such false choice exists. We can—we must—meet challenges both at home and abroad.

The Freedom Support Act is not just another foreign aid bill. It is first and foremost an act of national self-interest, a direct investment in the political, economic, and security future of the American people. Having spent over $4.3 trillion to defend ourselves from Soviet totalitarianism during the Cold War, we can ill afford not to invest in democracy in Russia and Ukraine so that we can permanently reduce our defense burden. The resulting savings would be available for investment here at home. And by acting now to engage Russia and the new states, American firms, workers, and products will be well-positioned to take advantage of this large and rich market.

If we do not act now, we collectively will have failed to live up to the challenges and the strategic opportunity—perhaps the greatest this century—that this new relationship gives us. Now it is time for the House to join the Senate and pass the Freedom Support Act and then to meet in conference and pass a bill I can sign into law. To desert Russia, Ukraine, Armenia, and the other states at this time of need would be a tragic mistake for which history will surely judge us harshly. I therefore urge your support for early passage of the Freedom Support Act.

Sincerely,

GEORGE BUSH.

THE WHITE HOUSE,
Washington, DC, August 6, 1992.

Hon. ROBERT MICHEL,
Minority Leader, House of Representatives, Washington, DC.

DEAR BOB MICHEL: Enclosed is the former President's letter in support of the Freedom Support Act. Please let us know if we can be the further assistance.

Sincerely,

BRENT SCOWCROFT.

Enclosure.

AUGUST 5, 1992.

DEAR MR. SPEAKER: We urge your support for the Freedom Support Act. For much of this century, the peoples of Europe and Eurasia have suffered under the tyranny of Communism. Throughout those years, America has nurtured their desire for freedom, their thirst for individual liberties, and their will to become democracies.

Our successive administrations—and our allies—have been united in the struggle against Communism. Our unity has proven the wisdom and strength of our democratic system and provided a stunning victory for freedom.

We now have the opportunity, so fervently pursued for generations, to guarantee a peaceful transition to democracy. America must respond to this challenge, as we have so many times before, through leadership of an international coalition to secure the success of reform in Russia and the other states of the former Soviet Union.

The stakes could not be higher. If we fail to seize this historic opportunity now, authoritarianism could return in Moscow and elsewhere, the anticipated peace dividend could evaporate, future markets and jobs for Americans could be lost, and nuclear weapons may again threaten the lives of our children.

This may be the most important vote you cast. Aid to Russia, Ukraine, Armenia and the other states of the former Soviet Union is an investment in peace and prosperity for the American people.

Sincerely,

RONALD REAGAN.
JIMMY CARTER.
GERALD R. FORD.
RICHARD M. NIXON.

JULY 31, 1992.

Hon. ROBERT STRAUSS.

DEAR BOB: Your testimony in support of the Freedom Support Act was right on target. This is the most important vote members of the House will cast in their lifetime. If democracy and freedom fail in Russia and the other former communist states, this will be a fatal blow to all we have fought for during the past 45 years. Rather than winning the Cold War, we will have lost it. Reactionary leaders will come back into power. The peace dividend will be down the drain. Instead of reducing the defense budget, we will have to increase it by billions of dollars. Thousands of nuclear weapons, which President Yeltsin is eliminating, will again be aimed at the United States. Aid to Russia and the other former communist states is an investment in peace and prosperity for the American people. Keep up the good work.

With warm regards,

Sincerely,

RICHARD NIXON.

Hon. ROBERT H. MICHEL,
House of Representatives

DEAR MR. MICHEL: We write to you today about an item of vital national interest. We do so not just as former Secretaries of State, but as Americans acutely aware of the opportunities—and risks—created by the collapse of Communism in the former Soviet Union. Having personally devoted much of our professional lives to helping this country wage the Cold War, we believe it is critical that the Congress move now to win the peace by passing the Freedom Support Act.

Reformers in Russia and the other new states are battling fierce opposition to implement painful political and economic changes. If they succeed, we have the opportunity to build the more peaceful, prosperous world we and our allies fought for forty years to achieve. But should they fail, this historic chance to increase America's security, to safely reduce our defense burden, and to re-direct resources to our problems here at home will be lost.

The world has always looked to the United States for leadership. It did so after World War I, and when we failed to respond, the consequences were tragic. It did so again

after World War II, and we built the democratic coalition that contained and defeated Soviet Communism. Now the world looks to us again. We believe that America must answer this call by leading our allies in an effort to secure a lasting peace with the states of the former Soviet Union.

This is not a partisan issue. Having served in administrations of both parties, we strongly believe that President Yeltsin and other reformers merit our energetic and timely support. By passing the Freedom Support Act, the House can display the statesmanship that has made it the great legislative body that it is. We urge you to accept this historic challenge by voting "yes".

Sincerely,

Dean Rusk, January 1961–January 1969.

William P. Rogers, January 1969–September 1973.

Henry A. Kissinger, September 1973–January 1977.

Cyrus Vance, January 1977–April 1980.

Edmund S. Muskie, May 1980–January 1981.

Alexander M. Haig, Jr., January 1981–July 1982.

George P. Shultz, July 1982–January 1989.

The CHAIRMAN. The gentleman from Florida [Mr. FASCELL] has 7½ minutes remaining.

Mr. FASCELL. Mr. Chairman, to conclude debate on this landmark legislation, I yield the balance of my time to the gentleman from Missouri [Mr. GEPHARDT], our distinguished majority leader.

Mr. GEPHARDT. Mr. Chairman, I would like to start my statement by reading two paragraphs from a letter that the Speaker received today from former Presidents Reagan, Carter, Ford, and Nixon.

In one paragraph they said:

Our successive administrations—and our allies—have been united in the struggle against communism. Our unity has proven the wisdom and strength of our democratic system and providing a stunning victory for freedom.

In the last paragraph they said:

This may be the most important vote you cast. Aid to Russia, Ukraine, Armenia, and the other states of the former Soviet Union is an investment in peace and prosperity for the American people.

I think their statement is right.

Mr. Chairman, I rise today as a supporter of the President's policy toward the former Soviet Union and as critic of the President's leadership on foreign policy to urge my colleagues on both sides of the aisle to support this legislation.

Today, we are asking Members to stand on the shoulders of the giants who came before us, Churchill, Truman, Vandenberg, Marshall, de Gaulle, and Monet, the people who dared to imagine a democratic and prosperous Western Europe when that continent lay in ruins.

We would ask you to peer into the future, a future free from the threat of nuclear annihilation, free from the discipline and constraints of the policy of containment, and into a new world, where former enemies can now join us as friends.

□ 1740

We ask you to enlist in a constructive experiment to build a more democratic and more prosperous united Europe, and an emancipated Commonwealth of Independent States. We ask you to seal for ourselves and our children America's victory in the cold war.

Seventy years ago, Winston Churchill said this:

Russia, like any great nation, is indestructible. Either she must continue to suffer and her sufferings will disturb and convulse the whole world, or she must be rescued". He said "I say to the thoughtless, I say to I say to the busy—you may abandon Russia, but Russia will not abandon you * * * you cannot remake the world without Russia.

The Freedom Support Act is America's contribution to a worldwide effort among the friends of democracy to remake the world by assisting Russia and the other Commonwealth States in rebuilding themselves economically. It is our attempt, through expanded aid and trade, to provide the glue that will hold these new democracies together.

Their efforts to build democracies can only survive if their companion experiments in free markets and entrepreneurship have the chance to succeed.

I stand before you, my colleagues, arguing not that this vote is easy, but that this legislation is necessary. Our people are hurting economically all over this country. The current administration, in my opinion, has been woefully unresponsive to the needs of workers and families and companies, buffeted as they are by the recession, by declining incomes, by unfair trade practices, and by escalating increases in the cost of health care.

This is a hard time to be asking American families to support a new adventuresome policy that commits the United States to a foreign aid program overseas. I know that and you know that.

I am deeply critical, I do not know of anyone who has been more critical of the President for his lack of leadership in this area, both in terms of our own economy and in terms of this effort today.

What makes this vote harder is the President's unwillingness to explain and interpret the startling events overseas to the American people.

I think Harry Truman did it better in saying that in investing in democracy and economic freedom overseas that we act in the deep self-interest of all of our people. But even in this historic role reversal, we must perform as Congress performed 40 years ago. We must put ourselves on the line. We must interpret these events for our people and for the American people. We must compel them to see a future where American exports and American jobs and American profits and American incomes, our very economic security will be protected by this legislation, just as we acted to protect our military security in 1948 in the cold war by approving the Marshall plan.

There are two central differences between the circumstances that led to our enactment of the Marshall plan and the circumstances we confront today.

First, the size of the contribution we are asking the American people to make is a fraction, a fraction of what Harry Truman and George Marshall asked of the American people in 1948. In today's terms, it was $40 billion, from a country that was exhausted by a war and by a depression. And Harry Truman was riding right at 14 percent in the polls. And the American people supported the Marshall plan less than they support this plan today.

But he said to the American people what our deep interest was, and they believed him. And they will believe us, if we will only tell them.

We are not acting alone today; 1948, it was just us. We were the only people that could act. Today the Germans, the French, the Japanese, and others are acting with us. They do it as we do it, not simply out of a sense of altruism but motivated by their own national interest, as we act in our national interest.

They are investing from Siberia to the Baltics in projects ranging from infrastructure to schools because they know that their investments will pay huge dividends down the road, 10, and 20, and 30 years from now.

Ladies and gentleman of the House, today our choice is not only about the future of democracy in places that our people will never see. Today's debate is about the future of our economy in places that all of us represent.

None of us may cast the giant shadows of the architects of the Marshall plan, but the nature of our role and the significance of our decision is today no less momentous than it was in 1948.

I ask each of you individually to vote for this legislation in the interest of our people, in the interest of our country, in the interest of our economy, and in the interest of our future.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 5750 shall be considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5750

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

SECTION 1. SHORT TITLES.

This Act may be cited as the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992" or the "FREEDOM Support Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short titles.
Sec. 2. Table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.
Sec. 102. United States policy.
Sec. 103. Criteria for assistance to governmental entities in the independent states.
Sec. 104. Annual report.
Sec. 105. Program coordination, implementation, and oversight.
Sec. 106. Definition of independent states.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

Sec. 201. Support for economic and democratic development.
Sec. 202. The Democracy Corps.

TITLE III—UNITED STATES INFORMATION AGENCY AND DEPARTMENT OF STATE

Sec. 301. Additional funding for administrative expenses of the United States Information Agency.
Sec. 302. Additional funding for administrative expenses of the Department of State.

TITLE IV—INTERNATIONAL FINANCIAL INSTITUTIONS AND TRADE FINANCE

Sec. 401. International Monetary Fund.
Sec. 402. Problems of nations making the transition to more open political and economic systems.
Sec. 403. Report on debt of the former Soviet Union held by commercial banks.
Sec. 404. Support for macroeconomic stabilization in the independent states of the former Soviet Union.
Sec. 405. Role of the International Finance Corporation in supporting economic restructuring in the independent states of the former Soviet Union.
Sec. 406. Technical assistance for the independent states of the former Soviet Union
Sec. 407. Human rights.
Sec. 408. Report on demand for trade finance for the independent states of the former Soviet Union.
Sec. 409. Export-Import Bank Act list of Marxist-Leninist countries.
Sec. 410. Johnson Act.

TITLE V—NONPROLIFERATION AND DISARMAMENT ACTIVITIES

Sec. 501. Nonproliferation and Disarmament Fund.
Sec. 502. International nuclear nonproliferation activities.
Sec. 503. Soviet weapons destruction.
Sec. 504. Establishment of foundation.

TITLE VI—SPACE TRADE AND COOPERATION

Sec. 601. Findings.
Sec. 602. Facilitating discussions regarding the acquisition of space hardware, technology, and services from the former Soviet Union.
Sec. 603. Office of Space Commerce.
Sec. 604. Report to Congress.
Sec. 605. Definitions.

TITLE VII—OTHER PROVISIONS

Sec. 701. Statutory lists of communist countries.
Sec. 702. Agricultural trade programs.
Sec. 703. Peace Corps volunteer training requirements.
Sec. 704. Establishing categories of aliens for purposes of refugee determinations; adjustment of status for certain Soviet and Indochinese parolees.

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS.

The Congress finds that—

(1) recent developments in Russia and the other independent states of the former Soviet Union present an historic opportunity for a transition to a peaceful and stable international order and the integration of the independent states of the former Soviet Union into the community of democratic nations;

(2) the entire international community has a vital interest in the success of this transition, and the dimension of the problems now faced in the independent states of the former Soviet Union makes it imperative for donor countries and institutions to provide the expertise and support necessary to ensure continued progress on economic and political reforms;

(3) the United States is especially well-positioned because of its heritage and traditions to make a substantial contribution to this transition by building on current technical cooperation, medical, and food assistance programs, by assisting in the development of democratic institutions, and by fostering conditions that will encourage the United States business community to engage in trade and investment;

(4) failure to meet the opportunities presented by these developments could threaten United States national security interests and jeopardize substantial savings in United States defense that these developments have made possible;

(5) the success of United States assistance depends on—

(A) effective coordination of United States efforts with similar activities of friendly and allied donor countries and of international financial institutions, and

(B) reciprocal commitments by the governments of the independent states of the former Soviet Union to work toward the creation of democratic institutions and an environment hospitable to foreign investment based upon the rule of law, including negotiation of bilateral and multilateral agreements on open trade and investment, adoption of commercial codes, establishment of transparency in regulatory and other governmental decision making, and timely payment of obligations carried over from previous governmental entities;

(6) trade and investment opportunities in the independent states of the former Soviet Union will generate employment and other economic benefits for the United States as the economies of the independent states of the former Soviet Union begin to realize their enormous potential as both customers and suppliers; and

(7) the unprecedented pace and nature of events in the independent states of the former Soviet Union require that the President be provided with the authority to furnish United States assistance and resources flexibly and expeditiously if the United States is to be able to support the transformation of the independent states of the former Soviet Union to democratic civil societies with market-oriented economies.

SEC. 102. UNITED STATES POLICY.

(a) GENERAL POLICY.—It is the policy of the United States to facilitate the integration of the independent states of the former Soviet Union into the community of democratic nations by supporting economic and political reform in the independent states—

(1) through the provision of assistance to governmental entities and nongovernmental organizations at the local, regional, state, and interstate levels;

(2) through the promotion of a United States commercial presence in the independent states; and

(3) through the encouragement of a broad range of contacts between the people of the United States and the people of the independent states.

(b) ECONOMIC STABILIZATION AND PARTICIPATION IN INTERNATIONAL ECONOMIC ORGANIZATIONS.—In order to promote economic stabilization and the integration of the independent states of the former Soviet Union into the international economic system, the United States shall take a leading role—

(1) in facilitating the independent states joining or participating in international economic organizations; and

(2) in organizing multilateral efforts aimed at currency stabilization, currency convertibility, and (where necessary and appropriate) debt reduction, conditioned on the development and implementation of comprehensive economic reform programs.

(c) INTERNATIONAL AND REGIONAL SECURITY.—In order to promote the economic and political reform of the independent states of the former Soviet Union and their integration into the community of democratic nations, it is the policy of the United States to facilitate international and regional security and stability among the independent states—

(1) through the promotion of the peaceful resolution of national and ethnic disputes—

(A) by urging the withdrawal of former Soviet military forces from Estonia, Latvia, and Lithuania;

(B) by supporting immediate, intensified efforts to resolve conflicts quickly and diplomatically through utilization of all available national and international resources in order to avoid bloodshed, economic dislocation, political instability, and social distress and disorder of any kind;

(C) by urging persistent, good faith peacemaking efforts on the part of all affected independent states in order promptly to resolve all such disputes; and

(D) by taking into account, in determining the amounts of United States assistance to be provided to governmental entities in the independent states, the level of good faith peacemaking efforts put forward by such governmental entities in attempting to resolve ethnic conflicts within the independent state and beyond its borders wherever ethnic groups with ties to populations or subpopulations within its borders are affected;

(2) through the promotion of the return of former Soviet military forces from Cuba as well as from other countries where their presence has a destabilizing affect on international security; and

(3) through the promotion of nonproliferation and disarmament activities.

(d) ENDING ASSISTANCE TO CUBA.—It is the sense of the Congress that the policy of the United States should make assistance to any of the independent states of the former Soviet Union conditional on the termination of military and technical assistance, subsidies, and other forms of assistance to Cuba from such states.

SEC. 103. CRITERIA FOR ASSISTANCE TO GOVERNMENTAL ENTITIES IN THE INDEPENDENT STATES.

(a) IN GENERAL.—United States assistance under this Act and other provisions of law may be provided to governmental entities of

the independent states of the former Soviet Union only to the extent that those states are—

(1) making significant progress toward, and are committed to the comprehensive implementation of, a democratic system based on principles of the rule of law, individual freedoms, and representative government determined by free and fair elections;

(2) respecting internationally recognized human rights, including the rights of minorities and the rights to freedom of religion and emigration;

(3) making significant progress in, and are committed to the comprehensive implementation of, economic reform based on market principles, private ownership, and integration into the world economy;

(4) respecting international law and obligations and adhering to the Helsinki Final Act of the Conference on Security and Cooperation in Europe and the Charter of Paris, including the obligations to refrain from the threat or use of force and to settle disputes peacefully; and

(5) adhering to their arms control obligations and to responsible security policies, including—

(A) adhering to arms control obligations derived from agreements signed by the former Soviet Union;

(B) reducing military forces to a level consistent with reasonable defensive sufficiency;

(C) not proliferating nuclear, biological, or chemical weapons, their delivery systems, or related technologies; and

(D) restraining conventional weapons transfers.

(b) AZERBAIJAN.—United States assistance or other benefits under this Act (other than title V) or other provisions of law may not be provided to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.

SEC. 104. ANNUAL REPORT.

Not later than January 31 of each year, the President shall submit to the Congress a report on United States assistance for the independent states of the former Soviet Union under this Act or other provisions of law. Each such report shall include—

(1) an assessment of the progress each independent state has made in achieving the objectives described in section 103, including a description of the steps each independent state has taken or is taking toward those objectives and a discussion of additional steps that each independent state could take to achieve those objectives;

(2) a description of the United States assistance for each independent state that was provided during the preceding fiscal year, is planned for the current fiscal year, and is proposed for the coming fiscal year, specifying the extent to which such assistance for the preceding fiscal year and for the current fiscal year has actually been delivered; and

(3) an assessment of the effectiveness of United States assistance in achieving its purposes.

SEC. 105. PROGRAM COORDINATION, IMPLEMENTATION, AND OVERSIGHT.

(a) COORDINATION.—The President shall designate, within the Department of State, a coordinator who, consistent with subsections (c) and (d), shall be responsible for—

(1) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this Act (including the amendments made by this Act);

(2) pursuing coordination with other countries and international organizations with respect to assistance to independent states of the former Soviet Union, including the assistance described in sections 102(b) and 404 of this Act;

(3) ensuring that United States assistance programs for the independent states are consistent with this Act (including the amendments made by this Act);

(4) designating an agency or agencies to be responsible for the design of an assistance strategy, and for management, implementation, and oversight of assistance programs, for the independent states; and

(5) resolving policy and program disputes among United States Government agencies with respect to United States assistance for the independent states.

(b) ACCOUNTABILITY FOR FUNDS.—Any agency designated pursuant to subsection (a)(4) to manage and implement an assistance program for the independent states of the former Soviet Union shall be accountable for any funds made available to it for such program.

(c) EXPORT PROMOTION ACTIVITIES.—Coordination of activities related to the promotion of exports of United States goods and services to the independent states of the former Soviet Union shall continue to be primarily the responsibility of the Secretary of Commerce, in the Secretary's role as Chair of the Trade Promotion Coordination Committee.

(d) INTERNATIONAL ECONOMIC ACTIVITIES.—Coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury, in the Secretary's role as Chair of the National Advisory Council on International Monetary and Financial Policies and as the United States Governor of the international financial institutions.

SEC. 106. DEFINITION OF INDEPENDENT STATES.

For purposes of this Act, the terms "independent states of the former Soviet Union" or "independent states" mean the following (which formerly were part of the Soviet Union): Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

SEC. 201. SUPPORT FOR ECONOMIC AND DEMOCRATIC DEVELOPMENT.

Part I of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"Chapter 11—Support for the Economic and Democratic Development of the Independent States of the Former Soviet Union

"SEC. 498. ASSISTANCE FOR INDEPENDENT STATES OF THE FORMER SOVIET UNION.

"(a) AUTHORIZATION OF ASSISTANCE; OBJECTIVES.—In furtherance of the policy set forth in section 102(a) of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the President is authorized to provide assistance to the independent states of the former Soviet Union to promote the following interrelated and mutually reinforcing objectives:

"(1) URGENT HUMANITARIAN NEEDS.—Meeting urgent humanitarian needs (including those arising from the health effects of exposure to radiation in the Chernobyl region), in particular needs for medicine, medical supplies and equipment, and food, including the nutritional needs of infants such as processed baby food.

"(2) DEMOCRACY.—Establishing a democratic and free society by fostering—

"(A) political, social, and economic pluralism,

"(B) respect for internationally recognized human rights and the rule of law,

"(C) the development of institutions of democratic governance (including judicial, electoral, and legislative processes),

"(D) the improvement of public administration,

"(E) the development of a free and independent media, and

"(F) the development of effective civilian control over the military and security forces, and the development of a nonpolitical officer corps in the military forces and the security forces.

"(3) FREE MARKET SYSTEMS.—Developing a free-market economic system based on the principle of private ownership of property, including the development of private cooperatives, credit unions, and labor unions and improvement in the collection and analysis of statistical information.

"(4) TRADE AND INVESTMENT.—Creating conditions that promote trade and investment, and encouraging participation of the United States private sector in the development of the private sector in the independent states of the former Soviet Union.

"(5) DEFENSE CONVERSION.—Converting military technologies and capabilities and defense industries into civilian activities.

"(6) FOOD DISTRIBUTION AND PRODUCTION.—Introducing market-based mechanisms for the distribution of the inputs necessary to agricultural production and for the handling, marketing, storage, and processing of agricultural commodities; encouraging policies that provide incentives for agricultural production; and creating institutions that provide technical and financial support for the agricultural sector.

"(7) QUALITY OF LIFE.—Promoting programs to strengthen and build institutions that provide quality health care and voluntary family planning services, housing, and other services and policies that are components of a social safety net.

"(8) EDUCATION.—Promoting broad-based educational reform at all school levels.

"(9) ENERGY EFFICIENCY AND PRODUCTION.—Promoting market-based pricing policies and the transfer of technologies that reduce energy wastage and harmful emissions; promoting efficient production and transportation of oil, gas, and other sources of energy; and promoting civilian nuclear reactor safety.

"(10) ENVIRONMENTAL PROTECTION, CONSERVATION, AND SAFETY.—Promoting environmental protection and safety, natural resources conservation, the development of environmental management expertise and institutions, environmental planning and policy, cooperative research efforts to validate and improve environmental monitoring of protracted radiation exposure, and the use of low-cost, simple, environmentally sound technology.

"(11) TRANSPORTATION AND TELECOMMUNICATIONS.—Improving transportation and telecommunications infrastructure and management through the provision of technical assistance using appropriate government and private sector expertise.

"(b) UNITED STATES PRIVATE SECTOR.—

"(1) IN GENERAL.—In order to facilitate the role of the United States private sector in

contributing to the transformation of the independent states of the former Soviet Union, the President is authorized to undertake activities pursuant to subsection (a) that are designed to promote the active involvement of the United States profit, not-for-profit, and voluntary private sectors.

"(2) SMALL AND MEDIUM-SIZED BUSINESS MARKET INITIATIVES.—Activities pursuant to paragraph (1) may include initiatives designed to encourage small- and medium-sized businesses to become and remain involved in the markets of the independent states of the former Soviet Union, including the establishment by the Department of Commerce of a central information clearinghouse and information networks and assistance centers in the region. Any such centers and related staffing devoted to trade, investment, and commercial activities shall be administered by the International Trade Administration of the Department of Commerce.

"(3) ENTERPRISE FUNDS.—Activities pursuant to paragraph (1) may include the establishment of and the provision of support for one or more enterprise funds for the independent states of the former Soviet Union. If the President determines that an enterprise fund should be established and supported under this section, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall be deemed to apply with respect to such enterprise fund and to funds made available to such enterprise fund pursuant to this section.

"(c) ASSISTANCE THROUGH GOVERNMENTAL ENTITIES AND NONGOVERNMENTAL ORGANIZATIONS.—Assistance for the independent states of the former Soviet Union under this section may be provided to governmental entities or through nongovernmental organizations. Section 103 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 applies with respect to assistance to governmental entities.

"(d) TECHNICAL ASSISTANCE AND THE MANAGEMENT CORPS.—Technical assistance under this section shall, to the maximum extent feasible, be provided on a long term, on-site basis and shall emphasize the provision of practical, management and other problem-solving advice, particularly advice on private enterprise provided by United States business volunteers.

"(e) COOPERATIVE DEVELOPMENT AND RESEARCH PROJECTS.—Assistance under this section may include support for cooperative development projects, including cooperative development research projects, among the United States, other countries, and independent states of the former Soviet Union.

"(f) MISCELLANEOUS PROVISIONS RELATING TO ASSISTANCE.—

"(1) TERMS AND CONDITIONS.—Assistance under this section shall be provided on such terms and conditions as the President may determine, consistent with applicable provisions of law.

"(2) ADMINISTRATIVE FLEXIBILITY.—Funds authorized to be appropriated by this section for fiscal year 1993 may be used to provide assistance under this section notwithstanding any other provision of law, except section 634A of this Act (relating to reprogramming notifications).

"(3) USE OF ECONOMIC SUPPORT FUNDS.—Any funds that have been allocated under chapter 4 of part II for assistance for the independent states of the former Soviet Union may be used in accordance with the authorities of this section.

"(4) USE OF UNITED STATES GOODS AND SERVICES.—Assistance programs under this section shall be designed to maximize, to the extent feasible, the use of United States goods and services in such programs.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated to the President $417,000,000 for fiscal year 1993, in addition to amounts otherwise available for assistance for the independent states of the former Soviet Union. Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

"(2) OPERATING EXPENSES.—

"(A) AUTHORITY TO TRANSFER PROGRAM FUNDS.—Subject to subparagraph (B), funds made available under paragraph (1) may be transferred to, and merged with, funds appropriated for 'Operating Expenses of the Agency for International Development'. Funds so transferred may be expended for administrative costs in carrying out this section, including reimbursement of the Department of State for its incremental costs associated with assistance provided under this section.

"(B) LIMITATION ON AMOUNT TRANSFERRED.—Not more than 2 percent of the funds made available for a fiscal year under paragraph (1) may be transferred pursuant to subparagraph (A) unless, at least 15 days before transferring any additional amount, the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of this Act.

"(h) DEFINITIONS.—

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this section, the term 'appropriate congressional committees' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(2) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—As used in this section, the term 'independent states of the former Soviet Union' means the following (which formerly were part of the Soviet Union): Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.".

SEC. 202. THE DEMOCRACY CORPS.

(a) THE DEMOCRACY CORPS.—The Congress finds that the Democracy Corps is a private, nonprofit organization, incorporated in the District of Columbia, whose purpose is to maintain a presence in the independent states of the former Soviet Union as described in subsection (c).

(b) GRANTS TO THE DEMOCRACY CORPS.—

(1) IN GENERAL.—The Administrator shall make an annual grant to the Democracy Corps with the funds made available for such purpose pursuant to subsection (s), subject to paragraph (2) and subsection (t).

(2) TERMS AND CONDITIONS.—A grant may be made to the Corps under this section only if the Democracy Corps agrees to comply with the requirements specified in this section and with such terms and conditions as may be included in the grant agreement.

(c) PURPOSE OF GRANTS.—Funds made available to the Democracy Corps pursuant to this section shall be used by the Democracy Corps to maintain a presence in independent states of the former Soviet Union that will assist at the local level in the development of—

(1) institutions of democratic governance (including judicial, electoral, legislative, and administrative processes), and

(2) the nongovernmental organizations of a civil society (including charitable, educational, trade union, business, professional, voluntary, community, and other civic organizations),

by mobilizing the expertise of the American people to provide practical assistance through "on the ground" person-to-person advice, technical assistance, and small grants to indigenous individuals and indigenous entities, in accordance with subsection (d).

(d) ACTIVITIES.—The Democracy Corps shall be required to carry out subsection (c) through the placement, within the independent states of the former Soviet Union, of teams of United States citizens with appropriate expertise and knowledge. These teams shall assist indigenous individuals and entities in the independent states that are involved in the development of the institutions and organizations referred to in paragraphs (1) and (2) of subsection (c)—

(1) by providing advice and technical assistance;

(2) by making small grants (which in most cases should not exceed $5,000) to such individuals and entities to assist the development of those institutions and organizations;

(3) by identifying other sources of assistance; and

(4) by operating local centers to serve as information, logistical, and educational center and otherwise encourage cooperation and effectiveness by those involved in the development of democratic institutions, a market-oriented economy, and a civil society in the independent states.

The local centers described in paragraph (4) may be designated as "Democracy Houses" or given another appropriate appellation.

(e) GUIDELINES.—The Board shall be required to develop guidelines for the activities carried out by the Democracy Corps pursuant to this section, including accountability requirements for small grants.

(f) COORDINATION.—The Democracy Corps shall be required—

(1) to coordinate its activities pursuant to this section with the programs and activities of other entities operating in or providing assistance to the independent states of the former Soviet Union in support of the development of democratic institutions, a market-oriented economy, and a civil society in the independent states; and

(2) to ensure that its activities pursuant to this section are designed to avoid duplication with activities carried out under other United States Government foreign assistance and international information, educational, cultural, and exchange programs.

(g) CONSULTATION WITH COORDINATOR.—The Democracy Corps should consult with the coordinator provided for in section 105(a) of this Act with respect to the activities of the Democracy Corps.

(h) PROHIBITION ON CAMPAIGN FINANCING.—Funds made available to the Democracy Corps under this section may not be expended by the Democracy Corps, or any recipient of a grant from the Democracy Corps under this section, to finance the campaigns of candidates for public office.

(i) BOARD OF DIRECTORS.—Grants may be made to the Democracy Corps under this section only if the membership of the Board is as follows:

(1) REPRESENTATIVES OF THE UNITED STATES GOVERNMENT.—(A) An officer or employee of the Department of State designated by the Secretary of State.

(B) An officer or employee of the Agency for International Development designated by the Administrator.

(C) An officer or employee of the United States Information Agency designated by the Director of that agency.

(D) An officer or employee of the Peace Corps designated by the Director of that agency.

(2) REPRESENTATIVES OF THE NATIONAL ENDOWMENT FOR DEMOCRACY AND ITS CORE GRANTEES.—(A) A representative of the National Endowment for Democracy designated by the chairman of the Board of Directors of the Endowment (unless such chairman does not designate such a representative to serve on the Board of Directors of the Democracy Corps).

(B) A representative of the National Democratic Institute for International Affairs designated by the chairman of the Board of Directors of that organization (unless such chairman does not designate such a representative to serve on the Board of Directors of the Democracy Corps).

(C) A representative of the International Republican Institute designated by the chairman of the Board of Directors of that organization (unless such chairman does not designate such a representative to serve on the Board of Directors of the Democracy Corps).

(D) A representative of the Free Trade Union Institute designated by the chairman of the Board of Directors of that organization (unless such chairman does not designate such a representative to serve on the Board of Directors of the Democracy Corps).

(E) A representative of the Center for International Private Enterprise designated by the chairman of the Board of Directors of that organization (unless such chairman does not designate such a representative to serve on the Board of Directors of the Democracy Corps).

(3) OTHER PRIVATE SECTOR REPRESENTATIVES.—Eight individuals who are United States citizens, who are not officers or employees of the United States Government or members of Congress, and who have experience and expertise appropriate to carrying out the purpose specified in subsection (c) through the activities described in subsection (d). A majority of such individuals must be representatives of private United States organizations that are active in the independent states of the former Soviet Union.

(j) TERMS AND VACANCIES.—An individual appointed to serve as a member of the Board pursuant to subsection (i)(1) or (i)(2) shall serve at the pleasure of the official who designated that individual pursuant to the applicable subparagraph of that subsection. An individual appointed to serve as a member of the Board pursuant to subsection (i)(3) shall be appointed for a 1-year term (except that a member appointed to fill a vacancy occurring before the expiration of a term shall be appointed for the remainder of such term), and may be reappointed.

(k) ADVISORY COMMITTEE.—The Board shall be required to establish an Advisory Committee consisting of representatives of a diverse array of nongovernmental organizations—

(1) that have the interest and expertise to assist in the development of democratic institutions, a market-oriented economy, and a civil society in the independent states of the former Soviet Union; and

(2) that are not represented on the Board.

The Advisory Committee should include representatives of United States ethnic and cultural organizations with ties to the peoples of the independent states.

(l) CONFLICT OF INTEREST RULES.—The Democracy Corps shall be required to ensure that no part of the assets of the Democracy Corps inure to the benefit of any member of the Board, any officer, or any employee of the Democracy Corps, except as salary or reasonable compensation for services.

(m) PRIVATE STATUS OF THE DEMOCRACY CORPS.—Nothing in this section shall be construed—

(1) to make the Democracy Corps, an agency or establishment of the United States Government, or

(2) to make members of the Board, officers, or employees of the Democracy Corps, officers or employees of the United States Government.

(n) AUDITS.—

(1) REQUIREMENT FOR ANNUAL AUDIT.—The Democracy Corps shall be required to have its accounts audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Democracy Corps and necessary to facilitate the audits shall be made available to the person or persons conducting the audits and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians on behalf of the Democracy Corps shall be afforded to such person or persons.

(2) GAO REVIEW OF AUDITS.—The Comptroller General of the United States shall review each audit conducted pursuant to paragraph (1).

(o) CONGRESSIONAL OVERSIGHT.—

(1) IN GENERAL.—The Democracy Corps shall be subject to the appropriate oversight procedures of the Congress.

(2) CONGRESSIONAL NOTIFICATIONS.—At least 15 days before making a grant to the Democracy Corps under this section, the Administrator shall submit a notification, in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(p) EXEMPTION FROM CERTAIN REQUIREMENTS AND RESTRICTIONS.—Funds made available to the Democracy Corps by the United States Government shall not be subject to provisions of law otherwise applicable to foreign assistance funds.

(q) COMPLIANCE WITH FREEDOM OF INFORMATION ACT.—

(1) IN GENERAL.—Notwithstanding the fact that the Democracy Corps is not an agency or establishment of the United States Government, the Democracy Corps shall be required to fully comply with all of the provisions of section 552 of title 5, United States Code.

(2) PUBLICATION IN FEDERAL REGISTER.—For purposes of complying pursuant to paragraph (1) with section 552(a)(1) of title 5, the Democracy Corps shall make available to the Administrator such records and other information as the Administrator determines may be necessary for such purposes. The Administrator shall cause such records and other information to be published in the Federal Register.

(3) AID REVIEW.—(A) In the event that the Democracy Corps determines not to comply with a request for records under section 552 of title 5, the Democracy Corps shall submit a report to the Administrator explaining the reasons for not complying with such request.

(B) If the Administrator approves the determination not to comply with such request, the Agency for International Development shall assume full responsibility, including financial responsibility, for defending the Democracy Corps in any litigation relating to such request.

(C) If the Administrator disapproves the determination not to comply with such request, the Democracy Corps shall be required to comply with such request.

(r) ANNUAL REPORTS.—Not later than January 31 of each year, the Board shall be required to submit to the Administrator and to the Congress a comprehensive report on the activities of the Democracy Corps. Each such report shall list each grant made by the Democracy Corps under subsection (d)(2) during the preceding fiscal year, specifying the grantee and the amount of the grant.

(s) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized to be appropriated by section 498 of the Foreign Assistance Act of 1961 (as enacted by section 201 of this Act), up to $15,000,000 are authorized to be appropriated for grants to the Democracy Corps under this section, in addition to amounts otherwise available for such purpose.

(t) SUNSET PROVISION.—Grants may not be made to the Democracy Corps under this section after the end of the fifth fiscal year beginning after the date of enactment of this section.

(u) DEFINITIONS.—Except as otherwise provided in this section, as used in this section—

(1) the term "Administrator" means the Administrator of the Agency for International Development; and

(2) the term "Board" means the Board of Directors of the Democracy Corps.

TITLE III—UNITED STATES INFORMATION AGENCY AND DEPARTMENT OF STATE

SEC. 301. ADDITIONAL FUNDING FOR ADMINISTRATIVE EXPENSES OF THE UNITED STATES INFORMATION AGENCY.

There are authorized to be appropriated for "Salaries and Expenses" for the United States Information Agency $6,800,000 for fiscal year 1993 for expenses with respect to the independent states of the former Soviet Union, in addition to amounts otherwise available for such purpose.

SEC. 302. ADDITIONAL FUNDING FOR ADMINISTRATIVE EXPENSES OF THE DEPARTMENT OF STATE.

(a) SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Salaries and Expenses" for the Department of State $18,500,000 for fiscal year 1993 for costs of personnel and other expenses for new posts in the independent states of the former Soviet Union, in addition to amounts otherwise available for such purposes.

(b) CERTAIN POSITIONS AT UNITED STATES MISSIONS.—

(1) AMENDMENT.—Section 1004(a) of the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 is amended by adding at the end the following: "Not less than 15 shall be provided during fiscal year 1993.".

(2) FUNDING.—In addition to the funds made available pursuant to section 1005(c) of that Act, funds authorized to be appropriated by chapter 11 of part I of the Foreign Assistance Act of 1961 may be used in carrying out the amendment made by paragraph (1) of this subsection with respect to missions in the independent states of the former Soviet Union.

TITLE IV—INTERNATIONAL FINANCIAL INSTITUTIONS AND TRADE FINANCE

SEC. 401. INTERNATIONAL MONETARY FUND.

(a) QUOTA INCREASE.—

(1) AUTHORIZATION.—The Bretton Woods Agreements Act (22 U.S.C. 286 and following) is amended by adding at the end the following:

"SEC. 56. QUOTA INCREASE.

"The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 8,608,500,000 Special Drawing Rights, limited to such amounts as are provided in advance in appropriations Acts.".

(2) APPROPRIATION.—The following sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs, without fiscal year limitation, namely:

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

INTERNATIONAL MONETARY FUND QUOTA INCREASE

For an increase in the quota of the United States in the International Monetary Fund pursuant to section 56 of the Bretton Woods Agreements Act, the dollar equivalent of 8,608,500,000 Special Drawing Rights, to remain available until expended.

(b) ACCEPTANCE OF AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE FUND.—The Bretton Woods Agreements Act is further amended by adding after the section added by subsection (a)(1) of this section the following:

"SEC. 57. ACCEPTANCE OF AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE FUND.

"The United States Governor of the Fund may agree to and accept the amendments to the Articles of Agreement of the Fund as proposed in the resolution numbered 45-3 of the Board of Governors of the Fund that was approved by such Board on June 28, 1990.".

(c) APPROVAL OF FUND PLEDGE TO SELL GOLD TO PROVIDE RESOURCES FOR "RIGHTS APPROACH" TO ARREARS PROBLEMS.—The Bretton Woods Agreements Act is further amended by adding after the sections added by subsections (a)(1) and (b) of this section the following:

"SEC. 58. APPROVAL OF FUND PLEDGE TO SELL GOLD TO PROVIDE RESOURCES FOR 'RIGHTS APPROACH' TO ARREARS PROBLEMS.

"The Secretary of the Treasury may instruct the United States Executive Director of the Fund to vote to approve the Fund's pledge to sell, if needed, up to 3,000,000 ounces of the Fund's gold, to restore the resources of the Reserve Account of the Enhanced Structural Adjustment Facility Trust to a level that is sufficient to meet obligations payable from such account to lenders who have made loans to the Loan Account of such trust that have been used for the purpose of financing programs, under the rights approach, of Fund members who are in arrears in payments to the Fund. For purposes of the preceding sentence, the provision of financing under the rights approach to a Fund member who is in arrearages to the Fund means the provision of a loan or credits to the member sufficient to eliminate the arrearages upon the successful completion by the member of a multiyear adjustment program prescribed and monitored by the Fund under which the member was required to remain current on obligations to the Fund.".

SEC. 402. PROBLEMS OF NATIONS MAKING THE TRANSITIONS TO MORE OPEN POLITICAL AND ECONOMIC SYSTEMS.

(a) FINDINGS.—The Congress finds that—

(1) in many areas of the world, nations may be experiencing substantial difficulties in making the transitions to more open political and economic systems;

(2) as an example, the study, entitled "The Economy of the U.S.S.R.", which was prepared jointly by the International Monetary Fund, the International Bank for Reconstruction and Development, the Organization for European Cooperation and Development, and the European Bank for Reconstruction and Development, found that substantial changes need to be made in the economies of the independent states of the former Soviet Union to provide a viable basis for monetary stability, economic growth, and development, and such finding applies to other nations making the transitions to more open political and economic systems; and

(3) these nations may be experiencing special difficulties in making such transitions.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) encouragement should be given to the efforts being made to address the political and economic problems of nations making the transitions to more open political and economic systems;

(2) consideration should be given to developing relationships between such nations and the International Monetary Fund, the International Bank for Reconstruction and Development, and the other international financial institutions, as part of the process of assisting such nations in making such transitions;

(3) continued United States support for the utilization of the resources of such institutions should take into consideration the continuation of the efforts of such nations to move toward more open economic and political systems; and

(4) encouragement should be given to the efforts of such nations to promote free enterprise, private property rights, a stable legal system, a stable monetary system, and an open trading system, as steps in making such transitions.

SEC. 403. REPORT ON DEBT OF THE FORMER SOVIET UNION HELD BY COMMERCIAL BANKS.

The Secretary of the Treasury, using resources of the International Monetary Fund, the International Bank for Reconstruction and Development, and other appropriate international financial institutions, shall gather information upon, and report not later than December 31, 1992, to the Congress on, the debt incurred by the former Soviet Union held by commercial banks outside the independent states of the former Soviet Union that are obligated on such debt, and the prospects for the repayment of such debt.

SEC. 404. SUPPORT FOR MACROECONOMIC STABILIZATION IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) IN GENERAL.—In order to promote macroeconomic stabilization and the integration of the independent states of the former Soviet Union into the international financial system, the United States should in appropriate circumstances take a leading role in organizing and supporting multilateral efforts aimed at macroeconomic stabilization and debt rescheduling, conditioned on the appropriate development and implementation of comprehensive economic reform programs.

(b) CURRENCY STABILIZATION.—In furtherance of the purposes and consistent with the conditions described in subsection (a), the Congress expresses its support for United States participation, in sums of up to $3,000,000,000, in a currency stabilization fund or funds for the independent states of the former Soviet Union.

(c) STUDY OF THE NEED FOR AND FEASIBILITY OF A CURRENCY STABILIZATION FUND FOR UKRAINE.—

(1) FINDINGS.—The Congress finds that—

(A) Ukraine is a nation of 52,000,000 people with a longstanding history of seeking its sovereignty and national identity, which has recently attained the status of an independent country;

(B) Ukraine's economy has the potential for development into an important regional economy that can benefit all nations in the region;

(C) Ukraine has recently announced that it intends to introduce its own currency as a means of continuing its drive toward economic development;

(D) assisting Ukraine with the introduction of its own currency is in the best interests of the United States, since such assistance will increase goodwill between Ukraine and the United States;

(E) assisting Ukraine with the introduction of its own currency and with the development of its economy is also in the best interests of other nations, since Ukraine's economy can act as an engine of economic growth for nations in its region;

(F) establishing a currency stabilization fund for Ukraine may be as necessary for the development of Ukraine's economy as the establishment of a similar fund for Poland has been for the development of Poland's economy; and

(G) the International Monetary Fund recently provided valuable assistance regarding currency stabilization measures to nations that have undertaken a transition from a centrally planned economy to a market economy.

(2) STUDY OF THE NEED FOR AND FEASIBILITY OF A CURRENCY STABILIZATION FUND FOR UKRAINE.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to urge the Fund to conduct a study of the need for and feasibility of a currency stabilization fund for Ukraine, and, if it is found that such a fund is needed and is feasible, which considers and makes recommendations with respect to the economic and policy conditions required for the success of such a fund.

SEC. 405. ROLE OF THE INTERNATIONAL FINANCE CORPORATION IN SUPPORTING ECONOMIC RESTRUCTURING IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the International Finance Corporation can play an important role in supporting the economic restructuring in the independent states of the former Soviet Union necessary to move toward market economies. The United States could play a critical role in enabling the International Finance Corporation to leverage the contributions of donors and increase its access to international capital markets, thereby promoting the success of democracy and open markets in the independent states. Accordingly, it is the sense of the Congress that the President should seek to ensure that the International Finance Corporation provides ambitious lending and investment programs for the independent states.

(b) AUTHORIZATION.—The International Finance Corporation Act (22 U.S.C. 282-282k) is amended by adding at the end the following:

"SEC. 15. AUTHORITY TO VOTE FOR CAPITAL INCREASES NECESSARY TO SUPPORT ECONOMIC RESTRUCTURING IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

"(a) AUTHORIZATION.—The United States Governor of the Corporation may vote in favor of any increase in the capital stock of the Corporation that may be needed to accommodate the requirements of the independent states of the former Soviet Union.

"(b) INDEPENDENT STATES DEFINED.—As used in this section, the term 'independent states of the former Soviet Union' means the following (which formerly were part of the Soviet Union): Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.".

(c) AUTHORITY TO AGREE TO CERTAIN AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE INTERNATIONAL FINANCE CORPORATION.—The International Finance Corporation Act (22 U.S.C. 282-282k) is amended by adding after the section added by subsection (b) of this section the following:

"SEC. 16. AUTHORITY TO AGREE TO CERTAIN AMENDMENTS TO THE ARTICLES OF AGREEMENT.

"The United States Governor of the Corporation may agree to amendments to the Articles of Agreement of the Corporation that would—

"(1) amend section 2(c)(ii) of Article II to increase the vote by which the Board of Directors may increase the capital stock of the Corporation from a three-fourths majority to a four-fifths majority; and

"(2) amend Article VII(a) to increase the vote by which the Board of Governors may amend the Articles of Agreement from a four-fifths majority to an 85 percent majority.".

SEC. 406. TECHNICAL ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

The Bretton Woods Agreements Act (22 U.S.C. 286 and following) is amended by adding after the sections added by section 401 of this Act the following:

"SEC. 59. TECHNICAL ASSISTANCE BY THE BANK FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

"(a) FINDINGS.—The Congress finds that—

"(1) at the Houston Economic Summit in July 1990, the heads of State and Government of the 7 major industrial democracies and the President of the Commission of the European Communities requested that the Fund, the Bank, the Organization for Economic Cooperation and Development, and the designated president of the European Bank for Reconstruction and Development, in close consultation with the Commission of the European Communities, undertake a detailed study of the Soviet economy, make recommendations for its reform, and establish the criteria under which Western economic assistance could effectively support such reforms;

"(2) in the resulting report, the organizations concluded that timely technical assistance can play a major role in easing the transition to a market economy, and that such technical assistance could be particularly helpful in the fields of fiscal and monetary policies, foreign exchange and banking, and the development of statistical and accounting systems;

"(3) technical assistance provided by the Bank should be coordinated with the technical assistance provided by the private sectors of Western countries so that technical assistance provided by the Bank complements and enhances technical assistance provided by the private sector and other international donors;

"(4) the provision of timely technical assistance can greatly facilitate trade with and direct investment in the independent states of the former Soviet Union; and

"(5) the provision of timely technical assistance by the Bank to the independent states of the former Soviet Union can support democratic reforms, respect for human rights, and the rule of law.

"(b) TECHNICAL ASSISTANCE PROGRAMS BY THE BANK TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to use the voice and vote of the United States to urge—

"(1) the Bank to establish or continue, as appropriate, programs to provide technical assistance to the independent states of the former Soviet Union in support of democratic reforms, human rights, the rule of law, and market-oriented reforms; and

"(2) the Bank to endeavor to coordinate its technical assistance to the independent states of the former Soviet Union so that technical assistance provided by the Bank complements and enhances technical assistance provided by the private sector and other international donors.

"(c) REPORT ON TECHNICAL ASSISTANCE BY THE BANK.—Not later than December 31, 1992, the Secretary of the Treasury shall, using resources of the Bank, report to the Congress on technical assistance by the Bank for the independent states of the former Soviet Union, and on the progress made by the independent states toward implementing democratic reforms, respect for human rights, the rule of law, and market-oriented reforms.

"(d) INDEPENDENT STATES DEFINED.—As used in this section, the term 'independent states of the former Soviet Union' means the following (which formerly were part of the Soviet Union): Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.".

SEC. 407. HUMAN RIGHTS.

(a) ADVANCEMENT OF HUMAN RIGHTS THROUGH THE IMF AND EBRD.—Section 701(a) of the International Financial Institutions Act (22 U.S.C. 262d(a)) is amended by striking out "and the African Development Bank," and inserting in lieu thereof "the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund,".

(b) ACCOUNTING FOR AMERICANS MISSING IN ACTION CONSIDERED IN ASSESSING HUMAN RIGHTS IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Section 701(b)(4) of such Act (22 U.S.C. 262d(b)(4)) is amended by inserting "Russia and the other independent states of the former Soviet Union," after "Laos,".

SEC. 408. REPORT ON DEMAND FOR TRADE FINANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

Not later than December 31, 1992, the Export-Import Bank of the United States shall transmit to the Congress a report—

(1) analyzing the demand for loans, guarantees, and insurance for trade between the United States and the independent states of the former Soviet Union; and

(2) making recommendations for the promotion of trade between the United States and the independent states.

SEC. 409. EXPORT-IMPORT BANK ACT LIST OF MARXIST-LENINIST COUNTRIES.

Section 2(b)(2)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)) is amended—

(1) in clause (i)(II), by striking out "the Union of Soviet Socialist Republics or on any other" and inserting in lieu thereof "any"; and

(2) in clause (ii), by striking from the list of countries the following: "Czechoslovak Socialist Republic.", "Estonia.", "German Democratic Republic.", "Hungarian People's Republic.", "Latvia.", "Lithuania.", "People's Republic of Albania.", "People's Republic of Bulgaria.", "Polish People's Republic.", "Socialist Federal Republic of Yugoslavia.", "Socialist Republic of Romania.", and "Union of Soviet Socialist Republics (including its captive constituent republics).".

SEC. 410. JOHNSON ACT.

Section 955 of title 18, United States Code, shall not apply with respect to any obligations of the former Soviet Union, or any of the independent states of the former Soviet Union, or any political subdivision, organization, or association thereof.

TITLE V—NONPROLIFERATION AND DISARMAMENT ACTIVITIES

SEC. 501. NONPROLIFERATION AND DISARMAMENT FUND.

Part II of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"Chapter 9—International Nonproliferation Activities

"SEC. 581. NONPROLIFERATION AND DISARMAMENT FUND.

"(a) GENERAL AUTHORITY.—The President is authorized to provide assistance to promote bilateral and multilateral nonproliferation and disarmament activities by supporting—

"(1) dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons;

"(2) bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons, including—

"(A) activities such as storage, transportation, and safeguarding of those weapons, and

"(B) the purchase, barter, or other acquisition of such weapons or materials derived from such weapons;

"(3) establishment of science and technology centers in the independent states of the former Soviet Union to promote science and technology projects for nonmilitary purposes in accordance with subsection (b); and

"(4) the conversion of military technologies and capabilities and defense industries of the independent states of the former Soviet Union into civilian activities.

Priority in carrying out this section shall be given to the activities described in paragraphs (1), (2), and (3).

"(b) SCIENCE AND TECHNOLOGY CENTERS.—In order to employ scientific expertise in peaceful endeavors, the President is authorized to support one or more centers in independent states of the former Soviet Union for the purpose of promoting science and technology projects for nonmilitary purposes. The purpose of such centers shall be to provide incentives for weapons scientists and engineers of the former Soviet Union, in particular those who were previously involved in the design and production of nuclear, biological, and chemical weapons, to apply their

expertise to civilian projects rather than weapons production.

"(c) ELIGIBILITY CRITERIA.—Section 103 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 shall not apply with respect to assistance provided under this section to governmental entities in the independent states of the former Soviet Union.

"(d) MISCELLANEOUS PROVISIONS RELATING TO ASSISTANCE.—

"(1) TERMS AND CONDITIONS.—Assistance under this section shall be provided on such terms and conditions as the President may determine, consistent with applicable provisions of law.

"(2) ADMINISTRATIVE FLEXIBILITY.—During the period beginning on the date of enactment of this section and ending September 30, 1993, assistance provided under this section with funds used pursuant to subsection (f) may be provided notwithstanding any other provision of law.

"(e) NOTICE TO CONGRESS OF PROPOSED OBLIGATIONS OF FUNDS.—Not less than 15 days before obligating funds under this section, the President shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives, and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a notification in accordance with the procedures applicable to reprogramming notifications under section 634A of this Act. Such notification shall specify—

"(1) the activities to be funded and the amount to be obligated for such activities; and

"(2) the source of the funds to be used for such assistance and the purpose for which those funds would otherwise have been obligated.

"(f) FUNDING.—

"(1) AUTHORITY TO USE SECURITY ASSISTANCE FUNDS.—The President may use up to $100,000,000 of security assistance funds for fiscal year 1993 to provide assistance under this section, in addition to amounts otherwise available for the purposes specified in subsection (a).

"(2) SECURITY ASSISTANCE FUNDS DEFINED.—As used in this subsection, the term 'security assistance funds' means funds made available for assistance under chapter 4 of this part (relating to the Economic Support Fund) and assistance under section 23 of the Arms Export Control Act (relating to the 'Foreign Military Financing Program').

"(3) CERTAIN LIMITATIONS NOT APPLICABLE TO FUNDS.—Section 531(e) of this Act, and any provision of the annual foreign operations, export financing, and related programs appropriations Act that corresponds to section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (relating to the prohibition on financing exports of nuclear equipment, fuel, and technology), shall not apply with respect to funds used pursuant to this subsection to provide assistance under this section.

"(g) DEFINITION.—As used in this section, the term 'independent states of the former Soviet Union' means the following (which formerly were part of the Soviet Union): Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.".

SEC. 502. INTERNATIONAL NUCLEAR NONPROLIFERATION ACTIVITIES.

(a) INTERNATIONAL EFFORTS.—The Congress encourages the Secretary of Defense and the Secretary of Energy to participate actively in United States efforts to stem the proliferation of nuclear weapons. To that end, the Secretary of Defense and the Secretary of Energy, under the guidance of the President and in coordination with the Secretary of State, may spend not to exceed a total of $40,000,000 during fiscal year 1993 for international nonproliferation activities such as the following:

(1) Support for and technical cooperation with relevant international organizations (such as the International Atomic Energy Agency and the United Nations Special Commission on Iraq) to support more effective international safeguards and innovative detection and verification techniques, including in-kind contributions of personnel, equipment, training, and other forms of assistance.

(2) Collaborative international nuclear security and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, including joint emergency response exercises, technical assistance, and training.

(3) Efforts to improve international cooperative monitoring of nuclear proliferation through joint technical projects and improved intelligence sharing.

(b) FUNDING FOR FISCAL YEAR 1993.—(1) There is hereby authorized to be appropriated for fiscal year 1993 for the purposes of carrying out this section $40,000,000.

(2) Section 1001 of the National Defense Authorization Act for Fiscal Year 1993 (relating to transfer authority) applies with respect to the authorization provided by paragraph (1).

(3) Amounts made available to carry out this section are in addition to any other amounts authorized to be used for international nonproliferation activities.

(4) The amount provided in section 104 of the National Defense Authorization Act for Fiscal Year 1993 for procurement for the Defense Agencies is hereby reduced by $40,000,000.

(c) DETERMINATION BY DIRECTOR OF OMB.—No funds may be obligated during fiscal year 1993 for the program under this section unless expenditures for that program during fiscal year 1993 have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) REPORTING REQUIREMENTS.—(1) Not less than 15 days before any obligation of funds under this section, the Secretary of Defense, in coordination with the Secretary of Energy, shall transmit to the committees of Congress named in subsection (e) a report on the proposed obligation. Each such report shall specify—

(A) the account, budget activity, and particular program from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(B) the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds.

(2) Not later than 30 days after the end of each quarter of fiscal years 1993 and 1994, the Secretary of Defense, in coordination with the Secretary of Energy, shall transmit to the committees of Congress named in subsection (e) a report of the activities to reduce the nuclear proliferation threat carried out under this section. Each report shall set forth the following:

(A) Amounts spent for such activities and the purposes for which they were spent.

(B) A description of the participation of the Department of Defense, and the participation of other government agencies in such activities.

(C) A description of the activities for which the funds were spent.

(e) COMMITTEES TO RECEIVE REPORT.—The committees of Congress referred to in subsections (d)(1) and (d)(2) are—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(f) AVOIDANCE OF DUPLICATIVE AUTHORIZATIONS.—This section shall not apply if the National Defense Authorization Act for Fiscal Year 1993 enacts the same authorities and requirements as are contained in this section and authorizes the appropriation of the same (or a greater) amount to carry out such authorities.

SEC. 503. SOVIET WEAPONS DESTRUCTION.

(a) FINDINGS.—The Congress finds—

(1) that programs established under the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228) will contribute significantly to the destruction of weapons of mass destruction of the independent states of the former Soviet Union and the reduction of the threat from such weapons and the potential for their proliferation;

(2) that it is in the national security interests of the United States to continue to reduce the threats from the huge weapons arsenals of the former Soviet Union and to protect against the potential proliferation of these weapons and the materials removed from them, as well as the potential hazards resulting from the faulty storage of those weapons or materials; and

(3) that the threats to nuclear safety and security described in section 211 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 105 Stat. 1693) remain of urgent concern and that additional resources are necessary to meet these threats, particularly in areas such as safe and secure storage of fissile material, dismantlement of missiles and launchers, and the destruction of chemical weapons.

(b) ADDITIONAL FUNDING.—(1) Section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 105 Stat. 1695) is amended by striking out "$400,000,000" and inserting in lieu thereof "$650,000,000".

(2) Section 221(e) of such Act is amended—

(A) by inserting "for fiscal year 1992 or fiscal year 1993" after "under part B";

(B) by inserting "for that fiscal year" after "for that program"; and

(C) by striking out "for fiscal year 1992" and inserting in lieu thereof "for that fiscal year".

(c) TECHNICAL REVISIONS TO PUBLIC LAW 102-229.—Public Law 102-229 is amended—

(1) in section 108 (105 Stat. 1708), by striking out "contained in H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "(title II of Public Law 102-228)"; and

(2) in section 109 (105 Stat. 1708)—

(A) by striking out "H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "Public Law 102-228 (105 Stat. 1696)"; and

(B) by striking out "of H.R. 3807".

(d) AVOIDANCE OF DUPLICATIVE AUTHORIZATIONS.—This section shall not apply if the National Defense Authorization Act for Fiscal Year 1993 enacts an amendment to sec-

tion 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 that authorizes the transfer of the same (or a greater) amount that is authorized by the amendment made by subsection (b)(1) of this section and enacts amendments identical to those in subsections (b)(2) and (c) of this section.

SEC. 504. ESTABLISHMENT OF FOUNDATION.

(a) ESTABLISHMENT.—The Director of the National Science Foundation (hereinafter in this section referred to as the "Director") is authorized to establish an endowed, nongovernmental, nonprofit foundation (hereinafter in this section referred to as the "Foundation") in consultation with the Director of the National Institute of Standards and Technology.

(b) PURPOSES.—The purposes of the Foundation shall be the following:

(1) To provide productive research and development opportunities within the independent states of the former Soviet Union that offer scientists and engineers alternatives to emigration and help prevent the dissolution of the technological infrastructure of the independent states.

(2) To advance defense conversion by funding civilian collaborative research and development projects between scientists and engineers in the United States and in the independent states of the former Soviet Union.

(3) To assist the establishment of a market economy in the independent states of the former Soviet Union by promoting, identifying, and partially funding joint research, development, and demonstration ventures between United States businesses and scientists, engineers, and entrepreneurs in those independent states.

(4) To provide a mechanism for scientists, engineers, and entrepreneurs in the independent states of the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses.

(5) To provide access for United States businesses to sophisticated new technologies, talented researchers, and potential new markets within the independent states of the former Soviet Union.

(c) FUNCTIONS.—In carrying out its purposes, the Foundation shall—

(1) promote and support joint research and development projects for peaceful purposes between scientists and engineers in the United States and independent states of the former Soviet Union on subjects of mutual interest; and

(2) seek to establish joint nondefense industrial research, development, and demonstration activities through private sector linkages which may involve participation by scientists and engineers in the university or academic sectors, and which shall include some contribution from industrial participants.

(d) FUNDING.—

(1) USE OF CERTAIN DEPARTMENT OF DEFENSE FUNDS.—(A) To the extent funds appropriated to carry out subtitle D of title II of the National Defense Authorization Act for Fiscal Year 1993 (relating to joint research and development programs with the independent states of the former Soviet Union) are otherwise available for such purpose, such funds may be made available to the Director for use by the Director in establishing the endowment of the Foundation and otherwise carrying out this section.

(B) For each fiscal year after fiscal year 1993, not more than 50 percent of the funds made available to the Foundation by the United States Government or otherwise used in carrying out this section may be funds appropriated in the national defense budget function (function 050).

(2) CONTRIBUTION TO ENDOWMENT BY PARTICIPATING INDEPENDENT STATES.—As a condition of participation in the Foundation, an independent state of the former Soviet Union must make a minimum contribution to the endowment of the Foundation, as determined by the Director, which shall reflect the ability of the independent state to make a financial contribution and its expected level of participation in the Foundation's programs.

(3) DEBT CONVERSIONS.—To the extent provided in advance by appropriations Acts, local currencies or other assets resulting from government-to-government debt conversions may be made available to the Foundation. For purposes of this paragraph, the term "debt conversion" means an agreement whereby a country's government-to-government or commercial external debt burden is exchanged by the holder for local currencies, policy commitments, other assets, or other economic activities, or for an equity interest in an enterprise theretofore owned by the debtor government.

(4) LOCAL CURRENCIES.—In addition to other uses provided by law, and subject to agreement with the foreign government, local currencies generated by United States assistance programs may be made available to the Foundation.

(5) INVESTMENT OF GOVERNMENT ASSISTANCE.—The Foundation may invest any revenue provided to it through United States Government assistance, and any interest earned on such investment may be used only for the purpose for which the assistance was provided.

(6) OTHER FUNDS FROM GOVERNMENT AND NONGOVERNMENTAL SOURCES.—The Foundation may accept such other funds as may be provided to it by Government agencies or nongovernmental entities.

TITLE VI—SPACE TRADE AND COOPERATION

SEC. 601. FINDINGS.

The Congress finds that—

(1) the dissolution of the political system of the former Soviet Union provides a unique, historic opportunity for the United States to achieve world peace and stability while incorporating the significant potential of the former Soviet Union to contribute to mankind's quality of life through science and technology;

(2) the desired conversion of former Soviet military and quasi-military assets, industries, and research facilities is furthered by openness in scientific collaboration, economic trade, and redeployment of capital resources;

(3) space trade and cooperation offer both the United States and the independent states of the former Soviet Union significant nonmilitary industrial growth opportunities and may assist the transition to a market-based economy in the independent states;

(4) space trade and cooperation would assist with the demilitarization of the independent states of the former Soviet Union and inhibit proliferation of military assets and technologies; and

(5) space trade and cooperation will enable the United States aerospace industry to utilize new technologies acquired from the independent states of the former Soviet Union in creating American products.

SEC. 602. FACILITATING DISCUSSIONS REGARDING THE ACQUISITION OF SPACE HARDWARE, TECHNOLOGY, AND SERVICES FROM THE FORMER SOVIET UNION.

(a) EXPEDITED REVIEW.—Any request for a license or other approval described in subsection (c) that is submitted to any United States Government agency by the National Aeronautics and Space Administration or any of its contractors shall be considered on an expedited basis by that agency and any other agency involved in an applicable interagency review process.

(b) NOTICE TO CONGRESS IF LICENSE DENIED.—If any United States Government agency denies a request for a license or other approval described in subsection (c), that agency shall immediately notify the designated congressional committees. Each such notification shall include a statement of the reasons for the denial.

(c) DESCRIPTION OF DISCUSSIONS.—This section applies to a request for any license or other approval that may be necessary to conduct discussions with an independent state of the former Soviet Union with respect to the possible acquisition of any space hardware, space technology, or space service for integration into United States space projects that have been approved by the Congress, including discussions relating to technical evaluation of such hardware, technology, or service.

SEC. 603. OFFICE OF SPACE COMMERCE.

(a) TRADE MISSIONS.—The Office of Space Commerce of the Department of Commerce is authorized and encouraged to conduct one or more trade missions to appropriate independent states of the former Soviet Union for the purpose of familiarizing United States aerospace industry representatives with space hardware, space technologies, and space services that may be available from the independent states, and with the business practices and overall business climate in the independent states.

(b) MONITORING NEGOTIATIONS.—The Office of Space Commerce—

(1) shall monitor the progress of any discussions described in section 602(c) that are being carried out by the National Aeronautics and Space Administration or its contractors; and

(2) shall advise the Administrator of the National Aeronautics and Space Administration as to the impact on United States industry of each potential acquisition of space hardware, space technology, or space services from the independent states of the former Soviet Union, specifically including any anticompetitive issues the Office may observe.

SEC. 604. REPORT TO CONGRESS.

Within one year after the date of enactment of this title, the President shall submit to the designated congressional committees a report describing—

(1) the opportunities for increased space-related trade with the independent states of the former Soviet Union;

(2) a technology procurement plan for identifying and evaluating all unique space hardware, space technology, and space services available to the United States from the independent states of the former Soviet Union;

(3) specific space hardware, space technology, and space services that have been, or could be, the subject of discussions described in section 602(c);

(4) the trade missions carried out pursuant to section 603(a), including the private participation in and the results of such missions;

(5) any barriers, regulatory or practical, that inhibit space-related trade between the United States and independent states of the former Soviet Union, including any such barriers in either the United States or the independent states; and

(6) any anticompetitive issues raised during the course of negotiations, as observed pursuant to section 603(b).

SEC. 605. DEFINITIONS.

For the purposes of this title—

(1) the term "contractor" means a National Aeronautics and Space Administration contractor to the extent that the acquisition of space hardware, space technology, or space services from the independent states of the former Soviet Union may be relevant to the contractor's responsibilities under the contract;

(2) the term "designated congressional committees" means the Committee on Science, Space, and Technology and the Committee on Foreign Affairs of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate;

(3) the term "space hardware" means proprietary space products, materials, and equipment;

(4) the term "space services" means space activities that can be performed for the benefit of another country; and

(5) the term "space technology" includes proprietary space systems, subsystems, methods, and practices developed by the former Soviet Union or independent states of the former Soviet Union that have application to space projects of other spacefaring countries.

TITLE VII—OTHER PROVISIONS

SEC. 701. STATUTORY LISTS OF COMMUNIST COUNTRIES.

(a) FOREIGN ASSISTANCE ACT.—Paragraph (1) of section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)(1)) is amended by striking out from the list of countries in the last sentence of that paragraph the following: "Czechoslovak Socialist Republic.", "Estonia.", "German Democratic Republic.", "Hungarian People's Republic.", "Latvia.", "Lithuania.", "People's Republic of Albania.", "People's Republic of Bulgaria.", "Polish People's Republic.", "Socialist Federal Republic of Yugoslavia.", "Socialist Republic of Romania.", and "Union of Soviet Socialist Republics (including its captive constituent republics).".

(b) SPECIAL RESTRICTIONS ON PERSONS INVOLVED IN LEGAL COMMERCIAL TRANSACTIONS.—Section 951(e)(2)(A) of title 18, United States Code, is amended by striking out "the Soviet Union, the German Democratic Republic, Hungary, Czechoslovakia, Poland, Bulgaria, Romania, or".

SEC. 702. AGRICULTURAL TRADE PROGRAMS.

(a) FOOD FOR PROGRESS ACT.—Section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsection (b)—

(A) by striking "or cooperatives" and inserting "cooperatives, or other private entities"; and

(B) by inserting "(1)" after "(b)" and adding at the end the following:

"(2)(A) The independent states of the former Soviet Union (as defined in title I of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992) shall be considered to be emerging democracies for purposes of this section.

"(B) The annual tonnage limitation contained in subsection (g) shall not apply with respect to commodities furnished from stocks of the Commodity Credit Corporation during fiscal years 1992 and 1993 to the independent states of the former Soviet Union."; and

(2) by amending subsection (f)(1) to read as follows:

"(f)(1) The Commodity Credit Corporation may provide for—

"(A) grants, or

"(B) in the case of the independent states of the former Soviet Union (as defined in title I of the Freedom for Russia and the Emerging Eurasian Democracies and Open Markets Support Act of 1992), sales on credit terms,

of commodities made available under section 416(b) of the Agricultural Act of 1949 for use in carrying out this section.".

(b) AGRICULTURAL DEVELOPMENT AND TRADE ACT OF 1990.—Section 1542 of the Agricultural Development and Trade Act of 1990 (7 U.S.C. 5622 note) is amended—

(1) in subsection (b)—

(A) by striking the subsection heading and inserting "(b) FACILITIES AND SERVICES.—"; and

(B) by striking "for the establishment or improvement by United States persons of facilities in emerging democracies" and inserting the following: "for—

"(1) the establishment or improvement of facilities, or

"(2) the provision of services or United States produced goods,

in emerging democracies by United States persons";

(2) in subsection (d)(1)(B)(i), by inserting ", farmers, other persons from the private sector," after "agricultural consultants"; and

(3) by amending subsection (d)(1)(D) to read as follows:

"(D) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide, or pay the necessary costs for, technical assistance to enable individuals or other entities to implement the recommendations or to carry out the opportunities and projects identified under paragraph (1)(A).".

(c) DIRECT CREDIT SALES PROGRAM.—

(1) DETERMINATIONS.—Section 201(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(c)) is amended by striking ", on a long-term basis," each place it appears.

(2) ELIGIBLE COUNTRIES.—Section 201(d)(1)(C) of such Act (7 U.S.C. 5621(d)(1)(C)) is amended to read as follows:

"(C) to assist countries in meeting their food and fiber needs, particularly—

"(i) developing countries; and

"(ii) countries that are emerging democracies that have committed to carry out, or are carrying out, policies that promote economic freedom, private domestic production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of agricultural commodities; and".

(3) REGULATIONS.—The Secretary of Agriculture shall issue final regulations to implement section 201 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621), as amended by this Act, not later than 30 days after the date of enactment of this Act.

(d) EXPORT CREDIT GUARANTEE PROGRAM.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (c), by striking ", on a long-term basis," each place it appears; and

(2) by amending subsection (d)(3) to read as follows:

"(3) to assist countries in meeting their food and fiber needs, particularly—

"(A) developing countries; and

"(B) countries that are emerging democracies that have committed to carry out, or are carrying out, policies that promote economic freedom, private domestic production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of agricultural commodities; and".

(e) INTEGRATION OF EXPORT ASSISTANCE PROGRAM.—In order to provide maximum flexibility in meeting the food and financing needs of the independent states of the former Soviet Union and in promoting export sales of agricultural commodities to the independent states, the Secretary of Agriculture may carry out any trade assistance program in combination with any other such program.

(f) DISTRIBUTION OF AID TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—It is the sense of Congress that, in order to avoid waste and to ensure fair and equitable distribution of food and commodities provided to the independent states of the former Soviet Union, the President should, when discussing and planning the provision of such food aid, whether acting unilaterally or multilaterally with other donor countries, encourage the involvement of suitable multinational organizations to monitor the transport and distribution of such food aid within such entities.

(g) DEFINITION OF AGRICULTURAL COMMODITY.—Section 102(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(1)) is amended by striking "feed, or fiber" and inserting "feed, fiber, or livestock (including livestock as it is defined in section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) and insects)".

(h) DECLARATION OF POLICY.—Congress declares that the export credit guarantee program and the export enhancement program required by sections 202 and 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622, 5651) should be administered by the Commodity Credit Corporation with respect to the independent states of the former Soviet Union in a manner that contributes to the achievement of the objective that the United States share of world trade in processed agricultural products and high-value agricultural products shall not be less than 15 percent.

(i) DEFINITIONS.—Section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602) is amended by adding at the end the following new paragraphs:

"(8) The term 'processed agricultural product' means a product derived from a bulk or raw agricultural commodity which, as a result of the application of human labor, the use of machines, and other factors involved in a manufacturing process, is increased in value and made more appropriate for human consumption or use. Such term includes, but is not limited to, livestock and poultry products, wheat flour, milled rice, refined sugar, vegetable oil, and prepared, preserved, canned, frozen, refrigerated, and other processed food products.

"(9) The term 'high-value agricultural product' means an agricultural commodity the value of which, on a per-unit or equivalent volume basis, is substantially higher than the value of bulk or raw agricultural commodities, such as grains and oilseeds. The term includes, but is not limited to, fresh, chilled, or frozen meats and other livestock and poultry products, eggs, breeder stock, plant seeds, and tobacco.".

(j) PROCESSED AND HIGH-VALUE AGRICULTURAL PRODUCT EXPORT CREDIT GUARANTEE PROGRAM.—Section 202 of such Act (7 U.S.C. 5622) is amended—

(1) in subsections (a) and (b), by inserting ", including processed agricultural products

and high-value agricultural products," after "agricultural commodities" both places it appears; and

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

"(k) SET-ASIDES.—

"(1) IN GENERAL.—In issuing export credit guarantees under this section in connection with sales to the independent states of the former Soviet Union (as defined in title I of the Freedom for Russia and the Emerging Eurasian Democracies and Open Markets Support Act of 1992), the Commodity Credit Corporation shall, to the extent practicable and subject to paragraph (2), ensure that no less than 35 percent of the total amount of credit guarantees issued for a fiscal year are issued to promote the export of processed and high-value agricultural products and that the balance are issued to promote the export of bulk or raw agricultural commodities.

"(2) LIMITATION.—The 35 percent requirement of paragraph (1) shall apply for a fiscal year only to the extent that the percentage of the total amount of credit guarantees issued for that fiscal year under this section to promote the export to all countries of processed and high-value agricultural products is less than 25 percent.".

(k) PROCESSED AND HIGH-VALUE AGRICULTURAL PRODUCT EXPORT ENHANCEMENT PROGRAM.—Section 301 of such Act (7 U.S.C. 5651) is amended—

(1) in subsection (a), by inserting ", including processed agricultural products and high-value agricultural products," after "agricultural commodities"; and

(2) in subsection (e)—

(A) by striking "The Commodity" and inserting the following:

"(1) IN GENERAL.—The Commodity"; and

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

"(2) SET-ASIDES.—(A) For each fiscal year, the Corporation shall, to the extent practicable and subject to subparagraph (B), ensure that no less than 25 percent of the total of—

"(i) the funds expended, and

"(ii) the value of any commodities made available,

under this section in connection with sales of agricultural commodities to the independent states of the former Soviet Union (as defined in title I of the Freedom for Russia and the Emerging Eurasian Democracies and Open Markets Support Act of 1992) is used to promote the export of processed and high-value United States agricultural products and that the balance of the funds expended and commodities made available under this section in connection with such sales is used to promote the export of bulk or raw United States agricultural commodities.

"(B) The 25 percent requirement of subparagraph (A) shall apply for a fiscal year only to the extent that the percentage of the total of—

"(i) the funds expended, and

"(ii) the value of commodities made available,

for that fiscal year under this section to promote the export to all countries of processed and high-value United States agricultural products is less than 15 percent.".

(l) COST-REVENUE AND EMPLOYMENT ANALYSIS OF EXPORT ASSISTANCE.—Title III of such Act (7 U.S.C. 5651-5653) is amended by adding at the end the following:

"SEC. 304. QUARTERLY AND ANNUAL REPORTS ON THE COST-REVENUE ANALYSIS AND EMPLOYMENT EFFECTS OF SUPPORTING THE EXPORT OF PROCESSED AND HIGH-VALUE AGRICULTURAL PRODUCTS.

"(a) QUARTERLY REPORTS.—Not later than 30 days after the end of each quarter of a fiscal year, the Secretary shall submit to Congress a report containing an estimate for the preceding quarter of those costs and imputed revenues, attributable to the export to the independent states of the former Soviet Union (as defined in title I of the Freedom for Russia and the Emerging Eurasian Democracies and Open Markets Support Act of 1992) of processed and high-value agricultural products and raw and bulk agricultural commodities under sections 202 and 301. The revenue estimate shall be determined by the Economic Research Service of the Department of Agriculture from the net effect on Federal tax receipts of exports under those sections on the personal and corporate income of persons directly and indirectly assisted. The Secretary shall, after consultation with the Secretary of Labor, include in the report an examination of the direct and indirect effect of the export efforts with respect to the independent states of the former Soviet Union under those sections for the preceding quarter on employment levels and opportunities in the United States agricultural sectors and related industries.

"(b) ANNUAL REPORT.—Not later than 30 days after the end of each fiscal year, the Secretary shall submit to Congress a report for the preceding fiscal year containing the information required under subsection (a).".

(m) APPLICATION OF CERTAIN PROVISIONS.—

(1) CERTAIN AMENDMENTS APPLICABLE ONLY TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—The amendments made by subsections (c)(1), (d)(1), (g), (i), (j)(1), and (k)(1) shall apply only with respect to the independent states of the former Soviet Union.

(2) IMPLEMENTATION OF CERTAIN AMENDMENTS DURING FISCAL YEAR 1992.—The Commodity Credit Corporation shall apply subsection (h), and the amendments made by subsections (i) through (l), during fiscal year 1992 to the maximum extent practicable.

SEC. 703. PEACE CORPS VOLUNTEER TRAINING REQUIREMENTS.

Section 8(c) of the Peace Corps Act (22 U.S.C. 2507(c)) is repealed.

SEC. 704. ESTABLISHING CATEGORIES OF ALIENS FOR PURPOSES OF REFUGEE DETERMINATIONS; ADJUSTMENT OF STATUS FOR CERTAIN SOVIET AND INDOCHINESE PAROLEES.

(a) EXTENSION OF PROVISIONS.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by inserting "and within the number of such admissions allocated for each of fiscal years 1993 and 1994 for refugees who are nationals of the independent states of the former Soviet Union, Estonia, Latvia, and Lithuania under such section" after "Act"; and

(B) in subsection (e), by striking out "October 1, 1992" each place it appears and inserting in lieu thereof "October 1, 1994"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

(b) CORRECTION OF REFERENCES TO SOVIET UNION.—That Act is amended—

(1) in section 599D(b)—

(A) in paragraphs (1)(A), (2)(A), and (2)(B), by striking out "of the Soviet Union" each place it appears and inserting in lieu thereof "of an independent state of the former Soviet Union or of Estonia, Latvia, or Lithuania"; and

(B) in paragraph (1)(A), by striking out "in the Soviet Union" and inserting in lieu thereof "in that state"; and

(2) in section 599E(b)(1), by striking out "of the Soviet Union," and inserting in lieu thereof "of an independent state of the former Soviet Union, Estonia, Latvia, Lithuania,".

(c) REPEAL OF EXECUTED REPORTING REQUIREMENTS.—Section 599D of that Act is amended by repealing subsection (f).

The CHAIRMAN. No amendment to the substitute and no other amendment to the bill is in order.

The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having assumed the Chair, Mr. SKAGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 4547) to authorize supplemental assistance for the former Soviet republics, pursuant to House Resolution 545, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

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

Mr. FASCELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 255, nays 164, not voting 16, as follows:

[Roll No. 374]

YEAS—255

Ackerman	Bonior	Coyne
Alexander	Borski	Cramer
Allard	Boucher	Davis
Anderson	Brewster	de la Garza
Andrews (ME)	Brooks	Derrick
Andrews (TX)	Broomfield	Dicks
Annunzio	Browder	Dingell
Anthony	Brown	Downey
Aspin	Bruce	Eckart
Bacchus	Bustamante	Edwards (CA)
Barrett	Byron	Edwards (TX)
Bateman	Campbell (CA)	Emerson
Bellenson	Cardin	Engel
Bennett	Carper	Ewing
Bentley	Chandler	Fascell
Bereuter	Clinger	Fawell
Berman	Coleman (MO)	Fazio
Bilbray	Coleman (TX)	Feighan
Bliley	Cooper	Fish
Boehlert	Coughlin	Foley
Boehner	Cox (IL)	Ford (MI)

Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Hansen
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Hopkins
Horn
Horton
Houghton
Hoyer
Hunter
Hyde
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lightfoot
Livingston
Long
Lowery (CA)
Lowey (NY)
Manton
Markey
Martin
Martinez
Matsui
Mavroules
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Morrison
Mrazek
Murtha
Nagle
Natcher
Nichols
Nowak
Nussle
Oberstar
Obey
Olin
Olver
Orton
Owens (UT)
Oxley
Pallone
Panetta
Parker
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Price
Ravenel
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roberts
Roe
Rose
Rostenkowski
Roukema
Russo
Sabo
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Solarz
Spratt
Stallings
Stenholm
Studds
Swett
Swift
Synar
Tallon
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Vucanovich
Walker
Waxman
Weber
Weiss
Weldon
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Zeliff

NAYS—164

Abercrombie
Allen
Andrews (NJ)
Applegate
Archer
Armey
Atkins
AuCoin
Baker
Ballenger
Barton
Bilirakis
Blackwell
Boxer
Bryant
Bunning
Burton
Callahan
Camp
Campbell (CO)
Carr
Chapman
Clay
Coble
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Cox (CA)
Crane
Cunningham
Dannemeyer
Darden
DeFazio
DeLauro
DeLay
Dellums
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Durbin
Dymally
Early
Edwards (OK)
English
Erdreich
Espy
Evans
Fields
Flake
Foglietta
Gallegly
Geren
Gilchrest
Gonzalez
Goodling
Goss
Hall (TX)
Hancock
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Holloway
Hubbard
Huckaby
Hughes
Hutto
Inhofe
Jacobs
Jefferson
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kleczka
Klug
Kyl
Lehman (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Machtley
Marlenee
Mazzoli
McCandless
Mfume
Miller (CA)
Moody
Moorhead
Myers
Neal (MA)
Neal (NC)
Oakar
Ortiz
Owens (NY)
Packard
Pastor
Patterson
Paxon
Payne (NJ)
Perkins
Petri
Poshard
Pursell
Quillen
Rahall
Ramstad
Rangel
Ray
Reed
Ridge
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Rowland
Roybal
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Schaefer
Sensenbrenner
Serrano
Shuster
Smith (OR)
Snowe
Solomon
Spence
Staggers
Stark
Stearns
Stokes
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Towns
Traficant
Valentine
Volkmer
Walsh
Washington
Waters
Wheat
Williams
Young (FL)
Zimmer

NOT VOTING—16

Barnard
Bevill
Clement
Dickinson
Dwyer
Ford (TN)
Gaydos
Gordon
Hatcher
Luken
McEwen
McMillan (NC)
Murphy
Schulze
Traxler
Wilson

□ 1811

The Clerk announced the following pairs:

On this vote:

Mr. Dwyer for, with Mr. Murphy against.

Mr. KLUG changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to support freedom and open markets in the independent states of the former Soviet Union, and for other purposes.".

A motion to reconsider was laid on the table.

□ 1810

Mr. FASCELL. Mr. Speaker, pursuant to House Resolution 545, I call up from the Speaker's table the Senate bill (S. 2532) entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. FASCELL

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

The Clerk read as follows:

Mr. FASCELL moves to strike all after the enacting clause of the Senate bill, S. 2532, and insert in lieu thereof the provisions of H.R. 4547, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to support freedom and open markets in the independent states of the former Soviet Union, and for other purposes.".

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4547) was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I ask for this time in order that I might inquire of the distinguished majority leader how we might proceed for the balance of the evening.

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

Mr. MICHEL. I yield to the gentleman from Missouri.

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

Mr. Speaker, I want to inform the Members that we will now take up the family planning conference. That will be a maximum of 1 hour, and obviously a vote. We then will go to House Concurrent Resolution 246, which is a trade resolution from the Committee on Ways and Means concerning the North American Free-Trade Agreement. It is a resolution. It is not a piece of legislation that would change statutes. There will be a rule, and then an hour of debate on the resolution, a maximum of 2 hours. It could be less. I do not know how long it will take.

At the end of that, we will take up House Concurrent Resolution 192, which should not have a vote. It is to concur in the Senate amendment to the House resolution on the Hamilton-Gradison Commission. It will take 5 minutes, and it will not have a vote, I am told.

So the last vote would be on the trade resolution.

If we are able to complete that business, because there has been an inability to bring to the floor two pieces of legislation that we had planned for tomorrow, we have decided to not have votes, not have a session tomorrow. We may or may not have to have a pro forma session. We will be talking with the minority leadership about that later in the day.

Mr. MICHEL. If I might, Mr. Speaker, ask if later on this evening we might get a little reading on then what we will be doing next Monday, Tuesday, and Wednesday. It is my understanding that we were not going to have a session, or were not going to be having any votes Monday.

Mr. GEPHARDT. The gentleman is correct.

Mr. MICHEL. Does having no program on Friday change that scenario?

Mr. GEPHARDT. If the gentleman will yield further, no votes on Monday, there will be votes Tuesday and Wednesday. We hope to be able to leave Wednesday at a reasonable hour, no votes on Thursday or Friday.

Mr. MICHEL. Reclaiming my time, I hope the gentleman will be prepared to tell us what those measures will be then for Tuesday and Wednesday.

Mr. GEPHARDT. We will.

Mr. MICHEL. I thank the distinguished gentleman.

CONFERENCE REPORT ON H.R. 3033, JOB TRAINING REFORM AMENDMENTS OF 1992

Mr. PERKINS submitted the following conference report and statement on the bill (H.R. 3033) to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-811)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3033), to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Job Training Reform Amendments of 1992".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—JOB TRAINING PARTNERSHIP REQUIREMENTS

Subtitle A—General Provisions

Sec. 101. Declaration of policy and statement of purpose.
Sec. 102. Authorization of appropriations.
Sec. 103. Definitions.

Subtitle B—Service Delivery System

Sec. 111. Establishment of service delivery areas.
Sec. 112. Establishment of private industry council.
Sec. 113. Job training plan.
Sec. 114. Review and approval of plan.
Sec. 115. Performance standards.
Sec. 116. Selection of service providers.
Sec. 117. Limitation on certain costs.
Sec. 118. Recapture and reallotment of unobligated funds under title II.

Subtitle C—Additional State Responsibilities

Sec. 121. Governor's coordination and special services plan.
Sec. 122. State education coordination and grants.
Sec. 123. Identification of additional imposed requirements.
Sec. 124. State labor market information programs.

Subtitle D—Program Requirements for Service Delivery System

Sec. 131. General program requirements.
Sec. 132. Benefits.
Sec. 133. Labor standards.
Sec. 134. Grievance procedure.

Subtitle E—Federal and Fiscal Administrative Provisions

Sec. 141. Prompt allocation of funds.
Sec. 142. Fiscal controls; sanctions.
Sec. 143. Reports, recordkeeping, and investigations.
Sec. 144. Nondiscrimination.
Sec. 145. Utilization of services and facilities.

TITLE II—TRAINING SERVICES FOR THE DISADVANTAGED

Sec. 201. Adult training program.
Sec. 202. Adult training program allotment and allocation.
Sec. 203. Adult training program eligibility and services.
Sec. 204. Summer youth employment and training program.
Sec. 205. Summer youth program transfer of funds.
Sec. 206. Youth training program.
Sec. 207. Youth training program allotment and allocation.
Sec. 208. Youth training program eligibility and services.

TITLE III—EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS

Sec. 301. State agency approval.
Sec. 302. Limitations on uses of funds.
Sec. 303. Demonstration programs.

TITLE IV—FEDERALLY ADMINISTERED PROGRAMS

Sec. 401. Native American and migrant programs.
Sec. 402. Job Corps.
Sec. 403. National activities.
Sec. 404. Uniform requirements.
Sec. 405. Labor market information.
Sec. 406. Establishment of the Youth Fair Chance program.
Sec. 407. Establishment of the microenterprise grants program.
Sec. 408. Establishment of the disaster relief program.

TITLE V—JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS INCENTIVE BONUS PROGRAM

Sec. 501. Jobs for employable dependent individuals.

TITLE VI—STATE HUMAN RESOURCE INVESTMENT COUNCIL

Sec. 601. State human resource investment council.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Effective date and transition provisions.
Sec. 702. Technical and conforming amendments.

TITLE I—JOB TRAINING PARTNERSHIP REQUIREMENTS

Subtitle A—General Provisions

SEC. 101. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

(a) DECLARATION OF POLICY.—In recognition of the training needs of low-income adults and youth, the Congress declares it to be the policy of the United States to—

(1) provide financial assistance to States and local service delivery areas to meet the training needs of such low-income adults and youth, and to assist such individuals in obtaining unsubsidized employment;

(2) increase the funds available for programs under title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.) by not less than 10 percent of the baseline each fiscal year to provide for growth in the percentage of eligible adults and youth served above the 5 percent of the eligible population that is currently served; and

(3) encourage the provision of longer, more comprehensive, education, training, and employment services to the eligible population, which also requires increased funding in order to maintain current service levels.

(b) STATEMENT OF PURPOSE.—Section 2 of the Job Training Partnership Act (29 U.S.C. 1501) (hereafter in this Act referred to as "the Act") is amended to read as follows:

"STATEMENT OF PURPOSE

"SEC. 2. It is the purpose of this Act to establish programs to prepare youth and adults facing serious barriers to employment for participation in the labor force by providing job training and other services that will result in increased employment and earnings, increased educational and occupational skills, and decreased welfare dependency, thereby improving the quality of the work force and enhancing the productivity and competitiveness of the Nation.".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 3 of the Act (29 U.S.C. 1502) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a)(1) There are authorized to be appropriated to carry out parts A and C of title II such sums as may be necessary for fiscal year 1993 and for each succeeding fiscal year. Of the sums appropriated to carry out parts A and C of title II for each such fiscal year, an amount not less than 40 percent of such sums shall be made available to carry out part A of such title and an amount not less than 40 percent of such sums shall be made available to carry out part C of such title.

"(2) There are authorized to be appropriated to carry out part B of title II such sums as may be necessary for fiscal year 1993 and for each succeeding fiscal year.";

(2) by redesignating subsection (c) as subsection (b);

(3) by inserting after such subsection (b) the following:

"(c)(1) There are authorized to be appropriated to carry out parts A, C, D, E, F, and G of title IV for fiscal year 1993 and each succeeding fiscal year an amount equal to not more than 7 percent of the total amount appropriated to carry out this Act for each such fiscal year.

"(2) From the amount appropriated under paragraph (1) for any fiscal year, the Secretary—

"(A) shall first reserve—

"(i) an amount of not less than 3.3 percent of the amount available for parts A and C of title II for such fiscal year to carry out section 401; and

"(ii) an amount of not less than 3.2 percent of the amount available for parts A and C of title II for such fiscal year to carry out section 402; and

"(B) after making such reservations, shall reserve—

"(i) an amount equal to 7 percent of the amount appropriated under paragraph (1) to carry out part C of title IV;

"(ii) $15,000,000 to carry out section 453, of which—

"(I) not less than 20 percent shall be used to carry out section 453(b);

"(II) not less than 20 percent shall be used to carry out section 453(c); and

"(III) $1,000,000 shall be used to carry out section 453(d);

"(iii) $6,000,000 to carry out subsections (e) and (f) of section 462; and

"(iv) $2,000,000 to carry out part F of title IV.

"(3) There are authorized to be appropriated to carry out part H of title IV $100,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994 through 1997.

"(4) There are authorized to be appropriated to carry out part I of title IV $5,000,000 for each of the fiscal years 1993 through 1997.

"(5) There are authorized to be appropriated to carry out part J of title IV, $15,000,000 for fiscal year 1993 and such sums as may be necessary for each succeeding fiscal year."; and

(4) in subsection (e)—

(A) by striking "(e)(1) Subject to paragraph (2), there" and inserting "(e) There";

(B) by striking "1994" and inserting "1996"; and

(C) by striking paragraphs (2) and (3).

(b) CONFORMING AMENDMENTS.—Subsections (a) and (e) of section 302 of the Act (29 U.S.C. 1652 (a) and (e)) and section 326(h) of the Act (1662e(h)) are amended by striking "3(c)" and inserting "3(b)".

SEC. 103. DEFINITIONS.

(a) IN GENERAL.—Section 4 of the Act (29 U.S.C. 1503) is amended—

(1) in paragraph (3), by striking "a program under part A" and inserting "programs under parts A and C"; and

(2) in paragraph (5)—

(A) by inserting "the Association of Farmworker Opportunity Programs, the Center for Employment Training, literacy organizations, agencies or organizations serving older individuals, organizations that provide service opportunities, youth corps programs," after "Jobs for Youth,"; and

(B) by striking "(including the National Urban Indian Council)";

(3) in paragraph (8)—

(A) in subparagraph (B)(i), by striking "the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget" and inserting "the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2))";

(B) in subparagraph (C), by inserting "(or has been determined within the 6-month period prior to the application for the program involved to be eligible to receive)" after "is receiving";

(C) in subparagraph (D), by inserting "subsections (a) and (c) of" after "under"; and

(D) in subparagraph (F), by striking "adult handicapped individual" and inserting "individual with a disability";

(4) in paragraph (10)—

(A) by striking "(10)" and inserting "(10)(A)";

(B) by striking "handicapped individual" and inserting "individual with a disability"; and

(C) by adding at the end the following:

"(B) The term 'individuals with disabilities' means more than one individual with a disability.";

(5) in paragraph (22), by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau";

(6) in paragraph (24)—

(A) by inserting "financial assistance (except as a post-termination service), drug and alcohol abuse counseling and referral, individual and family counseling," after "health care,";

(B) by striking "materials for the handicapped," and inserting "materials for individuals with disabilities, job coaches,"; and

(C) by inserting "and dependent care" after "child care";

(7) by amending paragraph (29) to read as follows:

"(29) The term 'displaced homemaker' means an individual who has been providing unpaid services to family members in the home and who—

"(A) has been dependent either—

"(i) on public assistance and whose youngest child is within 2 years of losing eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

"(ii) on the income of another family member but is no longer supported by that income; and

"(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment."; and

(8) by adding after paragraph (30) the following new paragraphs:

"(31) The term 'basic skills deficient' means, with respect to an individual, that the individual has English reading or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test.

"(32) The term 'case management' means the provision of a client-centered approach in the delivery of services, designed to—

"(A) prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to the necessary training and supportive services, using, where feasible, computer-based technologies; and

"(B) provide job and career counseling during program participation and after job placement.

"(33) The term 'citizenship skills' means skills and qualities, such as teamwork, problem-solving ability, self-esteem, initiative, leadership, commitment to life-long learning, and an ethic of civic responsibility, that are characteristic of productive workers and good citizens.

"(34) The term 'family' means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

"(A) A husband, wife, and dependent children.

"(B) A parent or guardian and dependent children.

"(C) A husband and wife.

"(35) The term 'hard-to-serve individual' means an individual who is included in one or more of the categories described in section 203(b) or subsection (b) or (d) of section 263.

"(36) The term 'JOBS' means the Job Opportunities and Basic Skills Training Program authorized under part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.).

"(37) The term 'participant' means an individual who has been determined to be eligible to participate in and who is receiving services (except post-termination services authorized under sections 204(c)(4) and 264(d)(5) and followup services authorized under section 253(d)) under a program authorized by this Act. Participation shall be deemed to commence on the first day, following determination of eligibility, on which the participant began receiving subsidized employment, training, or other services provided under this Act.

"(38) The term 'school dropout' means an individual who is no longer attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

"(39) The term 'termination' means the separation of a participant who is no longer receiving services (except post-termination services authorized under sections 204(c)(4) and 264(d)(5) and followup services authorized under section 253(d)) under a program authorized by this Act.

"(40) The term 'youth corps program' means a program, such as a conservation corps or youth service program, that offers productive work with visible community benefits in a natural resource or human service setting and that gives participants a mix of work experience, basic and life skills, education, training, and supportive services.".

(b) CONFORMING AMENDMENTS.—The Act (29 U.S.C. 1501 et seq.) is amended—

(1) in section 4 (29 U.S.C. 1503)—

(A) in paragraph (5), by striking "the handicapped" and inserting "individuals with disabilities";

(B) in paragraph (8)(F), by striking "adult handicapped individual" and inserting "individual with a disability"; and

(C) in paragraph (28), by striking "section 521(31)" and inserting "section 521(41)";

(2) in section 167(a)(2) (29 U.S.C. 1577(a)(2)), by striking "handicap" and inserting "disability";

(3) in the second section 172(b) (as added by Public Law 100-628) (29 U.S.C. 1583(b)), by striking "handicapped individuals" and inserting "individuals with disabilities"; and

(4) in section 423(1) (29 U.S.C. 1693(1)), by striking "handicapped individual" and inserting "individual with a disability".

Subtitle B—Service Delivery System

SEC. 111. ESTABLISHMENT OF SERVICE DELIVERY AREAS.

Section 101(c)(1) of the Act (29 U.S.C. 1511(c)(1)) is amended by inserting before the period at the end of the first sentence the following: ", except as provided for in sections 106(j)(4)(B) and 164(b)(1)(B)".

SEC. 112. ESTABLISHMENT OF PRIVATE INDUSTRY COUNCIL.

(a) COMPOSITION.—

(1) MEMBERSHIP.—Section 102(a) of the Act (29 U.S.C. 1512(a)(2)) is amended—

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

(B) by striking paragraph (2) and inserting the following:

"(2) representatives of organized labor and community-based organizations, who shall constitute not less than 15 percent of the membership of the council; and

"(3) representatives of each of the following:

"(A) Educational agencies (which agencies shall be representative of all educational agencies in the service delivery area).

"(B) Vocational rehabilitation agencies.

"(C) Public assistance agencies.

"(D) Economic development agencies.

"(E) The public employment service.

(2) NOMINATION.—Section 102(c)(2) of the Act (29 U.S.C. 1512(c)(2)) is amended to read as follows:

"(2) The education representatives on the council shall be selected from among individuals nominated by regional or local educational agencies, vocational education institutions, institutions of higher education (including entities offering adult education) or general organizations of such institutions, within the service delivery area.".

(3) RECOMMENDATIONS.—Section 102(c)(3) of the Act (29 U.S.C. 1512(c)(3)) is amended to read as follows:

"(3) The labor representatives on the council shall be selected from individuals recommended by recognized State and local labor federations. If the State or local labor federation fails to nominate a sufficient number of individuals to meet the labor representation requirements of subsection (a)(2), individual workers may be included on the council to complete the labor representation.".

(4) ADDITIONAL REPRESENTATIVES.—Section 102(c) of the Act (20 U.S.C. 1512(c)) is amended by adding at the end the following new paragraph:

"(4) The remaining members of the council shall be selected from individuals recommended by interested organizations.".

SEC. 113. JOB TRAINING PLAN.

(a) RESTRICTION OF PLANS TO TITLE II PROGRAMS.—Section 104(a) of the Act (29 U.S.C. 1514(a)) is amended by inserting "under title II" after "appropriated".

(b) CONTENTS OF JOB TRAINING PLANS.—Section 104(b) of the Act (29 U.S.C. 1514(b)) is amended to read as follows:

"(b) Each job training plan for the programs conducted under title II shall contain—

"(1) an identification of the entity that will administer the program and be the grant recipient of funds from the State;

"(2) if there is more than one service delivery area in a single labor market area, provisions

for coordinating particular aspects of the service delivery area program with other programs and service providers in the labor market area, including provisions for—

"(A) assessing needs and problems in the labor market that form the basis for program planning;

"(B) ensuring access by program participants in each service delivery area to skills training and employment opportunities throughout the entire labor market;

"(C) coordinating or jointly implementing job development, placement, and other employer outreach activities; and

"(D) entering into agreements and contracts, established pursuant to section 141(e)(2), between service delivery areas to pay or share the cost of services;

"(3) a description of methods of complying with the coordination criteria contained in the Governor's coordination and special services plan;

"(4) a description of linkages established with appropriate agencies, pursuant to sections 205 and 265, designed to enhance the provision of services and avoid duplication, including—

"(A) agreements with appropriate educational agencies;

"(B) arrangements with other education, training, and employment programs authorized by Federal law;

"(C) if appropriate, joint programs in which activities supported with assistance under this Act are coordinated with activities (such as service opportunities and youth corps programs) supported with assistance made available under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); and

"(D) efforts to ensure the effective delivery of services to participants in coordination with local welfare agencies and other local agencies, community-based organizations, volunteer groups, business and labor organizations, and other training, education, employment, and social service programs;

"(5) goals and objectives for the programs, including—

"(A) a description of the manner in which the program will contribute to the economic self-sufficiency of participants, and the productivity of the local area and the Nation; and

"(B) performance standards established in accordance with standards prescribed under section 106;

"(6) procedures for identifying and selecting participants, including—

"(A) goals for the training and placement of hard-to-serve individuals, and a description of efforts to be undertaken to accomplish such goals;

"(B) outreach efforts to recruit and expand awareness of training and placement opportunities for such individuals; and

"(C) types of services to be provided to address the special needs of such individuals;

"(7)(A) goals for—

"(i) the training of women in nontraditional employment; and

"(ii) the training-related placement of women in nontraditional employment and apprenticeships; and

"(B) a description of efforts to be undertaken to accomplish the goals described in subparagraph (A), including efforts to increase awareness of such training and placement opportunities;

"(8) adult and youth program budgets for 2 program years and any proposed expenditures for the succeeding 2 program years;

"(9) a description of—

"(A) the assessment process that will identify participant skill levels;

"(B) the process for providing information and referrals for applicants and participants relating to appropriate programs and service providers;

"(C) the services to be provided, including the means for involving labor organizations and community-based organizations in the provision of services, the estimated duration of service, and the estimated training cost per participant;

"(D) the competency levels to be achieved by participants as a result of program participation; and

"(E) the procedures for evaluating the progress of participants in achieving competencies;

"(10) a description of the procedures and methods of carrying out title V, where applicable, relating to incentive bonus payments for the placement of individuals eligible under such title;

"(11) procedures, consistent with sections 107 and 164, for selecting service providers, which procedures shall take into account—

"(A) past performance of the providers regarding—

"(i) job training, basic skills training, or related activities;

"(ii) fiscal accountability; and

"(iii) ability to meet performance standards; and

"(B) the ability of the providers to provide services that can lead to achievement of competency standards for participants with identified deficiencies;

"(12) fiscal control (including procurement, monitoring, and management information system requirements), accounting, audit, and debt collection procedures, consistent with section 164, to assure the proper disbursal of, and accounting for, funds received under title II; and

"(13) procedures for the preparation and submission of an annual report to the Governor, which report shall include—

"(A) a description of activities conducted during the program year;

"(B) characteristics of participants;

"(C) information on the extent to which applicable performance standards were met;

"(D) information on the extent to which the service delivery area has met the goals of the area for the training and training-related placement of women in nontraditional employment and apprenticeships; and

"(E) a statistical breakdown of women trained and placed in nontraditional occupations, including information regarding—

"(i) the type of training received, by occupation;

"(ii) whether the participant was placed in a job or apprenticeship, and, if so, the occupation and wage at placement;

"(iii) the age of the participant;

"(iv) the race of the participant; and

"(v) retention of the participant in nontraditional employment.".

SEC. 114. REVIEW AND APPROVAL OF PLAN.

Section 105 of the Act (29 U.S.C. 1515) is amended—

(1) in subsection (a)(1)(B)(ii), by inserting "community-based organizations and" after "appropriate"; and

(2) in subsection (b)(1)(E), by striking "section 121(b)", and inserting "sections 121(b), 205, and 265".

SEC. 115. PERFORMANCE STANDARDS.

(a) IN GENERAL.—Section 106 of the Act (29 U.S.C. 1516) is amended to read as follows:

"PERFORMANCE STANDARDS

"SEC. 106. (a) FINDINGS.—The Congress recognizes that job training is an investment in human capital and not an expense. In order to determine whether that investment has been productive, the Congress finds that—

"(1) it is essential that criteria for measuring the return on this investment be developed; and

"(2) the basic return on the investment is to be measured by long-term economic self-sufficiency, increased employment and earnings, reductions in welfare dependency, and increased educational attainment and occupational skills.

"(b) TITLE II PERFORMANCE STANDARDS.—

"(1) GENERAL OBJECTIVE.—In prescribing performance standards for programs under parts A and C of title II, the Secretary shall ensure that States and service delivery areas will make efforts to increase services and positive outcomes for hard-to-serve individuals.

"(2) ACHIEVEMENT OF BASIC MEASURES.—In order to determine whether the basic measures described in subsection (a) are achieved for programs under parts A and C of title II, the Secretary, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall prescribe performance standards.

"(3) FACTORS FOR ADULT STANDARDS.—The Secretary shall base the performance standards for adult programs under part A of title II on appropriate factors, which may include—

"(A) placement in unsubsidized employment;

"(B) retention for not less than 6 months in unsubsidized employment;

"(C) an increase in earnings, including hourly wages;

"(D) a reduction in welfare dependency; and

"(E) acquisition of skills, including basic skills, required to promote continued employability in the local labor market (including attainment of the competency levels described in paragraph (5)), or acquisition of a high school diploma or the equivalent of the diploma, if the acquisition of such skills or diploma is in addition to obtaining one or more of the outcomes described in subparagraphs (A) through (D).

"(4) FACTORS FOR YOUTH STANDARDS.—

"(A) IN GENERAL.—The Secretary shall base the performance standards for youth programs under part C of title II on appropriate factors described in paragraph (3), and on factors including—

"(i) attainment of employment competencies (including attainment of the competency levels described in paragraph (5));

"(ii) dropout prevention and recovery;

"(iii) secondary and postsecondary school completion or the equivalent of such completion; and

"(iv) enrollment in other training programs, apprenticeships, or postsecondary education, or enlistment in the Armed Forces.

"(B) VARIATIONS.—The Secretary may prescribe variations in the standards described in subparagraph (A) to reflect the differences between in-school and out-of-school programs.

"(5) COMPETENCY LEVELS.—The private industry councils, in consultation with appropriate educational agencies, and, where appropriate, the private sector, labor organizations, and community-based organizations, shall establish youth and adult competency levels, based on such factors as entry level skills and other hiring requirements.

"(6) REQUIREMENTS.—The performance standards described in paragraphs (3) and (4) shall include provisions governing—

"(A) the base period prior to program participation that will be used for measurement of the factors in such paragraphs, as appropriate;

"(B) a representative period after termination from the program that is a reasonable indicator of postprogram employment, earnings, and cash welfare payment reductions; and

"(C) cost-effective methods for obtaining such data as are necessary to carry out this section and section 452(d) which, notwithstanding any other provision of law, may include access to earnings records, State employment security records, records collected under the Federal Insurance Contributions Act (chapter 21 of the Internal Revenue Code of 1986), State aid to families with dependent children records, statistical

sampling techniques, and similar records or measures, with appropriate safeguards to protect the confidentiality of the information obtained.

"(7) INCENTIVE GRANTS.—From funds available under section 202(c)(1)(B), and under section 262(c)(1)(B), for providing incentive grants under this paragraph, each Governor shall award incentive grants for programs under parts A and C of title II, other than programs under section 204(d), to service delivery areas that—

"(A) exceed the performance standards established by the Secretary under this subsection (except for the standards established under paragraph (8)) with respect to services to all participants;

"(B) exceed the performance standards established by the Secretary under this subsection (except for the standards established under paragraph (8)) with respect to services to populations of hard-to-serve individuals;

"(C) serve more than the minimum percentage of out-of-school youth required by section 263(f);

"(D) place participants in employment that—

"(i) provides post-program earnings exceeding the applicable performance criteria; and

"(ii) includes employer-assisted employment benefits, including health benefits, consistent with the requirements of section 143(a)(4) relating to subsidized employment; and

"(E) exceed the performance standards established by the Governor under subsection (e) for programs under title II, except that not more than 25 percent of the incentive grants shall be awarded on performance standards established under subsection (e).

"(8) PROGRAM EXPENDITURES.—The Secretary shall prescribe performance standards relating gross program expenditures to various performance measures under this subsection, excluding any cost per participant measure. The Governors shall not take performance standards prescribed under this paragraph into consideration in awarding incentive grants under paragraph (7).

"(c) TITLE III PERFORMANCE STANDARDS.—

"(1) IN GENERAL.—The Secretary shall prescribe performance standards for programs under title III based on placement and retention in unsubsidized employment.

"(2) NEEDS-RELATED PAYMENTS.—In prescribing performance standards under paragraph (1), the Secretary shall make appropriate allowance for the difference in cost resulting from serving workers receiving needs-related payments under section 314(e).

"(d) STATE VARIATION OF PERFORMANCE STANDARDS.—

"(1) AUTHORITY OF GOVERNOR.—Each Governor shall prescribe, and report in the Governor's coordination and special services plan, within parameters established by the Secretary, variations in the standards issued under subsections (b) and (c) based upon—

"(A) specific economic, geographic, and demographic factors in the State and in service delivery areas and substate areas within the State;

"(B) the characteristics of the population to be served;

"(C) the demonstrated difficulties in serving the population; and

"(D) the type of services to be provided.

"(2) RESPONSIBILITIES OF SECRETARY.—The Secretary shall—

"(A) provide information and technical assistance on performance standards adjustments;

"(B) collect data that identifies hard-to-serve individuals;

"(C) provide guidance on setting performance standards at the service provider level that encourages increased service to such individuals; and

"(D) review performance standards to ensure that such standards provide maximum incentive in serving such individuals.

"(e) ADDITIONAL STATE STANDARDS PERMITTED.—The Governor may prescribe performance standards for programs under title II and title III in addition to those standards established by the Secretary under subsections (b) and (c). Such additional standards may include criteria relating to establishment of effective linkages with other programs to avoid duplication and enhance the delivery of services, the provision of high quality services, and successful service to hard-to-serve individuals. The additional performance standards established for title II shall be reported in the Governor's coordination and special services plan.

"(f) TITLE IV STANDARDS.—The Secretary shall prescribe performance standards for programs under parts A and B of title IV.

"(g) ADJUSTMENT FOR SPECIAL POPULATIONS.—The Secretary shall prescribe a system for variations in performance standards for special populations to be served, including Native Americans, migrant and seasonal farmworkers, disabled and Vietnam era veterans, including veterans who served in the Indochina Theater between August 5, 1964 and May 7, 1975, older individuals, including those served under section 204(d), and offenders, taking into account their special circumstances.

"(h) MODIFICATIONS.—

"(1) IN GENERAL.—The Secretary may modify the performance standards under this section not more often than once every 2 program years. Such modifications shall not be retroactive.

"(2) JOB CORPS.—Notwithstanding paragraph (1), the Secretary may modify standards relating to programs under part B of title IV each program year.

"(i) FUNCTIONS OF NCEP.—The National Commission for Employment Policy shall—

"(1) advise the Secretary in the development of performance standards under this section for measuring results of participation in job training and in the development of parameters for variations of such standards referred to in subsection (d);

"(2) evaluate the usefulness of such standards as measures of desired performance; and

"(3) evaluate the impact of such standards (intended or otherwise) on the choice of who is served, what services are provided, and the cost of such services in service delivery areas.

"(j) FAILURE TO MEET STANDARDS.—

"(1) UNIFORM CRITERIA.—The Secretary shall establish uniform criteria for determining whether—

"(A) a service delivery area fails to meet performance standards under this section; and

"(B) the circumstances under which remedial action authorized under this subsection shall be taken.

"(2) TECHNICAL ASSISTANCE.—Each Governor shall provide technical assistance to service delivery areas failing to meet performance standards under the uniform criteria established under paragraph (1)(A).

"(3) PROCESS FOR CORRECTION.—Not later than 90 days after the end of each program year, each Governor shall report to the Secretary the final performance standards and performance for each service delivery area within the State, along with the plans of the Governor for providing the technical assistance required under paragraph (2).

"(4) REORGANIZATION PLAN.—

"(A) PLAN REQUIRED FOR CONTINUED FAILURE.—If a service delivery area continues to fail to meet such performance standards for 2 consecutive program years, the Governor shall notify the Secretary and the service delivery area of the continued failure, and shall develop and impose a reorganization plan.

"(B) ELEMENTS.—Such plan may restructure the private industry council, prohibit the use of designated service providers, merge the service delivery area into one or more other existing service delivery areas, or make other changes as the Governor determines to be necessary to improve performance, including the selection of an alternative administrative entity to administer the program for the service delivery area.

"(C) ALTERNATIVE ADMINISTRATIVE ENTITY SELECTION.—The alternative administrative entity described in subparagraph (B) may be a newly formed private industry council or any agency jointly selected by the Governor and the chief elected official of the largest unit of general local government in the service delivery area or substate area.

"(5) SECRETARIAL ACTION.—

"(A) PLAN.—If the Governor has not imposed a reorganization plan as required by paragraph (4) within 90 days of the end of the second program year in which a service delivery area has failed to meet its performance standards, the Secretary shall develop and impose such a plan.

"(B) RECAPTURE OR WITHHOLDING.—The Secretary shall recapture or withhold an amount not to exceed one-fifth of the State administration set-aside allocated under section 202(c)(1)(A) and under section 262(c)(1)(A), for the purposes of providing technical assistance under a reorganization plan imposed pursuant to subparagraph (A).

"(6) APPEAL BY SERVICE DELIVERY AREA.—

"(A) TIMING.—A service delivery area that is the subject of a reorganization plan under paragraph (4) may, within 30 days after receiving notice thereof, appeal to the Secretary to rescind or revise such plan.

"(B) RECAPTURE OR WITHHOLDING.—

"(i) DETERMINATION.—If the Secretary determines, upon appeal under subparagraph (A), that the Governor has not provided appropriate technical assistance as required under paragraph (2), the Secretary shall recapture or withhold an amount not to exceed one-fifth of the State administration set-aside allotted under section 202(c)(1)(A) and under section 262(c)(1)(A). The Secretary shall use funds recaptured or withheld under this subparagraph to provide appropriate technical assistance.

"(ii) BASIS.—If the Secretary approved the technical assistance plan provided by the Governor under paragraph (2), a determination under this subparagraph shall only be based on failure to effectively implement such plan and shall not be based on the plan itself.

"(7) APPEAL BY GOVERNOR.—A Governor of a State that is subject to recapture or withholding under paragraph (5) or (6)(B) may, within 30 days of receiving notice thereof, appeal such withholding to the Secretary.

"(k) CLARIFICATION OR REFERENCE.—For the purposes of this section, the term 'employment' means employment for 20 or more hours per week.".

(b) CONFORMING AMENDMENT.—Sections 311(a), 311(b)(8), and 322(a)(4) (29 U.S.C. 1661(a), 1661(b)(8), and 1662a(a)(4)) are each amended by striking "106(g)" and inserting "106(c)".

SEC. 116. SELECTION OF SERVICE PROVIDERS.

(a) SELECTION GUIDELINES.—Section 107(a) of the Act (29 U.S.C. 1517(a)) is amended—

(1) by inserting ", (in accordance with guidelines established by the Secretary)" in the first sentence after "demonstrated performance"; and

(2) by adding after the 1st sentence the following: "In addition, consideration shall be given to demonstrated performance in making available appropriate supportive services, including child care.".

(b) ADDITIONAL REQUIREMENTS FOR SELECTION.—Section 107 of the Act (29 U.S.C. 1517) is amended by adding at the end the following new subsection:

"(e) The selection of service providers shall be made on a competitive basis to the extent practicable, and shall include—

"(1) a determination of the ability of the service provider to meet program design specifications established by the administrative entity that take into account the purposes of the Act and the goals established in the Governor's coordination and special services plan; and

"(2) documentation of compliance with procurement standards established by the Governor under section 164, including the reasons for selection.".

SEC. 117. LIMITATION ON CERTAIN COSTS.

(a) APPLICATION OF COST LIMITATIONS.—Section 108(a) of the Act (29 U.S.C. 1518(a)) is amended to read as follows:

"(a) Except as provided in subparagraph (A) or (B) of section 141(d)(3), funds expended under this Act shall be charged to the appropriate cost categories.".

(b) COST CATEGORIES AND LIMITATIONS.—Section 108(b) of the Act (29 U.S.C. 1518(b)) is amended to read as follows:

"(b)(1) The cost limitations contained in this subsection shall apply separately to the funds allocated for programs under part A of title II, and to the funds allocated for programs under part C of such title.

"(2) Funds expended under parts A and C of title II shall be charged to one of the following categories:

"(A) Administration.

"(B) Training-related and supportive services.

"(C) Direct training services.

"(3) The Secretary shall, consistent with sections 204(b) and 264(c), define by regulation the cost categories specified in paragraph (2).

"(4) Of the funds allocated to a service delivery area for any program year under parts A or C of title II—

"(A) not more than 20 percent shall be expended for administration; and

"(B) not less than 50 percent shall be expended for direct training services.

"(5) Each service delivery area shall ensure that for all services provided to participants through contracts, grants, or other agreements with a service provider, such contract, grant, or agreement shall include appropriate amounts necessary for administration and supportive services.

"(6) For purposes of paragraph (4), the term 'allocated' means allocated for a program year, as adjusted for reallocations and reallotments under section 109 and for transfers of funds under sections 206, 256, and 266.".

(c) REFERENCE TO LIMITATIONS.—Section 108(c) of the Act (29 U.S.C. 1518(c)) is amended to read as follows:

"(c) Funds available under title III shall be expended in accordance with the limitations specified in section 315.".

SEC. 118. RECAPTURE AND REALLOTMENT OF UNOBLIGATED FUNDS UNDER TITLE II.

Part A of title I of the Act (29 U.S.C. 1511 et seq.) is amended by adding at the end the following new section:

"RECAPTURE AND REALLOTMENT OF UNOBLIGATED FUNDS

"SEC. 109. (a) WITHIN STATE REALLOCATIONS.—

"(1) IN GENERAL.—For program years beginning on or after July 1, 1993, the Governor shall, in accordance with the requirements of this subsection, reallocate to eligible service delivery areas within the State funds appropriated for such program year that are available for reallocation.

"(2) AMOUNT.—The amount available for reallocation is equal to the amount by which the unobligated balance of the service delivery area allocation under part A or C of title II for all service delivery areas within the State at the end of the program year prior to the program year for which the determination under this subsection is made exceeds 15 percent of such allocation for the prior program year.

"(3) REALLOCATION.—The Governor shall reallocate the amounts available pursuant to paragraph (2) to eligible service delivery areas within the State that have the highest rates of unemployment for an extended period of time and to those with the highest poverty rates.

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible service delivery area means a service delivery area that has obligated at least 85 percent of its allocation under part A or C of title II, respectively, for the program year prior to the program year for which the determination under this subsection is made.

"(b) REALLOTMENT AMONG STATES.—

"(1) IN GENERAL.—For program years beginning on or after July 1, 1993, the Secretary shall, in accordance with the requirements of this subsection, reallot to eligible States funds appropriated for such program year that are available for reallotment.

"(2) AMOUNT.—The amount available for reallotment is equal to the amount by which the unobligated balance of the State allotment under part A or C of title II, respectively, for all States at the end of the program year prior to the program year for which the determination under this subsection is made exceeds 15 percent of such allotment for that prior program year.

"(3) REALLOTMENT.—The Secretary shall reallot the amounts available pursuant to paragraph (2) to each eligible State an amount based on the relative amount allotted to such eligible State under part A or C of title II, respectively, for the program year the determination under this subsection is made compared to the total amount allotted to all eligible States under part A or C of title II, respectively, for such program year.

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State that has obligated at least 85 percent of its allocation under part A or C of title II, respectively, for the program year prior to the program year for which the determination under this subsection is made.

"(5) PROCEDURES.—The Governor of each State shall prescribe uniform procedures for the obligation of funds by service delivery areas within the State in order to avoid the requirement that funds be made available for reallotment under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and service delivery areas in the event that a State is required to make funds available for reallotment under this subsection.

"(d) CALCULATION.—Funds obligated to carry out programs under section 204(d) shall not be counted in determining the amount available for reallocation under subsection (a)(2) or the amount available for reallotment under subsection (b)(2).".

Subtitle C—Additional State Responsibilities

SEC. 121. GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN.

(a) REQUIREMENTS FOR PLAN.—Section 121(b) of the Act (29 U.S.C. 1531(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) The plan shall describe the measures taken by the State to ensure coordination and avoid duplication between the State agencies administering the JOBS program and programs under title II in the planning and delivery of services. The plan shall describe the procedures developed by the State to ensure that the State JOBS plan is consistent with the coordination criteria specified in this plan and identify the procedures developed to provide for the review of the JOBS plan by the State Job Training Coordinating Council.";

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(3) by inserting the following new paragraph after paragraph (2):

"(3) The plan shall describe the projected use of resources, including oversight of program performance, program administration, and program financial management, capacity building, priorities and criteria for State incentive grants, and performance goals for State-supported programs. The description of capacity building shall include the Governor's plans for technical assistance to service delivery areas and service providers, interstate technical assistance and training arrangements, other coordinated technical assistance arrangements undertaken pursuant to the direction of the Secretary, and, where applicable, research and demonstration projects.

(b) CONFORMING AMENDMENTS.—Section 121(c) of the Act (29 U.S.C. 1531(c)) is amended—

(1) in paragraph (7), by inserting after the paragraph designation the following: "coordination of activities relating to part A of title II with";

(2) by striking "and" at the end of paragraph (10);

(3) by striking the period at the end of paragraph (11) and inserting "; and"; and

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

"(12) making available to service delivery areas appropriate information and technical assistance to assist in developing and implementing joint programs, including youth corps programs, in which activities supported under this Act are coordinated with activities supported under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).".

SEC. 122. STATE EDUCATION COORDINATION AND GRANTS.

Section 123 of the Act (29 U.S.C. 1533) is amended to read as follows:

"STATE EDUCATION COORDINATION AND GRANTS

"SEC. 123. (a) ALLOTMENT.—

"(1) IN GENERAL.—The Secretary shall allot to the Governor for allocation to any State education agency the sums made available to carry out this section under sections 202(c)(1)(C) and 262(c)(1)(C) to pay for the Federal share of carrying out the projects described in paragraph (2). In allocating such funds to the State education agency, the Governor shall not establish requirements governing the geographic distribution of funds under this section.

"(2) PROJECTS.—Funds allocated under paragraph (1) may be used to pay for the Federal share of carrying out projects (in accordance with agreements under subsection (b)) that—

"(A) provide school-to-work transition services of demonstrated effectiveness that increase the rate of graduation from high school, or completion of the recognized equivalent thereof, including services that increase the rate at which school dropouts return to regular or alternative schooling and obtain a high school degree or its equivalent, and, which may include, services to support multiyear dropout prevention programs of demonstrated effectiveness;

"(B) provide literacy and lifelong learning opportunities and services of demonstrated effectiveness that—

"(i) enhance the knowledge and skills of educationally and economically disadvantaged individuals; and

"(ii) result in increasing the employment and earnings of such individuals;

"(C) provide statewide coordinated approaches, including model programs, to train, place, and retain women in nontraditional employment; and

"(D)(i) facilitate coordination of education and training services for eligible participants in projects described in subparagraphs (A), (B), and (C); or

"(ii)(I) support activities pertaining to a State human resources investment council that meets

the requirements of title VII and includes each of the programs described in clauses (i) through (vii) of section 701(b)(2)(A); or

"(II) support activities pertaining to a State council, which carries out functions similar to the functions of the State human resource investment council described in title VII, if such State council was established prior to July 1, 1992.

"(3) FEDERAL SHARE.—The Federal share of the cost of carrying out the projects described in paragraph (2) shall be 50 percent.

"(b) AGREEMENTS REQUIRED.—

"(1) PARTIES TO AGREEMENTS.—The projects described in subsection (a)(2) shall be conducted within a State in accordance with agreements that—

"(A) reflect the goals and services described in paragraphs (1), (2), and (3) of subsection (c); and

"(B) are developed between the State education agency, administrative entities in service delivery areas in the State, and other entities, such as other State agencies, local educational agencies, and alternative service providers (such as community-based and other nonprofit or for-profit organizations).

"(2) CONTENTS OF AGREEMENTS.—

"(A) CONTRIBUTION.—The agreements described in paragraph (1) shall provide for the contribution by the State, from funds other than the funds made available under this Act, of a total amount equal to the funds allotted under this section.

"(B) DIRECT COST OF SERVICES.—Such amount may include the direct cost of employment or training services—

"(i) provided by State or local programs or agencies; or

"(ii) provided by other Federal programs or agencies in accordance with applicable Federal law.

"(c) GOVERNOR'S PLAN REQUIREMENTS.—The State education agency shall submit for inclusion in the Governor's coordination and special services plan a description developed jointly by the State education agency and the Governor of—

"(1) the goals to be achieved and services to be provided by the school-to-work transition programs specified in subsection (a)(2)(A) that will receive the assistance, which description shall, at a minimum, include information regarding—

"(A) the activities and services that will result in increasing the number of youth staying in or returning to school and graduating from high school or the equivalent;

"(B) the work-based curriculum that will link classroom learning to work site experience and address the practical and theoretical aspects of work;

"(C) the opportunities that will be made available to participants to obtain career-path employment and postsecondary education;

"(D) the integration to be achieved, in appropriate circumstances, in the delivery of services between State and local educational agencies and alternative service providers, such as community-based and nonprofit organizations; and

"(E) the linkages that will be established, where feasible, to avoid duplication and enhance the delivery of services, with programs under—

"(i) title II and part B of title IV;

"(ii) the Elementary and Secondary Education Act (20 U.S.C. 2701 et seq.);

"(iii) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

"(iv) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(v) the Adult Education Act (20 U.S.C. 1201 et seq.);

"(vi) the JOBS program;

"(vii) the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77; 101 Stat. 482); and

"(viii) the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.);

"(2) the goals to be achieved and services to be provided by literacy and lifelong learning programs specified in subsection (a)(2)(B) that will receive the assistance, which description shall, at a minimum, include information regarding—

"(A) the activities and services that will increase the knowledge and skills of educationally and economically disadvantaged individuals, and result in increased employment and earnings for such individuals;

"(B) the integration to be achieved between projects assisted under this section and the 4-year State plan (and related needs assessment carried out for the plan) developed in accordance with section 342 of the Adult Education Act (20 U.S.C. 1206a);

"(C) the variety of settings, including workplace settings, in which literacy training and learning opportunities will be provided; and

"(D) the linkages that will be established, where feasible, to avoid duplication and enhance the delivery of services, with programs under—

"(i) titles II and III;

"(ii) the Adult Education Act;

"(iii) the Carl D. Perkins Vocational and Applied Technology Education Act;

"(iv) the Stewart B. McKinney Homeless Assistance Act;

"(v) the JOBS program;

"(vi) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(vii) the National Literacy Act of 1991 (Public Law 102-73);

"(viii) the Emergency Immigrant Education Act of 1984 (20 U.S.C. 3121 et seq.); and

"(ix) the National and Community Service Act of 1990;

"(3) the goals to be achieved and services to be provided by the nontraditional employment for women programs specified in subsection (a)(2)(C) that will receive the assistance; and

"(4) the proportion of funds received under this section that will be used to achieve the goals, and provide the services, described in paragraphs (1), (2), and (3).

"(d) SERVICE REQUIREMENTS.—

"(1) PERMITTED SERVICES.—Services funded under this section to carry out the projects described in subsection (a)(2) may include education and training, vocational education services, and related services, provided to participants under title II. In addition, services funded under this section may include services for offenders, veterans, and other individuals who the Governor determines require special assistance.

"(2) LIMITATIONS ON EXPENDITURES.—

"(A) COORDINATION OF SERVICES.—Not more than 20 percent of the funds allocated under this section may be expended to pay for the Federal share of projects described in subsection (a)(2)(D) at the State and local levels.

"(B) SCHOOL-TO-WORK SERVICES; LITERACY AND LIFELONG LEARNING SERVICES.—Not less than 80 percent of the funds allocated under this section shall be expended to pay for the Federal share of projects conducted in accordance with subparagraphs (A), (B), and (C) of subsection (a)(2).

"(C) ECONOMICALLY DISADVANTAGED INDIVIDUALS.—Not less than 75 percent of the funds allocated for projects under subparagraphs (A), (B), and (C) of subsection (a)(2) shall be expended for projects for economically disadvantaged individuals who experience barriers to employment. Priority for funds not expended for the economically disadvantaged shall be given to title III participants and persons with barriers to employment.

"(e) DISTRIBUTION OF FUNDS IN ABSENCE OF AGREEMENT.—If no agreement is reached in accordance with subsection (b) on the use of funds under this section, the funds shall be available to the Governor to achieve the goals and provide the services described in paragraph (1), (2), or (3) of subsection (c).

"(f) REPORTS AND RECORDS.—

"(1) REPORTS BY GOVERNORS.—The Governor shall prepare reports on the projects funded under this section, including such information as the Secretary may require to determine the extent to which the projects supported under this section result in achieving the goals specified in paragraphs (1), (2), and (3) of subsection (c). The Governor shall submit the reports to the Secretary at such intervals as shall be determined by the Secretary.

"(2) RECORDS AND REPORTS OF RECIPIENTS.—Each direct or indirect recipient of funds under this section shall keep records that are sufficient to permit the preparation of reports. Each recipient shall submit such reports to the Secretary, at such intervals as shall be determined by the Secretary.".

SEC. 123. IDENTIFICATION OF ADDITIONAL IMPOSED REQUIREMENTS.

Section 124 of the Act (29 U.S.C. 1534) is amended to read as follows:

"IDENTIFICATION OF ADDITIONAL IMPOSED REQUIREMENTS

"SEC. 124. If a State or service delivery area imposes a requirement, including a rule, regulation, policy, or performance standard, relating to the administration and operation of programs funded by this Act (including requirements based on State or service delivery area interpretation of any Federal law, regulation, or guideline) the State or area shall identify the requirement as a State- or service delivery area-imposed requirement.".

SEC. 124. STATE LABOR MARKET INFORMATION PROGRAMS.

Section 125(a) of the Act is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

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

"(6) provide training and technical assistance to support comprehensive career guidance and participant activities for local programs assisted under this Act.".

Subtitle D—Program Requirements for Service Delivery System

SEC. 131. GENERAL PROGRAM REQUIREMENTS.

(a) RELOCATION.—Section 141(c) of the Act (29 U.S.C. 1551(c)) is amended to read as follows:

"(c)(1) No funds provided under this Act shall be used or proposed for use to encourage or induce the relocation, of an establishment or part thereof, that results in a loss of employment for any employee of such establishment at the original location.

"(2) No funds provided under this Act shall be used for customized or skill training, on-the-job training, or company specific assessments of job applicants or employees, for any establishment or part thereof, that has relocated, until 120 days after the date on which such establishment commences operations at the new location, if the relocation of such establishment or part thereof, results in a loss of employment for any employee of such establishment at the original location.

"(3) If a violation of paragraph (1) or (2) is alleged, the Secretary shall conduct an investigation to determine whether a violation has occurred.

"(4) If the Secretary determines that a violation of paragraph (1) or (2) has occurred, the Secretary shall require the State, service delivery area, or substate grantee that has violated paragraph (1) or (2) to—

"(A) repay to the United States an amount equal to the amount expended in violation of paragraph (1) or (2), in accordance with subsections (d) or (e) of section 164; and

"(B) pay an additional amount equal to the amount required to be repaid under subparagraph (A), unless the State, service delivery area, or substate grantee demonstrates to the Secretary that it neither knew nor reasonably could have known (after an inquiry undertaken with due diligence) that it provided funds in violation of paragraph (1) or (2).

"(5) Amounts received under paragraph (4)(B) shall be deposited in a special account in the Treasury for use by the Secretary for carrying out title III.".

(b) CHARGING OF COSTS.—Section 141(d)(3) of the Act (29 U.S.C. 1551(d)(3)) is amended—

(1) by inserting "(A)" after the paragraph (3) designation; and

(2) by inserting the following new subparagraphs:

"(B) Tuition charges for training or education provided by an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) or a proprietary institution of higher education (as defined in section 481(b) of such Act (20 U.S.C. 1088(b))), that are not more than the charges for such training or education made available to the general public, do not require a breakdown of cost components.

"(C) With respect to funds provided from the allocation to a service delivery area for any program year that are expended by any community-based organization or non-profit organization for the cost of administration under part A or C of title II, the service delivery area shall not be subject to the limitation contained in section 108(b)(4)(A) if—

"(i) such funds are expended pursuant to an agreement under which not less than 90 percent of the funds provided to the community-based organization or nonprofit organization are to be expended for the costs of direct training and training-related and supportive services;

"(ii) the expenditures of such funds are charged by the service delivery area to the appropriate cost category;

"(iii) the expenditure of such funds does not result in the service delivery area exceeding the limitation contained in section 108(b)(4)(A) by more than 25 percent of such limitation; and

"(iv) the service delivery area is in compliance with the limitation contained in section 108(b)(4)(B) for such program year, except that such limitation shall be reduced by a percentage equal to one-half of the percentage by which the expenditures of the service delivery area under this subparagraph exceed the limitation under section 108(b)(4)(A).".

(c) PLACEMENT.—Section 141(d) of the Act (29 U.S.C. 1551(d)) is amended by adding at the end the following new paragraph:

"(4) Placements made in unsubsidized employment shall be, to the extent practicable, in occupational areas related to the training provided to the participant.".

(d) SERVICE DELIVERY AREA AGREEMENTS.—Section 141(e) of the Act (29 U.S.C. 1551(e)) is amended—

(1) by inserting "(1)" after "(e)"; and

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

"(2) Any service delivery area may enter into an agreement or contract with another service delivery area (including a service delivery area that is a city or county within the same labor market) to pay or share the cost of educating, training, or placing individuals participating in programs assisted under this Act, including the provision of supportive services. Such agreement or contract shall be approved by each private industry council providing guidance to the service delivery area and shall be described in the job training plan under section 104.".

(e) ON-THE-JOB TRAINING.—Section 141(g) of the Act (29 U.S.C. 1551(g)) is amended—

(1) by inserting "(1)" after "(g)"; and

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

"(2) On-the-job training authorized under the Act for a participant shall be limited in duration to a period not in excess of that generally required for acquisition of skills needed for the position within a particular occupation, but in no event shall exceed 6 months, unless the total number of hours of such training is less than 500 hours. In determining the period generally required for acquisition of the skills, consideration shall be given to recognized reference material (such as the Dictionary of Occupational Titles), the content of the training of the participant, the prior work experience of the participant, and the service strategy of the participant.

"(3)(A) Each on-the-job training contract shall—

"(i) specify the types and duration of on-the-job training and the other services to be provided in sufficient detail to allow for a fair analysis of the reasonableness of proposed costs; and

"(ii) comply with the applicable requirements of section 164.

"(B) Each on-the-job training contract that is not directly contracted by a service delivery area with an employer (but instead is contracted through an intermediary brokering contractor) shall, in addition to meeting the requirements of subparagraph (A), specify the outreach, recruitment, participant training, counseling, placement, monitoring, followup, and other services to be provided directly by the brokering contractor within its own organization, the services to be provided by the employers conducting the on-the-job training, and the services to be provided, with or without cost, by other agencies and subcontractors.

"(C) If a brokering contractor enters into a contract with a subcontractor to provide training or other services, the brokering contractor shall ensure, through on-site monitoring, compliance with subcontract terms prior to making payment to the subcontractor.

"(4) In accordance with regulations issued by the Secretary, on-the-job training contracts under this Act shall not be entered into with employers who have received payments under previous contracts and have exhibited a pattern of failing to provide on-the-job training participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.".

(f) TRAINING SERVICES REQUIREMENT FOR SUBSIDIZED EMPLOYMENT.—Section 141(k) of the Act (29 U.S.C. 1551(k)) is amended by striking "section 205(d)(3)(B)" and inserting "subparagraphs (F) and (H) of section 264(c)(1)".

(g) PROGRAM INCOME.—Section 141(m) of the Act (29 U.S.C. 1551(m)) is amended to read as follows:

"(m)(1) Income under any program administered by a public or private nonprofit entity may be retained by such entity only if used to continue to carry out the program.

"(2) Income subject to the requirements of paragraph (1) shall include—

"(A) receipts from goods or services (including conferences) provided as a result of activities funded under the Act;

"(B) funds provided to a service provider under the Act that are in excess of the costs associated with the services provided; and

"(C) interest income earned on funds received under this Act.

"(3) For the purposes of this subsection, each entity receiving financial assistance under this Act shall maintain records sufficient to determine the amount of income received and the purposes for which such income is expended.".

(h) CROSS REFERENCE.—Section 141(p) of the Act (29 U.S.C. 1551(p)) is amended by striking "part A of title II" and inserting "part A or C of title II".

(i) ADDITIONAL REQUIREMENTS.—Section 141 of the Act is further amended by adding at the end the following new subsections:

"(q) No funds available under this Act shall be used for employment generating activities, economic development activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, and similar activities. No funds under title II or III of this Act shall be used for foreign travel.

"(r) The Federal requirements governing the title, use, and disposition of real property, equipment, and supplies purchased with funds provided under this Act shall be the Federal requirements generally applicable to Federal grants to States and local governments.".

SEC. 132. BENEFITS.

Section 142 of the Act (29 U.S.C. 1552) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(4) References in paragraphs (2) and (3) to section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1))—

"(A) shall be deemed to be references to section 6(c) of that Act for individuals in the Commonwealth of Puerto Rico;

"(B) shall be deemed to be references to 6(a)(3) of that Act for individuals in American Samoa; and

"(C) shall not be applicable for individuals in other territorial jurisdictions in which section 6 of the Fair Labor Standards Act of 1938 does not apply."; and

(2) in subsection (b), by striking "other than programs" and inserting "other than as provided".

SEC. 133. LABOR STANDARDS.

Section 143(b)(2) of the Act (29 U.S.C. 1553(b)(2)) is amended to read as follows:

"(2) No program under this Act shall impair—

"(A) existing contracts for services; or

"(B) existing collective bargaining agreements, unless the employer and the labor organization concur in writing with respect to any elements of the proposed activities which affect such agreement, or either such party fails to respond to written notification requesting its concurrence within 30 days of receipt thereof.".

SEC. 134. GRIEVANCE PROCEDURE.

(a) IN GENERAL.—Section 144 of the Act (29 U.S.C. 1554) is amended by adding at the end the following new subsections:

"(d)(1) If a person alleges a violation of section 143 and such person exhausts the recipient's grievance procedure or the 60-day time period described in subsection (a) has elapsed without a decision, either party to such procedure may submit the grievance to the Secretary. The Secretary shall investigate the allegations contained in the grievance and make a determination as to whether a violation of section 143 has occurred.

"(2) If the results of the investigation conducted pursuant to paragraph (1) indicate that a modification or reversal of the decision issued pursuant to the recipient's grievance procedure is warranted, or the 60-day time period described in subsection (a) has elapsed without a decision, the Secretary may modify or reverse the decision, or issue a decision if no decision has been issued, as the case may be, after an opportunity for a hearing in accordance with the procedures under section 166.

"(3) If the Secretary determines that the decision issued pursuant to the recipient's grievance procedure is appropriate, the determination shall become the final decision of the Secretary.

"(e)(1) A person alleging a violation of section 143 may, as an alternative to the procedures described in this section, submit the grievance involving such violation to a binding grievance procedure if a collective bargaining agreement covering the parties to the grievance so provides.

"(2) The remedies available under paragraph (1) shall be limited to the remedies available under subsection (f)(1)(C) and subsection (f)(2).

"(f)(1) Except as provided in paragraph (2), remedies available to grievants under this section for violations of section 143 shall be limited to—

"(A) suspension or termination of payments under this Act;

"(B) prohibition of placement of a participant, for an appropriate period of time, in a program under this Act with an employer that has violated section 143, as determined under subsection (d) or (e); and

"(C) appropriate equitable relief (other than back pay).

"(2) In addition to the remedies available under paragraph (1), remedies available under this section for violations of subsection (a)(4), paragraphs (1) and (3) of subsection (b), and subsection (d) of section 143 may include—

"(A) reinstatement of the grievant to the position held by such grievant prior to displacement;

"(B) payment of lost wages and benefits; and

"(C) reestablishment of other relevant terms, conditions, and privileges of employment.

"(g) Nothing in subsection (f) shall be construed to prohibit a grievant from pursuing a remedy authorized under another Federal, State, or local law for a violation of section 143.".

(b) CONFORMING AMENDMENT.—Section 166(a) of the Act (29 U.S.C. 1576(a)) is amended in the 3rd sentence by inserting "section 141(c), subsections (d) and (e) of section 144, or" after "Except to the extent provided for in".

Subtitle E—Federal and Fiscal Administrative Provisions

SEC. 141. PROMPT ALLOCATION OF FUNDS.

Section 162 of the Act (29 U.S.C. 1572) is amended by adding at the end the following new subsection:

"(f) When contracting with nonprofit organizations of demonstrated effectiveness, the Secretary, States, substate areas, and service delivery areas may make advance payments, provided that such payments are based on the financial need of such organization and are not in excess of 20 percent of the total contract amount.".

SEC. 142. FISCAL CONTROLS; SANCTIONS.

(a) FISCAL CONTROLS.—Section 164(a) of the Act (29 U.S.C. 1579(a)) is amended to read as follows:

"(a)(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds paid to the recipient under titles II and III. Such procedures shall ensure that all financial transactions are conducted and records maintained in accordance with generally accepted accounting principles applicable in each State.

"(2) The Secretary shall prescribe regulations establishing uniform cost principles substantially equivalent to such principles generally applicable to recipients of Federal grants funds. At a minimum, such standards shall provide that, to be allowable, costs must—

"(A) be necessary and reasonable for proper and efficient administration of the program under this Act;

"(B) be allocable to the program under this Act; and

"(C) not be a general expense required to carry out the overall responsibilities of State, local, or federally recognized Indian tribal governments except as specifically provided by this Act.

"(3) The Governor, in accordance with minimum requirements established by the Secretary in regulations, shall prescribe and implement procurement standards to ensure fiscal accountability and prevent fraud and abuse in programs administered under this Act. The Secretary, in establishing such minimum requirements, shall consult with the Inspector General of the Department of Labor and take into consideration relevant aspects of the circulars issued by the Director of the Office of Management and Budget. Such minimum requirements shall include provisions to ensure that for States, substate areas, and service delivery areas—

"(A) procurements shall be conducted in a manner providing full and open competition;

"(B) the use of sole source procurements shall be minimized to the extent practicable, but in every case shall be justified;

"(C) procurements shall include an appropriate analysis of the reasonableness of costs and prices;

"(D) procurements shall not provide excess program income (for nonprofit and governmental entities) or excess profit (for private for-profit entities), and that appropriate factors shall be utilized in determining whether such income or profit is excessive, such as—

"(i) the complexity of the work to be performed;

"(ii) the risk borne by the contractor; and

"(iii) market conditions in the surrounding geographical area;

"(E) procurements shall clearly specify deliverables and the basis for payment;

"(F) written procedures shall be established for procurement transactions;

"(G) no grantee, contractor, subgrantee, or subcontractor shall engage in any conflict of interest, actual or apparent, in the selection, award, or administration of a contract or grant under this Act;

"(H) all grantees and subgrantees shall conduct oversight to ensure compliance with procurement standards; and

"(I) procurement transactions between units of State or local governments, and any other entities organized principally as the administrative entity for service delivery areas, shall be conducted on a cost reimbursable basis.

"(4) The Governor shall annually conduct on-site monitoring of each service delivery area and substate area within the State to ensure compliance with the procurement standards established pursuant to paragraph (3).

"(5) If the Governor determines that a service delivery area or substate area is not in compliance with the procurement standards established pursuant to paragraph (3), the Governor shall—

"(A) require corrective action to secure prompt compliance; and

"(B) impose the sanctions provided under subsection (b) in the event of failure to take the required corrective action.

"(6) The Governor shall biennially certify to the Secretary that—

"(A) the State has implemented the procurement standards established under paragraph (3);

"(B) the State has monitored substate areas and service delivery areas to ensure compliance with the procurement standards as required under paragraph (4); and

"(C) the State has taken appropriate action to secure compliance pursuant to paragraph (5).

"(7) If the Secretary determines that the Governor has not fulfilled the requirements of this subsection, the Secretary shall—

"(A) require corrective action to secure prompt compliance; and

"(B) impose the sanctions provided under subsection (f) in the event of failure of the Governor to take the required corrective action.

"(8) The Secretary, in consultation with the Inspector General, shall review the implementation of this subsection and submit a report to the appropriate committees of the Congress, not later than October 1, 1995, evaluating the effectiveness of this subsection in ensuring fiscal accountability and containing such recommendations as the Secretary determines to be appropriate.".

(b) CONSEQUENCES OF FAILURES.—Section 164(b) of the Act (29 U.S.C. 1574(b)) is amended to read as follows:

"(b)(1) If, as a result of financial and compliance audits or otherwise, the Governor determines that there is a substantial violation of a specific provision of this Act or the regulations under this Act, and corrective action has not been taken, the Governor shall—

"(A) issue a notice of intent to revoke approval of all or part of the plan affected; or

"(B) impose a reorganization plan, which may include—

"(i) restructuring the private industry council involved;

"(ii) prohibiting the use of designated service providers;

"(iii) selecting an alternative entity to administer the program for the service delivery area involved;

"(iv) merging the service delivery area into 1 or more other existing service delivery areas; or

"(v) other such changes as the Secretary or Governor determines necessary to secure compliance.

"(2)(A) The actions taken by the Governor pursuant to paragraph (1)(A) may be appealed to the Secretary under the same terms and conditions as the disapproval of the plan and shall not become effective until—

"(i) the time for appeal has expired; or

"(ii) the Secretary has issued a decision.

"(B) The actions taken by the Governor pursuant to paragraph (1)(B) may be appealed to the Secretary, who shall make a final decision not later than 60 days of the receipt of the appeal.

"(3) If the Governor fails to promptly take the actions required under paragraph (1), the Secretary shall take such actions.".

SEC. 143. REPORTS, RECORDKEEPING, AND INVESTIGATIONS.

(a) STANDARDIZED RECORDS.—Section 165(a) of the Act (29 U.S.C. 1575(a)) is amended by adding at the end the following new paragraphs:

"(3) In order to allow for the preparation of national estimates necessary to meet the requirements of subsection (c), recipients shall maintain standardized records for all individual participants and provide to the Secretary a sufficient number of such records to provide for an adequate analysis.

"(4)(A) Except as provided in subparagraph (B), records maintained by recipients pursuant to this subsection shall be made available to the public upon request.

"(B) Subparagraph (A) shall not apply to—

"(i) information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

"(ii) trade secrets, or commercial or financial information, obtained from a person and privileged or confidential.

"(C) Recipients may charge fees sufficient to recover costs applicable to the processing of requests for records under subparagraph (A).".

(b) AUDIT NOTICE.—Section 165(b) is amended by adding the following new paragraph:

"(3)(A) In carrying out any audit under this Act (other than any initial audit survey or any

audit investigating possible criminal or fraudulent conduct), either directly or through grant or contract, the Secretary, the Inspector General, or the Comptroller General shall furnish to the State, administrative entity, recipient, or other entity to be audited, advance notification of the overall objectives and purposes of the audit, and any extensive recordkeeping or data requirements to be met, not fewer than 14 days (or as soon as practicable), prior to the commencement of the audit.

"(B) If the scope, objectives, or purposes of the audit change substantially during the course of the audit, the entity being audited shall be notified of the change as soon as practicable.

"(C) The reports on the results of such audits shall cite the law, regulation, policy, or other criteria applicable to any finding.

"(D) Nothing contained in this Act shall be construed so as to be inconsistent with the Inspector General Act of 1978 (5 U.S.C. App.) or government auditing standards issued by the Comptroller General.".

(c) MONITORING OF SERVICE PROVIDERS.—Section 165(c) of the Act (29 U.S.C. 1575(c)) is amended to read as follows:

"(c) Each State, each administrative entity, and each recipient (other than a subrecipient, grantee or contractor of a recipient) receiving funds under this Act shall—

"(1) make readily accessible reports concerning its operations and expenditures as shall be prescribed by the Secretary;

"(2) prescribe and maintain comparable management information systems, in accordance with guidelines that shall be prescribed by the Secretary, designed to facilitate the uniform compilation, cross tabulation, and analysis of programmatic, participant, and financial data, on statewide and service delivery area bases, necessary for reporting, monitoring, and evaluating purposes, including data necessary to comply with section 167; and

"(3) monitor the performance of service providers in complying with the terms of grants, contracts, or other agreements made pursuant to this Act.".

(d) REPORT INFORMATION; RECORD RETENTION.—Section 165 of the Act is further amended by adding the following new subsections:

"(d)(1) The reports required in subsection (c) shall include information pertaining to—

"(A) the relevant demographic characteristics (including race, ethnicity, sex, and age) and other related information regarding participants;

"(B) the activities in which participants are enrolled, and the length of time that participants are engaged in such activities;

"(C) program outcomes, including occupations, for participants;

"(D) specified program costs; and

"(E) information necessary to prepare reports to comply with section 167.

"(2) The Secretary shall ensure that all elements of the information required for the reports described in paragraph (1) are defined and reported uniformly.

"(e) The Governor shall ensure that requirements are established for retention of all records pertinent to all grants awarded, and contracts and agreements entered into, under this Act, including financial, statistical, property and participant records and supporting documentation. For funds allotted to a State for any program year, records shall be retained for 2 years following the date on which the annual expenditure report containing the final expenditures charged to such program year's allotment is submitted to the Secretary. Records for nonexpendable property shall be retained for a period of 3 years after final disposition of the property.

"(f)(1) Each substate grantee and service delivery area shall submit quarterly financial reports to the Governor with respect to programs under this Act. Such reports shall include information identifying all program costs by cost category in accordance with generally accepted accounting principles and by year of the appropriation.

"(2) Each State shall submit a summary of the reports submitted pursuant to paragraph (1) to the Secretary on a quarterly basis.

"(g) Each State, substate grantee, and service delivery area shall maintain records with respect to programs under this Act that identify—

"(1) any program income or profits earned, including such income or profits earned by subrecipients; and

"(2) any costs incurred (such as stand-in costs) that are otherwise allowable except for funding limitations.

"(h)(1) The Secretary shall conduct a biennial study on the provision of supportive services under programs conducted pursuant to title II. Such study shall identify—

"(A) the amount and proportion of funds expended for supportive services under title II;

"(B) the types of supportive services provided;

"(C) the relative share of funds expended for each type of supportive service;

"(D) the characteristics of the participants receiving supportive services; and

"(E) such other factors as the Secretary determines to be appropriate.

"(2) The Secretary shall submit a report to the Congress containing the results of each study conducted pursuant to paragraph (1).".

SEC. 144. NONDISCRIMINATION.

Section 167 of the Act (29 U.S.C. 1577) is amended by adding at the end the following new subsections:

"(e)(1) The head of the office of the Department of Labor referred to as the 'Directorate for Civil Rights' shall annually prepare a report on the administration and enforcement of this section.

"(2) The report required by paragraph (1) shall include—

"(A) an identification of the service delivery areas and States that have been determined, during the preceding program year, not to be in compliance with this section;

"(B) for each such identification, the date on which the inquiry was begun and whether the inquiry was initiated on the basis of a complaint or at the initiative of the Department;

"(C) an identification of the service delivery areas and States awaiting findings by the Directorate;

"(D) the number of service delivery areas and States that, during the preceding year, were determined not to be in compliance with this section, and the number for which insufficient data prevented the making of such a determination, identifying the type of data which is missing or inadequate;

"(E) a statistical summary, broken down by race, sex, national origin, disability, or age, of the number of inquiries undertaken and their outcomes;

"(F) an identification of any service delivery area or State that has been determined, during the preceding year, to have failed to conduct objective assessments as required by sections 204 and 264 on a nondiscriminatory basis;

"(G) the amount expended by the Directorate for the administration and enforcement of this section, and the number and percentage of full-time employees, and the full-time equivalent of the part-time employees, engaged in such administration and enforcement;

"(H) the number of onsite visits conducted each year, and whether the visits were initiated by the Department or by complaint;

"(I) the number of cases referred to the Attorney General, and for such cases—

"(i) the civil actions taken by the Attorney General thereon; and

"(ii) the use, by the Secretary, of the authority of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (29 U.S.C. 621 et seq.), or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

"(J) a description of any other actions taken by the Secretary under or related to the administration and enforcement of this section.

"(3) The report required by this subsection shall be submitted to the Congress as part of the Secretary's annual report under section 169(d).

"(f) In addition to any other sums authorized to be appropriated under Federal law, there are authorized to be appropriated for the operations and expenses of the Directorate such sums as may be necessary for the purpose of increasing the number of full time equivalent personnel available to the Directorate in order to comply with the requirements of this section.

"(g) The Secretary shall issue final regulations implementing this section not later than 90 days after the date of the enactment of the Job Training Reform Amendments of 1992.".

SEC. 145. UTILIZATION OF SERVICES AND FACILITIES.

Section 170 of the Act (29 U.S.C. 1580) is amended by striking "and to the extent" and inserting "under the same conditions applicable under section 169(c) or to the extent".

TITLE II—TRAINING SERVICES FOR THE DISADVANTAGED

SEC. 201. ADULT TRAINING PROGRAM.

The Act (29 U.S.C. 1501 et seq.) is amended by striking title II and inserting the following:

"TITLE II—TRAINING SERVICES FOR THE DISADVANTAGED

"Part A—Adult Training Program

"SEC. 201. STATEMENT OF PURPOSE.

"It is the purpose of this part to establish programs to prepare adults for participation in the labor force by increasing their occupational and educational skills, resulting in improved long-term employability, increased employment and earnings, and reduced welfare dependency.".

SEC. 202. ADULT TRAINING PROGRAM ALLOTMENT AND ALLOCATION.

Title II of the Act (as amended by section 201) is further amended by adding at the end the following:

"SEC. 202. ALLOTMENT AND ALLOCATION.

"(a) ALLOTMENT.—

"(1) TERRITORIES.—Of the amount appropriated under section 3(a)(1) for each fiscal year and available to carry out this part, not more than one-quarter of 1 percent shall be allotted among Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

"(2) STATE RESERVATION.—After determining the amounts to be allotted under paragraph (1), the Secretary shall allot 77 percent of the remainder to the States for allocation to service delivery areas within each State. Each State shall allocate to each service delivery area within the State the amount determined by the Secretary for such service delivery area pursuant to the formula contained in subsection (b). The remaining 23 percent shall be allotted in accordance with subsection (c).

"(b) ALLOCATION TO SERVICE DELIVERY AREAS.—

"(1) FORMULA.—Subject to the provisions of paragraph (2), of the amounts allocated to service delivery areas for this part for each fiscal year—

"(A) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment within each service delivery area as

compared to the total number of such unemployed individuals in all such areas of substantial unemployment in all service delivery areas in all States;

"(B) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals within each service delivery area as compared to the total excess number of unemployed individuals in all service delivery areas in all States; and

"(C) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged adults within each service delivery area as compared to the total number of economically disadvantaged adults in all service delivery areas in all States, except that for any service delivery area described in section 101(a)(4)(A)(iii), the allocation shall be based on the higher of the number of adults in families with an income below the low-income level in such area or the number of economically disadvantaged adults in such area.

"(2) LIMITATIONS.—

"(A) MINIMUM PERCENTAGE.—No service delivery area shall be allocated less than 90 percent of its allocation percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(B) MAXIMUM PERCENTAGE.—No service delivery area shall be allocated more than 130 percent of its allocation percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(C) STATE MINIMUM.—Notwithstanding subparagraphs (A) and (B), the total allocation for all service delivery areas within any one State shall not be less than one-quarter of 1 percent of the total allocated to all service delivery areas in all States.

"(D) ALLOCATION PERCENTAGE.—

"(i) IN GENERAL.—Except as provided in clause (ii), for purposes of subparagraphs (A) and (B), the allocation percentage of a service delivery area for a fiscal year shall be the percentage of funds allocated to the service delivery area under this subsection.

"(ii) FISCAL YEAR 1992.—For purposes of subparagraphs (A) and (B), the allocation percentage of a service delivery area for fiscal year 1992 shall be the percentage of funds allocated to the service delivery area under part A of title II.

"(c) STATE ACTIVITIES.—

"(1) DIVISION.—Of the remaining 23 percent of funds available for allotment to States under this part for each fiscal year—

"(A) 5 percent of the funds available for such allotment under this part shall be allotted to the States in accordance with paragraph (2), for overall administration, management, and auditing activities relating to programs under this title and for activities described in sections 121 and 122;

"(B) 5 percent of the funds available for such allotment under this part shall be allotted to the States in accordance with paragraph (2), to provide incentive grants authorized under section 106(b)(7), in accordance with paragraph (3);

"(C) 8 percent of the funds available for such allotment under this part shall be allotted to the States in accordance with paragraph (2) to carry out section 123; and

"(D) 5 percent of the funds available for such allotment under this part shall be allotted to carry out section 204(d).

"(2) FORMULA FOR ALLOTMENT.—The allotments to each State described in paragraph (1) shall be based on the relative amount of funds allocated to all service delivery areas within such State under subsection (b) as compared to the amount of funds allocated to all service delivery areas in all States under subsection (b).

"(3) OTHER USES.—

"(A) CAPACITY BUILDING AND TECHNICAL ASSISTANCE.—The Governor may use up to 33 percent of the amount allotted under paragraph (1)(B) for providing capacity building and technical assistance to service delivery areas and service providers. Such use of funds may include the development and training of service delivery area and service provider staff and the development of exemplary program activities.

"(B) NONDUPLICATION AND COORDINATION.—Funds used under subparagraph (A)—

"(i) may not be used to duplicate the activities of the Capacity Building and Information and Dissemination Network established under section 453(b); and

"(ii) shall, to the extent practicable, be used to coordinate the activities under subparagraph (A) with the activities of the Network under section 453(b).

"(d) DEFINITIONS AND RULE.—

"(1) DEFINITIONS.—As used in this section:

"(A) ECONOMICALLY DISADVANTAGED ADULT.—The term 'economically disadvantaged adult' means an individual who is age 22 through 72 and who has, or is a member of a family that has, received a total family income that, in relation to family size, was not in excess of the higher of—

"(i) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); or

"(ii) 70 percent of the lower living standard income level.

"(B) EXCESS NUMBER.—The term 'excess number' means, with respect to the excess number of unemployed individuals within a service delivery area, the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the service delivery area, or the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such service delivery area.

"(C) STATE.—The term 'State' means any of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) SPECIAL RULE.—For the purposes of this section, the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of economically disadvantaged adults.".

SEC. 203. ADULT TRAINING PROGRAM ELIGIBILITY AND SERVICES.

Title II of the Act (as amended by the preceding sections) is further amended by adding at the end the following:

"SEC. 203. ELIGIBILITY FOR SERVICES.

"(a) IN GENERAL.—Except as provided in subsection (c), an individual shall be eligible to participate in the program under this part only if such individual is—

"(1) 22 years of age or older; and

"(2) economically disadvantaged.

"(b) HARD-TO-SERVE INDIVIDUALS.—Not less than 65 percent of the participants in the program under this part, other than participants served under section 204(d), in each service delivery area shall be individuals who are included in 1 or more of the following categories:

"(1) Individuals who are basic skills deficient.

"(2) Individuals who are school dropouts.

"(3) Individuals who are recipients of cash welfare payments, including recipients under the JOBS program.

"(4) Individuals who are offenders.

"(5) Individuals with disabilities.

"(6) Individuals who are homeless.

"(7) Individuals who are in a category established under subsection (d).

"(c) SPECIAL RULE.—Not more than 10 percent of participants in a program assisted under this part, other than participants served under section 204(d), in each service delivery area may be individuals who are not economically disadvantaged if such individuals are age 22 or older and within 1 or more categories of individuals who face serious barriers to employment. Such categories may include the categories described in subsection (b), or categories such as displaced homemakers, veterans, alcoholics, or addicts.

"(d) ADDITIONAL CATEGORY.—A service delivery area conducting a program assisted under this part may add one category of individuals who face serious barriers to employment to the categories of eligible individuals described in subsection (b) if—

"(1) the service delivery area submits a request to the Governor identifying the additional category of individuals and justifying the inclusion of such category;

"(2) the additional category of individuals is not solely comprised of—

"(A) individuals with a poor work history; or

"(B) individuals who are unemployed; and

"(3) the Governor approves the request submitted under paragraph (1) and transmits a description of the approved request to the Secretary, as part of the Governor's coordination and special services plan under section 121.

"SEC. 204. PROGRAM DESIGN.

"(a) ESSENTIAL ELEMENTS.—

"(1) IN GENERAL.—The programs under this part shall include—

"(A) an objective assessment of the skill levels and service needs of each participant, which shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), and supportive service needs, except that a new assessment of a participant is not required if the program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program (such as the JOBS program);

"(B) development of service strategies that shall identify the employment goal (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for participants taking into account the assessments conducted pursuant to subparagraph (A), except that a new service strategy for a participant is not required if the program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program (such as the JOBS program);

"(C) a review of the progress of each participant in meeting the objectives of the service strategy; and

"(D) each of the following services, which shall be provided either directly or through arrangement with other programs to a participant where the assessment and the service strategy indicate such services are appropriate:

"(i) Basic skills training.

"(ii) Occupational skills training.

"(iii) Supportive services.

"(2) ADDITIONAL REQUIREMENTS.—

"(A) INFORMATION AND REFERRALS.—Each service delivery area shall ensure that each participant or applicant who meets the minimum income eligibility criteria shall be provided—

"(i) information on the full array of applicable or appropriate services that are available through the service delivery area or other service providers, including those receiving funds under this Act; and

"(ii) referral to appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.

"(B) APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS.—

"(i) SERVICE PROVIDERS.—Each service provider shall ensure that an eligible applicant who

does not meet the enrollment requirements of its particular program or who cannot be served shall be referred to the service delivery area for further assessment, as necessary, and referral to appropriate programs in accordance with subparagraph (A) to meet the basic skills and training needs of the applicant.

"(ii) SERVICE DELIVERY AREA.—The service delivery area shall ensure that appropriate referrals are made pursuant to clause (i), and shall maintain appropriate records of such referrals and the basis for such referrals.

"(b) AUTHORIZED SERVICES.—Subject to the limitations contained in subsection (c), services that may be made available to each participant under this part may include—

"(1) direct training services, including—

"(A) basic skills training, including remedial education, literacy training, and English-as-a-second-language instruction;

"(B) institutional skills training;

"(C) on-the-job training;

"(D) assessment of the skill levels and service needs of participants;

"(E) counseling, such as job counseling and career counseling;

"(F) case management services;

"(G) education-to-work transition activities;

"(H) programs that combine workplace training with related instruction;

"(I) work experience;

"(J) programs of advanced career training that provide a formal combination of on-the-job and institutional training and internship assignments that prepare individuals for career employment;

"(K) training programs operated by the private sector, including programs operated by labor organizations or by consortia of private sector employers utilizing private sector facilities, equipment, and personnel to train workers in occupations for which demand exceeds supply;

"(L) skill upgrading and retraining;

"(M) bilingual training;

"(N) entrepreneurial training;

"(O) vocational exploration;

"(P) training programs to develop work habits to help individuals obtain and retain employment;

"(Q) attainment of certificates of high school equivalency;

"(R) preapprenticeship programs;

"(S) on-site, industry-specific training programs supportive of industrial and economic development;

"(T) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training; and

"(U) use of advanced learning technology for education, job preparation, and skills training; and

"(2) training-related and supportive services, including—

"(A) job search assistance;

"(B) outreach to make individuals aware of, and encourage the use of, employment and training services, including efforts to expand awareness of training and placement opportunities for limited-English proficient individuals and individuals with disabilities;

"(C) outreach, to develop awareness of, and encourage participation in, education, training services, and work experience programs to assist women in obtaining nontraditional employment, and to facilitate the retention of women in nontraditional employment, including services at the site of training or employment;

"(D) specialized surveys not available through other labor market information sources;

"(E) dissemination of information on program activities to employers;

"(F) development of job openings;

"(G) programs coordinated with other Federal employment-related activities;

"(H) supportive services, as defined in section 4(24), necessary to enable individuals to participate in the program;

"(I) needs-based payments and financial assistance;

"(J) followup services with participants placed in unsubsidized employment; and

"(K) services to obtain job placements for individual participants.

"(c) DESIGN OF SERVICES.—

"(1) WORKPLACE CONTEXT AND INTEGRATION.—Basic skills training provided under this part shall, in appropriate circumstances, have a workplace context and be integrated with occupational skills training.

"(2) BASIC EDUCATION OR OCCUPATIONAL SKILLS.—

"(A) ADDITIONAL SERVICES.—Except as provided in subparagraph (B), work experience, job search assistance, job search skills training, and job club activities provided under this part shall be accompanied by additional services designed to increase the basic education or occupational skills of a participant.

"(B) LACK OF APPROPRIATENESS AND AVAILABILITY.—Each program assisted under this part may only provide job search assistance, job search skills training, and job club activities to a participant without the additional services described in subparagraph (A) if—

"(i) the assessment and service strategy of a participant indicate that the additional services are not appropriate; and

"(ii) the activities are not available to the participant through the employment service or other public agencies.

"(3) NEEDS-BASED PAYMENTS.—Needs-based payments and financial assistance provided under this part shall be limited to payments necessary for participation in the program assisted under this part in accordance with a locally developed formula or procedure.

"(4) COUNSELING AND SUPPORTIVE SERVICES.—Counseling and supportive services provided under this part may be provided to a participant for a period up to 1 year after the date on which the participant completes the program.

"(5) PROHIBITION ON PRIVATE ACTIONS.—Nothing in this section shall be construed to establish a right for a participant to bring an action to obtain services described in the assessment or service strategy developed under subsection (a)(1).

"(6) VOLUNTEERS.—The service delivery area shall make opportunities available for individuals who have successfully participated in programs under this part to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

"(d) SERVICES FOR OLDER INDIVIDUALS.—

"(1) IN GENERAL.—The Governor is authorized to provide for job training programs that are developed in conjunction with service delivery areas within the State and that are consistent with the plan for the service delivery area prepared and submitted in accordance with section 104, and designed to ensure the training and placement of older individuals in employment opportunities with private business concerns. The Governor shall ensure that the program under this subsection provides services throughout the State to older individuals on an equitable basis, taking into account the relative share of the population of older individuals described in paragraph (6)(A) within the State, residing in each service delivery area.

"(2) AGREEMENTS.—

"(A) IN GENERAL.—In carrying out this subsection, the Governor shall, after consultation with appropriate private industry councils and chief elected officials, enter into agreements with public agencies, nonprofit private organizations (including veterans organizations), private industry councils, service delivery areas, and private business concerns.

"(B) PRIORITY.—In entering into the agreements described in subparagraph (A), the Governor shall give priority to national, State, and local agencies and organizations that have a record of demonstrated effectiveness in providing training and employment services to such older individuals.

"(3) CONSIDERATIONS.—The Governor shall give consideration to assisting programs involving training for jobs in growth industries and jobs reflecting the use of new technological skills.

"(4) COORDINATION.—In providing the services required by this subsection, the Governor shall make efforts to coordinate the delivery of such services with the delivery of services under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

"(5) ELIGIBILITY.—

"(A) ECONOMICALLY DISADVANTAGED.—Except as provided in subparagraph (B), an individual shall be eligible to participate in a job training program under this subsection only if the individual is economically disadvantaged and is an older individual.

"(B) SPECIAL RULE.—

"(i) INDIVIDUALS FACING SERIOUS BARRIERS TO EMPLOYMENT.—An individual who is not economically disadvantaged as described in subparagraph (A) shall be eligible to participate in a job training program under this subsection if the individual faces serious barriers to employment, is an older individual, and meets income eligibility requirements under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) subject to clause (ii).

"(ii) LIMITATION.—Not more than 10 percent of all participants in a program assisted under this subsection shall be individuals who are not economically disadvantaged.

"(6) APPLICABLE REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of this Act applicable to programs conducted under this subsection shall be the same requirements applicable to the other programs conducted under this part.

"(B) EXCEPTIONS.—

"(i) PROVISIONS NOT APPLICABLE.—The provisions of section 104, subsections (b)(7) and (j) of section 106, section 109, section 203, and section 204(a)(2) shall not be applicable to programs conducted under this subsection.

"(ii) GOVERNOR.—With respect to the application of sections 106(b), 108(b), 141(d)(3)(C), and 205 to programs conducted under this subsection, the term 'service delivery area', as used in such provisions, means the Governor.

"(7) DEFINITION.—As used in this subsection, the term 'older individual' means an individual age 55 or older.

"SEC. 205. LINKAGES.

"(a) IN GENERAL.—In conducting the program assisted under this part, service delivery areas shall establish appropriate linkages with other Federal programs. Such programs shall include, where feasible, programs assisted under—

"(1) the Adult Education Act (20 U.S.C. 1201 et seq.);

"(2) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

"(3) the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

"(4) part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.);

"(5) the employment program established under section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4));

"(6) the National Apprenticeship Act (29 U.S.C. 50 et seq.);

"(7) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(8) title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);

"(9) chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);

"(10) the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77; 101 Stat. 482);

"(11) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.);

"(12) the National Literacy Act of 1991 (Public Law 102–73);

"(13) the Head Start Act (42 U.S.C. 9831 et seq.) (for purposes of child care services); and

"(14) any other provisions of this Act.

"(b) OTHER APPROPRIATE LINKAGES.—In addition to the linkages required under subsection (a), each service delivery area receiving financial assistance under this part shall establish other appropriate linkages to enhance the provision of services under this part. Such linkages may be established with local educational agencies, local service agencies, public housing agencies, community-based organizations, business and labor organizations, volunteer groups working with disadvantaged adults, and other training, education, employment, economic development, and social service programs.

"SEC. 206. TRANSFER OF FUNDS.

"A service delivery area may transfer up to 10 percent of the amounts allocated to the service delivery area under section 202(b) to the program under part C if such transfer is—

"(1) described in the job training plan; and

"(2) approved by the Governor.".

SEC. 204. SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM.

Title II of the Act (as amended by the preceding sections) is further amended by adding at the end the following:

"Part B—Summer Youth Employment and Training Program

"SEC. 251. PURPOSE.

"It is the purpose of programs assisted under this part—

"(1) to enhance the basic educational skills of youth;

"(2) to encourage school completion or enrollment in supplementary or alternative school programs;

"(3) to provide eligible youth with exposure to the world of work; and

"(4) to enhance the citizenship skills of youth.

"SEC. 252. AUTHORIZATION OF APPROPRIATIONS; ALLOTMENT AND ALLOCATION.

"(a) TERRITORIAL AND NATIVE AMERICAN ALLOCATION.—From the funds appropriated under section 3(a)(2), the Secretary shall first allocate to Guam, the Virgin Islands, American Samoa, the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, the Commonwealth of the Northern Mariana Islands, and entities eligible under section 401 the same percentage of funds as were available to such areas and entities for the summer youth program in the fiscal year preceding the fiscal year for which the determination is made.

"(b) USE OF PART C FORMULA FOR ALLOTMENT AND ALLOCATION.—The remainder of funds appropriated under section 3(a)(2) shall, for each fiscal year, be allotted among States and allocated among service delivery areas in accordance with section 262, except that no portion of such funds shall be reserved to carry out subsection (a)(1) or (c) of such section.

"SEC. 253. USE OF FUNDS.

"(a) IN GENERAL.—Funds available under this part may be used for—

"(1) basic and remedial education, institutional and on-the-job training, work experience programs, youth corps programs, employment counseling, occupational training, preparation for work, outreach and enrollment activities, employability assessment, job referral and placement, job search assistance and job club activities, activities under programs described in section 265(b), and any other employment or job training activity designed to give employment to eligible individuals or prepare the individuals for, and place the individuals in, employment;

"(2) supportive services necessary to enable such individuals to participate in the program; and

"(3) administrative costs, not to exceed 15 percent of the funds available under this part.

"(b) BASIC AND REMEDIAL EDUCATION.—

"(1) IN GENERAL.—A service delivery area shall expend funds (available under this Act or otherwise available to the service delivery area) for basic and remedial education and training as described in the job training plan under section 104.

"(2) EDUCATION OR TRAINING.—The education and training authorized by paragraph (1) may be provided by—

"(A) the year-round program under part C;

"(B) the Job Corps;

"(C) the JOBS program;

"(D) youth corps programs;

"(E) alternative or secondary schools; or

"(F) other education and training programs.

"(c) ASSESSMENT AND SERVICE STRATEGY.—

"(1) ASSESSMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the programs under this part shall include an objective assessment of the basic skills and supportive services needs of each participant, which may include a review of occupational skills, prior work experience, employability, interests, and aptitudes.

"(B) RECENT ASSESSMENT.—A new assessment, or a factor of such assessment, of a participant is not required if the program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program (such as the JOBS program or a regular high school academic program).

"(2) SERVICE STRATEGY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the programs under this part shall include a service strategy for participants, which may identify achievement objectives, appropriate employment goals, and appropriate services for participants, taking into account the assessments conducted under paragraph (1).

"(B) RECENT SERVICE STRATEGY.—A new service strategy for a participant is not required if the program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program (such as the JOBS program or a regular high school academic program).

"(d) FOLLOWUP SERVICES.—Service delivery areas shall make followup services available for participants if the service strategy indicates such services are appropriate.

"SEC. 254. LIMITATIONS.

"(a) USE DURING SUMMER MONTHS OR EQUIVALENT VACATION PERIOD.—

"(1) SUMMER MONTHS.—Except as provided in paragraph (2), programs under this part shall be conducted during the summer months.

"(2) VACATION PERIOD.—A service delivery area may, within the jurisdiction of any local educational agency that operates schools on a year-round, full-time basis, offer the programs under this part to participants during a vacation period treated as the equivalent of a summer vacation.

"(b) ELIGIBILITY.—An individual shall be eligible to participate in the program assisted under this part if such individual—

"(1) is age 14 through 21; and

"(2)(A) is economically disadvantaged; or

"(B) has been determined to meet the eligibility requirements for free meals under the National School Lunch Act (42 U.S.C. 1751 et seq.) during the most recent school year.

"(c) CONCURRENT ENROLLMENT.—

"(1) IN GENERAL.—An eligible individual participating in a program assisted under this part may concurrently be enrolled in programs under part C. Appropriate adjustment to the youth performance standards (regarding attainment of competencies) under paragraphs (4)(A)(i) and (5) of section 106(b) shall be made to reflect the limited period of participation.

"(2) CONCURRENT ENROLLMENT AND TRANSFERS.—Youth being served under this part or part C youth programs are not required to be terminated from participation in one program in order to enroll in the other. The Secretary shall provide guidance to service delivery areas on simplified procedures for concurrent enrollment and transfers for youth from one program to the other.

"SEC. 255. APPLICABLE PROVISIONS.

"(a) COMPARABLE FUNCTIONS OF AGENCIES AND OFFICIALS.—Private industry councils established under title I, chief elected officials, State job training coordinating councils, and Governors shall have the same authority, duties, and responsibilities with respect to planning and administration of funds available under this part as the private industry councils, chief elected officials, State job training coordinating councils, and Governors have with respect to funds available under parts A and C.

"(b) PROGRAM GOALS AND OBJECTIVES.—Each service delivery area shall establish written program goals and objectives that shall be used for evaluating the effectiveness of programs conducted under this part. Such goals and objectives may include—

"(1) improvement in school retention and completion;

"(2) improvement in academic performance, including mathematics and reading comprehension;

"(3) improvement in employability skills; and

"(4) demonstrated coordination with other community service organizations such as local educational agencies, law enforcement agencies, and drug and alcohol abuse prevention and treatment programs.".

SEC. 205. SUMMER YOUTH PROGRAM TRANSFER OF FUNDS.

Title II of the Act (as amended by the preceding sections) is further amended by adding at the end the following:

"SEC. 256. TRANSFER OF FUNDS.

"A service delivery area may transfer up to 10 percent of the funds provided under this part to the program under part C if such transfer is approved by the Governor.".

SEC. 206. YOUTH TRAINING PROGRAM.

Title II of the Act (as amended by the preceding sections) is further amended by adding at the end the following:

"Part C—Youth Training Program

"SEC. 261. STATEMENT OF PURPOSE.

"It is the purpose of the programs assisted under this part to improve the long-term employability of youth, enhance the educational, occupational, and citizenship skills of youth, encourage school completion or enrollment in alternative school programs, increase the employment and earnings of youth, reduce welfare dependency, and assist youth in addressing problems that impair the ability of youth to make successful transitions from school to work, apprenticeship, the military, or postsecondary education and training.".

SEC. 207. YOUTH TRAINING PROGRAM ALLOTMENT AND ALLOCATION.

Title II of the Act (as amended by the preceding sections) is further amended by adding at the end the following:

"SEC. 262. ALLOTMENT AND ALLOCATION.

"(a) ALLOTMENT.—

"(1) TERRITORIES.—Of the amount appropriated under section 3(a)(1) for each fiscal year and available to carry out this part, not more than one-quarter of 1 percent shall be allotted among Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

"(2) STATE RESERVATION.—After determining the amounts to be allotted under paragraph (1), the Secretary shall allot 82 percent of the remainder to the States for allocation to service delivery areas within each State. Each State shall allocate to each service delivery area within the State the amount determined by the Secretary for such service delivery area pursuant to the formula contained in subsection (b). The remaining 18 percent shall be allotted in accordance with subsection (c).

"(b) ALLOCATION TO SERVICE DELIVERY AREAS.—

"(1) FORMULA.—Subject to the provisions of paragraph (2), of the amounts allocated to service delivery areas for this part for each fiscal year—

"(A) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment within each service delivery area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in all service delivery areas in all States;

"(B) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals within each service delivery area as compared to the total excess number of unemployed individuals in all service delivery areas in all States; and

"(C) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged youth within each service delivery area as compared to the total number of economically disadvantaged youth in all service delivery areas in all States except that, for any service delivery area described in section 101(a)(4)(A)(iii), the allocation shall be based on the higher of the number of youth in families with an income below the low-income level in such area or the number of economically disadvantaged youth in such area.

"(2) LIMITATIONS.—

"(A) MINIMUM PERCENTAGE.—No service delivery area shall be allocated less than 90 percent of its allocation percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(B) MAXIMUM PERCENTAGE.—No service delivery area shall be allocated more than 130 percent of its allocation percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(C) STATE MINIMUM.—Notwithstanding subparagraphs (A) and (B), the total allocation for all service delivery areas within any one State shall not be less than one-quarter of 1 percent of the total allocated to all service delivery areas in all States.

"(D) ALLOCATION PERCENTAGE.—

"(i) IN GENERAL.—Except as provided in clause (ii), for purposes of subparagraphs (A) and (B), the allocation percentage of a service delivery area for a fiscal year shall be the percentage of funds allocated to the service delivery area under this subsection.

"(ii) FISCAL YEAR 1992.—For purposes of subparagraphs (A) and (B), the allocation percentage of a service delivery area for fiscal year 1992 shall be the percentage of funds allocated to the service delivery area under part A of title II.

"(c) STATE ACTIVITIES.—

"(1) DIVISION.—Of the remaining 18 percent of funds available for allotment to States under this part for each fiscal year—

"(A) 5 percent of the funds available for such allotment under this part shall be allotted to the States in accordance with paragraph (2), for overall administration, management, and auditing activities relating to programs under this title and for activities described in sections 121 and 122;

"(B) 5 percent of the funds available for such allotment under this part shall be allotted to the States in accordance with paragraph (2), to provide incentive grants authorized under section 106(b)(7), in accordance with paragraph (3); and

"(C) 8 percent of the funds available for such allotment under this part shall be allotted to the States in accordance with paragraph (2) to carry out section 123.

"(2) FORMULA FOR ALLOCATION.—The allotments to each State described in paragraph (1) shall be based on the relative amount of funds allocated to all service delivery areas within such State under subsection (b) as compared to the amount of funds allocated to all service delivery areas in all States under subsection (b).

"(3) OTHER USES.—

"(A) CAPACITY BUILDING AND TECHNICAL ASSISTANCE.—The Governor may use up to 33 percent of the amount allotted under paragraph (1)(B) for providing capacity building and technical assistance to service delivery areas and service providers. Such use of funds may include the development and training of service delivery area and service provider staff and the development of exemplary program activities.

"(B) NONDUPLICATION AND COORDINATION.—Funds used under subparagraph (A)—

"(i) may not be used to duplicate the activities of the Capacity Building and Information and Dissemination Network established under section 453(b); and

"(ii) shall, to the extent practicable, be used to coordinate the activities under subparagraph (A) with the activities of the Network under section 453(b).

"(d) DEFINITIONS AND RULE.—

"(1) DEFINITIONS.—As used in this section:

"(A) ECONOMICALLY DISADVANTAGED YOUTH.—The term 'economically disadvantaged youth' means an individual who is age 16 through 21 and who has, or is a member of a family that has, received a total family income that, in relation to family size, was not in excess of the higher of—

"(i) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); or

"(ii) 70 percent of the lower living standard income level.

"(B) EXCESS NUMBER.—The terms 'excess number' and 'State' shall have the meanings given the terms in subparagraphs (B) and (C), respectively, of section 202(d)(1).

"(2) SPECIAL RULE.—For the purposes of this section, the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of economically disadvantaged youth.".

SEC. 208. YOUTH TRAINING PROGRAM ELIGIBILITY AND SERVICES.

Title II of the Act (as amended by the preceding sections) is further amended by adding at the end the following:

"SEC. 263. ELIGIBILITY FOR SERVICES.

"(a) IN-SCHOOL YOUTH.—Except as provided in subsections (e) and (g), an individual who is in school shall be eligible to participate in the program under this part if such individual—

"(1)(A) is age 16 through 21; or

"(B) if provided in the job training plan, is age 14 through 21; and

"(2)(A) is economically disadvantaged;

"(B) is participating in a compensatory education program under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.); or

"(C) has been determined to meet the eligibility requirements for free meals under the National School Lunch Act (42 U.S.C. 1751 et seq.) during the most recent school year.

"(b) HARD-TO-SERVE INDIVIDUALS WHO ARE IN-SCHOOL YOUTH.—Not less than 65 percent of the in-school individuals who participate in a program under this part shall be individuals who are included in one or more of the following categories:

"(1) Individuals who are basic skills deficient.

"(2) Individuals with educational attainment that is 1 or more grade levels below the grade level appropriate to the age of the individuals.

"(3) Individuals who are pregnant or parenting.

"(4) Individuals with disabilities, including a learning disability.

"(5) Individuals who are homeless or runaway youth.

"(6) Individuals who are offenders.

"(7) Individuals within a category established under subsection (h).

"(c) OUT-OF-SCHOOL YOUTH.—Except as provided in subsection (e), an individual who is out of school shall be eligible to participate in the program under this part if such individual is—

"(1) age 16 through 21; and

"(2) economically disadvantaged.

"(d) HARD-TO-SERVE INDIVIDUALS WHO ARE OUT-OF-SCHOOL YOUTH.—Not less than 65 percent of the out-of-school individuals who participate in a program under this part shall be individuals who are included in 1 or more of the following categories:

"(1) Individuals who are basic skills deficient.

"(2) Individuals who are school dropouts (subject to the conditions described in section 264(d)(2)).

"(3) Individuals who are pregnant or parenting.

"(4) Individuals with disabilities, including a learning disability.

"(5) Individuals who are homeless or runaway youth.

"(6) Individuals who are offenders.

"(7) Individuals in a category established under subsection (h).

"(e) EXCEPTIONS.—Not more than 10 percent of participants in a program assisted under this part in each service delivery area may be individuals who do not meet the requirements of subsection (a)(2) or (c)(2), if such individuals are within one or more categories of individuals who face serious barriers to employment. Such categories may include the categories described in subsections (b) and (d), or categories such as individuals with limited-English language proficiency, alcoholics, or drug addicts.

"(f) RATIO OF OUT-OF-SCHOOL TO IN-SCHOOL YOUTH.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not less than 50 percent of the participants in the program under this part in each service delivery area shall be out-of-school individuals who meet the requirements of subsection (c), (d), or (e).

"(2) COUNTING OF IN-SCHOOL INDIVIDUALS.—In-school individuals served as a part of a schoolwide project under subsection (g) shall not be counted as a part of the ratio of in-school individuals to out-of-school individuals.

"(g) SCHOOLWIDE PROJECTS FOR LOW-INCOME SCHOOLS.—

"(1) IN GENERAL.—In addition to the individuals described in subsection (e), an individual who does not meet the requirements of subsection (a)(2) may participate in the programs assisted under this part if such individual is enrolled in a public school—

"(A) that is located in a poverty area;

"(B) that is served by a local educational agency that is eligible for assistance under

chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.);

"(C) in which not less than 70 percent of the students enrolled are included in the categories described in subsection (b); and

"(D) that conducts a program under a cooperative arrangement that meets the requirements of section 265(d).

"(2) DEFINITION.—For the purposes of paragraph (1), the term 'poverty area' means an urban census tract or a nonmetropolitan county with a poverty rate of 30 percent or more, as determined by the Bureau of the Census.

"(h) ADDITIONAL CATEGORY.—A service delivery area conducting a program assisted under this part may add one category of youth who face serious barriers to employment to the categories of eligible individuals specified in subsection (b) and one category to the categories of eligible individuals described in subsection (d) if—

"(1) the service delivery area submits a request to the Governor identifying the additional category of individuals and justifying the inclusion of such category;

"(2) the additional category of individuals is not solely comprised of—

"(A) individuals with a poor work history; or

"(B) individuals who are unemployed; and

"(3) the Governor approves the request submitted under paragraph (1) and transmits a description of the approved request to the Secretary, as part of the Governor's coordination and special services plan under section 121.

"SEC. 264. PROGRAM DESIGN.

"(a) YEAR-ROUND OPERATION.—The programs under this part shall be conducted on a year-round basis. Services shall be made available on a multiyear basis as appropriate.

"(b) ESSENTIAL ELEMENTS.—

"(1) IN GENERAL.—The programs under this part shall include—

"(A) an objective assessment of the skill levels and service needs of each participant, which assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), and supportive service needs, except that a new assessment of a participant is not required if the program determines it is appropriate to use a recent assessment of the participant conducted under another education or training program (such as the JOBS program);

"(B) development of service strategies that shall identify the employment goal (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for participants taking into account the assessments conducted pursuant to subparagraph (A), except that a new service strategy for a participant is not required if the program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program (such as the JOBS program);

"(C) a review of the progress of each participant in meeting the objectives of the service strategy; and

"(D) each of the following services, which shall be provided either directly or through arrangement with other programs to a participant where the assessment and the service strategy indicate such services are appropriate:

"(i) Basic skills training.

"(ii) Occupational skills training.

"(iii) Preemployment and work maturity skills training.

"(iv) Work experience combined with skills training.

"(v) Supportive services.

"(2) ADDITIONAL REQUIREMENTS.—

"(A) INFORMATION AND REFERRALS.—Each service delivery area shall ensure that each participant or applicant who meets the minimum income eligibility criteria shall be provided—

"(i) information on the full array of applicable or appropriate services that are available through the service delivery area or other service providers, including those receiving funds under this Act; and

"(ii) referral to appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.

"(B) APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS.—

"(i) SERVICE PROVIDERS.—Each service provider shall ensure that an eligible applicant who does not meet the enrollment requirements of its particular program or who cannot be served shall be referred to the service delivery area for further assessment, as necessary, and referral to appropriate programs in accordance with subparagraph (A) to meet the basic skills and training needs of the applicant.

"(ii) SERVICE DELIVERY AREA.—The service delivery area shall ensure that appropriate referrals are made pursuant to clause (i), and shall maintain appropriate records of such referrals and the basis for such referrals.

"(c) AUTHORIZED SERVICES.—Subject to the limitations contained in subsection (d), services which may be made available to youth with funds provided under this part may include—

"(1) direct training services, including—

"(A) the services described in section 204(b)(1);

"(B) tutoring and study skills training;

"(C) alternative high school services within programs that meet the requirements of section 141(o)(1);

"(D) instruction leading to high school completion or the equivalent;

"(E) mentoring;

"(F) limited internships in the private sector;

"(G) training or education that is combined with community and youth service opportunities in public agencies, nonprofit agencies, and other appropriate agencies, institutions, and organizations, including youth corps programs;

"(H) entry employment experience programs;

"(I) school-to-work transition services;

"(J) school-to-postsecondary education transition services;

"(K) school-to-apprenticeship transition services; and

"(L) preemployment and work maturity skills training; and

"(2) training-related and supportive services, including—

"(A) the services described in section 204(b)(2);

"(B) drug and alcohol abuse counseling and referral;

"(C) services encouraging parental, spousal, and other significant adult involvement in the program of the participant; and

"(D) cash incentives and bonuses based on attendance and performance in a program.

"(d) ADDITIONAL REQUIREMENTS.—

"(1) STRATEGIES AND SERVICES.—In developing service strategies and designing services for the program under this part, the service delivery area and private industry council shall take into consideration exemplary program strategies and practices, including the strategies and practices of model programs selected for replication under section 453(c).

"(2) SCHOOL DROPOUTS.—

"(A) PARTICIPATION REQUIREMENTS.—In order to participate in a program assisted under this part, except for interim periods, an individual who is under the age of 18 and a school dropout shall enroll in and attend a school, course, or program described in clause (ii) or (iii) of subparagraph (B).

"(B) SERVICE DELIVERY REQUIREMENTS.—

"(i) IN GENERAL.—Each service delivery area shall make available, in accordance with this subparagraph, to each participant in the program who is under the age of 18 and is a school dropout, at least 2 options for school attendance. Such options shall be provided concurrently or sequentially with other services provided under this part to each such participant as a part of the training of such participant.

"(ii) SCHOOL ATTENDANCE.—Each service delivery area shall provide, as one of the options for school attendance, an option for each such participant to enroll in and attend a high school equivalency program.

"(iii) ADDITIONAL OPTION.—Each service delivery area shall provide, as a second option for school attendance for each such participant—

"(I) an option to reenroll in and attend school;

"(II) an option to enroll in and attend an alternative high school; or

"(III) an option to enroll in and attend an alternative course of study approved by the local educational agency.

"(3) SKILLS TRAINING.—

"(A) PREEMPLOYMENT AND WORK MATURITY SKILLS TRAINING.—Preemployment and work maturity skills training authorized by this part shall be accompanied by either work experience or other additional services designed to increase the basic education or occupational skills of a participant. The additional services may be provided, concurrently or sequentially, under other education and training programs, including the Job Corps and the JOBS program.

"(B) ADDITIONAL SERVICES.—Work experience, job search assistance, job search skills training, and job club activities provided under this part shall be accompanied by additional services designed to increase the basic education or occupational skills of a participant. The additional services may be provided, concurrently or sequentially, under other education and training programs, including the Job Corps and the JOBS program.

"(C) ON-THE-JOB TRAINING.—

"(i) POSITIONS.—On-the-job training authorized under this part shall only be available in positions that—

"(I) pay the participant a wage that equals or exceeds the average wage at placement in the service delivery area for participants under part A; and

"(II) have career advancement potential.

"(ii) FORMAL PROGRAM OR STRUCTURED JOB TRAINING.—On-the-job training authorized under this part shall include a formal program of structured job training that will provide participants with an orderly sequence of instruction in work maturity skills, general employment competencies, and occupationally specific skills.

"(iii) PARTICIPATION REQUIREMENT.—In order to participate in on-the-job training authorized under this part, except for interim periods, an individual who has not attained a high school diploma or its equivalent shall concurrently enroll in and attend a school, course, or program described in clause (ii) or (iii) of paragraph (2)(B).

"(4) NEEDS-BASED PAYMENTS.—Needs-based payments and financial assistance provided under this part shall be limited to payments necessary for participation in the program assisted under this part in accordance with a locally developed formula or procedure.

"(5) COUNSELING AND SUPPORTIVE SERVICES.—Counseling and supportive services provided under this part may be provided to a participant for a period of up to 1 year after the date on which the participant completes the program.

"(6) PROHIBITION ON PRIVATE ACTIONS.—Nothing in this section shall be construed to establish a right for a participant to bring an action to obtain services described in the assessment or service strategy developed under subsection (b)(1).

"(7) VOLUNTEERS.—The service delivery area shall make opportunities available for successful individuals who have previously participated in programs under this part to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

"SEC. 265. LINKAGES.

"(a) EDUCATIONAL LINKAGES.—In conducting the program assisted under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include—

"(1) formal agreements with local educational agencies that will identify—

"(A) the procedures for referring and serving in-school youth;

"(B) the methods of assessment of in-school youth; and

"(C) procedures for notifying the program when a youth drops out of the school system;

"(2) arrangements to ensure that the program under this part supplements existing programs provided by local educational agencies to in-school youth;

"(3) arrangements to ensure that the program under this part utilizes, to the extent possible, existing services provided by local educational agencies to out-of-school youth; and

"(4) arrangements to ensure that for in-school participants there is a regular exchange of information between the program and the educational agency relating to participant progress, problems, and needs, including, in appropriate circumstances, interim assessment results.

"(b) EDUCATION AND TRAINING PROGRAM LINKAGES.—In conducting the program assisted under this part, service delivery areas shall establish appropriate linkages with other education and training programs authorized under Federal law. Such programs shall include, where feasible, programs assisted under—

"(1) part B of title IV (the Job Corps);

"(2) parts A through D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.);

"(3) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

"(4) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(5) the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

"(6) part F of title IV of the Social Security Act (JOBS) (42 U.S.C. 681 et seq.);

"(7) the Food Stamp Act (7 U.S.C. 2011 et seq.);

"(8) the National Apprenticeship Act (29 U.S.C. 50 et seq.);

"(9) the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77; 101 Stat. 482); and

"(10) any other provisions of this Act.

"(c) OTHER PROGRAMS.—In addition to the linkages required under subsections (a) and (b), service delivery areas receiving financial assistance under this part shall establish other appropriate linkages to enhance the provision of services under this part. Such linkages may be established with State and local service agencies, public housing agencies, community-based organizations, business and labor organizations, volunteer groups working with at-risk youth, parents and family members, juvenile justice systems, and other training, education, employment and social service programs, including programs conducted under part A.

"(d) SCHOOLWIDE PROJECTS FOR LOW-INCOME SCHOOLS.—In conducting a program serving individuals specified in section 263(g), the service delivery area shall establish a cooperative arrangement with the appropriate local educational agency that shall, in addition to the other requirements of this section, include—

"(1) a description of the ways in which the program will supplement the educational program of the school;

"(2) identification of measurable goals to be achieved by the program and provision for assessing the extent to which such goals are met;

"(3) a description of the ways in which the program will use resources provided under this part and resources provided under other education programs to achieve the goals identified in paragraph (2);

"(4) a description of the number of individuals to be served; and

"(5) assurances that the resources provided under this part shall be used to supplement and not supplant existing sources of funds.

"SEC. 266. TRANSFER OF FUNDS.

"A service delivery area may transfer up to 10 percent of the amounts allocated to the service delivery area under section 262(b) to the program under part A if such transfer is—

"(1) described in the job training plan; and

"(2) approved by the Governor.".

TITLE III—EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS

SEC. 301. STATE AGENCY APPROVAL.

Section 314(f) of the Act (29 U.S.C. 1661c(f)) is amended—

(1) by inserting "(1)" before "Funds"; and

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

"(2) An eligible dislocated worker participating in training (except for on-the-job training) under this title shall be deemed to be in training with the approval of the State agency for purposes of section 3304(a)(8) of the Internal Revenue Code of 1986.".

SEC. 302. LIMITATIONS ON USES OF FUNDS.

(a) RETRAINING SERVICES.—Section 315(a)(1) of the Act (29 U.S.C. 1661d(a)(1)) is amended to read as follows:

"(a) RETRAINING SERVICES.—(1) Of the funds allocated to a substate grantee under part A of this title for any program year, not less than 50 percent shall be expended for retraining services specified under section 314(d).".

(b) NEEDS-RELATED PAYMENTS AND SUPPORTIVE SERVICES.—Section 315(b) of the Act is amended to read as follows:

"(b) Of the funds allocated to a substate grantee or to the Governor under part A of this title for any program year, not more than 25 percent may be expended to provide needs-related payments and other supportive services.".

(c) ADMINISTRATIVE COST.—The first sentence of section 315(c) of the Act is amended to read as follows: "Of the funds allocated to a substate grantee or to the Governor under part A of this title for any program year, not more than 15 percent may be expended to cover the administrative cost of programs.".

(d) COMBINATION OF FUNDS.—Section 315 of the Act is further amended by adding at the end the following new subsection:

"(d) COMBINATION OF FUNDS.—Substate grantees within a State may combine funds under this title for the provision of services to eligible dislocated workers from 2 or more substate areas.".

(e) REALLOTMENT.—Section 315 of the Act is further amended by adding at the end the following new subsection:

"(e) DEFINITION.—As used in this section, the term 'allocated', means allocated for a program year, as adjusted for reallocations between substate areas, and for reallotments in accordance with section 303.".

SEC. 303. DEMONSTRATION PROGRAMS.

Section 324(a) of the Act (29 U.S.C. 1662c(a)) is amended by striking "1989, 1990, and 1991," and inserting "1992 through 1996,".

TITLE IV—FEDERALLY ADMINISTERED PROGRAMS

SEC. 401. NATIVE AMERICAN AND MIGRANT PROGRAMS.

(a) PERFORMANCE STANDARDS.—Section 401(h)(1) of the Act (29 U.S.C. 1671(h)(1)) is amended by inserting "pursuant to section 106" after "performance standards".

(b) NATIVE AMERICAN PROGRAMS.—Section 401(j) of the Act (29 U.S.C. 1671(j)) is amended to read as follows:

"(j)(1) The Secretary shall designate a single organizational unit that shall have as its primary responsibility the administration of all Native American programs authorized under this Act.

"(2) Such organizational unit shall—

"(A) be responsible for administering the provisions of the Native American programs authorized under this Act, including monitoring such programs and making recommendations regarding the selection of the recipients of financial assistance;

"(B) be responsible for the development of the policies and procedures related to the implementation of such programs; and

"(C) coordinate the development of policy and procedures for the employment and training programs within the Department relating to services for Native American workers.

"(3) In the hiring and promotion of the professional staff for the organizational unit designated under paragraph (1), special consideration shall be given to individuals who have field experience in the daily operation of service and training programs for Native Americans, and individuals who are Indians or Alaskan Natives. The Secretary shall take such additional actions as may be necessary to promote the recruitment and promotion of Indians, Alaskan Natives, and Hawaiian Natives to positions in such unit.".

(c) PERMANENT ADVISORY COUNCIL.—Section 401 of the Act (29 U.S.C. 1671) is amended by adding at the end the following new subsection:

"(k)(1) There is hereby established a Native American Employment and Training Council (referred to in this subsection as the 'Council'), which shall consist of not fewer than 17 Indians, Alaskan Natives, and Hawaiian Natives appointed by the Secretary from among individuals nominated by Indian tribes or Indian, Alaskan Native, or Hawaiian Native organizations. The membership of the Council shall represent all geographic areas of the United States with a substantial Indian, Alaskan Native, or Hawaiian Native population and shall include representatives of tribal governments and of nonreservation Native American organizations who are service providers under this Act. A majority of the members of the Council shall have field experience in the daily operation of the program authorized under this section.

"(2) The Council shall select a chairperson from among its members by a majority vote. The Council shall meet not less often than twice each program year.

"(3) Members of the Native American Programs Advisory Committee that existed before the date of enactment of this subsection—

"(A) shall serve as members of the Council until their successors are appointed; and

"(B) may be appointed as members of the Council, if such appointment is consistent with the provisions of this subsection.

"(4) Each member of the Council shall serve for a term of 2 years, except that—

"(A) one-half of the members initially appointed (as designated by the Secretary) shall serve for terms of 1 year;

"(B) any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment, and shall not affect the power of the remaining members to execute the duties of the Council;

"(C) any member appointed to such a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed; and

"(D) members may be reappointed.

"(5) The initial membership of the Council shall be appointed not later than the beginning of program year 1993.

"(6) The Council shall—

"(A) solicit the views of a wide variety of Indian tribes and Native American groups, including groups operating employment and training programs funded under this section, on issues affecting the operation and administration of such programs;

"(B) advise the Secretary with respect to the implementation of programs under this section and other programs providing services to Native American youth and adults under this Act;

"(C) advise and make recommendations to the Secretary with respect to the design and implementation of performance standards developed under section 106(f);

"(D) advise and make recommendations to the Secretary with respect to the services obtained or to be obtained by the Department of Labor through contracts or arrangements with non-Federal agencies or entities that involve the program authorized by this section;

"(E) evaluate the effectiveness of Native American job training programs and make recommendations with respect to the improvement of such programs;

"(F) advise the Secretary with respect to individuals to be considered to fill the position of the official in charge of the organizational unit designated under subsection (j)(1) whenever a vacancy in such position occurs; and

"(G) prepare and submit directly to the Secretary and to the Congress, not later than January 1 of each even numbered year, a report containing information on the progress of Native American job training programs and recommendations for improving their administration and effectiveness.

"(7) Members of the Council shall serve without compensation. Each member of the Council shall 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.

"(8) The Secretary shall provide the Council with such administrative support as may be necessary to perform its functions.".

(d) COMPETITION.—Section 401 of the Act (29 U.S.C. 1671), as amended by subsection (c), is further amended by adding at the end the following new subsection:

"(l) The competition for grants under this section shall be conducted every 2 years, except that if a recipient of such a grant has performed satisfactorily under the terms of the existing grant agreement, the Secretary may waive the requirement for such competition on receipt from the recipient of a satisfactory 2-year program plan for the succeeding 2-year grant period.".

(e) MIGRANT AND SEASONAL FARMWORKER PROGRAMS.—Section 402(c)(2) of the Act (29 U.S.C. 1672(c)(2)) is amended to read as follows:

"(c)(2) The competition for grants under this section shall be conducted every 2 years, except that if a recipient of such a grant has performed satisfactorily under the terms of the existing grant agreement, the Secretary may waive the requirement for such competition upon receipt from the recipient of a satisfactory 2-year program plan for the succeeding 2-year grant period.".

(f) RESERVATION.—Section 402 of the Act (29 U.S.C. 1672) is amended by striking subsection (f).

(g) GRANT PROCEDURES.—Part A of title IV of the Act (29 U.S.C. 1671 et seq.) is amended by adding at the end the following new section:

"GRANT PROCEDURES

"SEC. 403. Grants under sections 401 and 402 shall be subject to the Single Audit Act of 1984 (31 U.S.C. 7501 et seq.) and charging of costs under such sections shall be subject to appropriate circulars issued by the Office of Management and Budget.".

SEC. 402. JOB CORPS.

(a) ELIGIBILITY.—Section 423(1) of the Act (29 U.S.C. 1693(1)) is amended by inserting after "except that", the following: "not more than 20 percent of the individuals enrolled may be age 22 through 24, and that either".

(b) CLARIFICATION OF AUTHORITY TO TRANSFER PARTICIPANTS TO AND FROM PROGRAMS UNDER TITLE II.—Section 426 of the Act (29 U.S.C. 1696) is amended by adding at the end the following new subsection:

"(d) Nothing in this Act shall be construed to prohibit an individual who has been a participant in the Job Corps from concurrently or subsequently participating in programs under title II, or to prohibit an individual who has been a participant in programs under title II from concurrently or subsequently participating in the Job Corps.".

(c) NONRESIDENTIAL PARTICIPANTS.—Section 427(a)(2) of the Act (29 U.S.C. 1697(a)(2)) is amended by—

(1) striking "10 percent" and inserting "20 percent"; and

(2) adding at the end the following new sentences: "In enrolling individuals who are to be nonresidential participants, priority shall be given to those eligible individuals who are single parents with dependent children. The Secretary shall not reduce the number of residential participants in Job Corps programs under this part during any program year below the number of residential participants during program year 1991 in order to increase the number of individuals who are nonresidential participants in the Job Corps.".

(d) CONSERVATION CENTERS.—Section 427 of the Act (29 U.S.C. 1697) is amended by adding at the end the following new subsection:

"(c) No funds appropriated to the Department of Labor for any fiscal year may be used to carry out any contract with a nongovernmental entity to administer or manage a Civilian Conservation Center of the Job Corps.".

(e) ADDITIONAL SUPPORT SERVICES REQUIRED.—Section 428 of the Act (29 U.S.C. 1698) is amended by adding at the end the following new subsections:

"(e) The Secretary shall, to the extent practicable, provide child care at or near Job Corps centers, for individuals who require child care for their children in order to participate in the Job Corps.

"(f) Each Job Corps center shall provide to enrollees who are dependent on, or who have a history of abuse of, alcohol or drugs, with counseling and referral to related services necessary to prevent the continuance or recurrence of such dependency or abuse.".

(f) MANAGEMENT FEES.—Section 437 of the Act (29 U.S.C. 1707) is amended by adding at the end the following new subsection:

"(d) The Secretary shall provide all Job Corps contractors with an equitable and negotiated management fee of not less than 1 percent of the contract amount.".

SEC. 403. NATIONAL ACTIVITIES.

(a) IN GENERAL.—Part D of title IV (29 U.S.C. 1731 et seq.) is amended—

(1) in section 451, to read as follows:

"NATIONAL PARTNERSHIP AND SPECIAL TRAINING PROGRAMS

"SEC. 451. (a) STATEMENT OF PURPOSE.—It is the purpose of this section to—

"(1) improve access to employment and training opportunities for individuals with special needs;

"(2) help alleviate skill shortages and enhance the competitiveness of the labor force;

"(3) meet special training needs that are best addressed on a multistate or industry-wide basis; and

"(4) encourage the participation and support of all segments of society to further the purposes of this Act.

"(b) PROGRAM AUTHORIZED.—The Secretary may establish a system of, and award, special grants to eligible entities to carry out programs that are most appropriately administered at the national level.

"(c) PROGRAMS.—Programs that are most appropriately administered at the national level include—

"(1) partnership programs with national organizations with special expertise in developing, organizing, and administering employment and training programs at the national, State, and local levels, such as industry and labor associations, public interest groups, community-based organizations representative of groups that encounter special difficulties in the labor market, and other organizations with special knowledge or capabilities in education and training;

"(2) programs that—

"(A) address industry-wide skill shortages;

"(B) meet training needs that are best addressed on a multistate basis; and

"(C) further the goals of increasing the competitiveness of the United States labor force; and

"(3) programs that require technical expertise available at the national level to serve specialized needs of particular client groups, including at-risk youth, offenders, individuals of limited-English language proficiency, individuals with disabilities, women, immigrants, single parents, substance abusers, displaced homemakers, youth, older individuals, veterans, school dropouts, public assistance recipients, and other individuals who the Secretary determines require special assistance.";

(2) in section 452, to read as follows:

"RESEARCH, DEMONSTRATION, AND EVALUATION

"SEC. 452. (a) STATEMENT OF PURPOSE.—It is the purpose of this section to assist the United States in expanding employment opportunities and ensuring access to such opportunities for all who desire such opportunities.

"(b) PROGRAM ESTABLISHED.—

"(1) IN GENERAL.—The Secretary shall establish a comprehensive program of training and employment research, utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the employment and training problems of the United States.

"(2) STUDIES.—The program established under this section may include studies concerning—

"(A) the development or improvement of Federal, State, local, and privately supported employment and training programs;

"(B) labor market processes and outcomes, including improving workplace literacy;

"(C) policies and programs to reduce unemployment and the relationships of the policies and programs with price stability and other national goals;

"(D) productivity of labor;

"(E) improved means of using projections of labor supply and demand, including occupational and skill requirements and areas of labor shortages at the national and subnational levels;

"(F) methods of improving the wages and employment opportunities of low-skilled, disadvantaged, and dislocated workers, and workers with obsolete skills;

"(G) methods of addressing the needs of at-risk populations, such as youth, homeless indi-

viduals and other dependent populations, older individuals, and other groups with multiple barriers to employment;

"(H) methods of developing information on immigration, international trade and competition, technological change, and labor shortages; and

"(I) methods of easing the transition from school to work, from transfer payment receipt to self-sufficiency, from one job to another, and from work to retirement.

"(c) PILOT AND DEMONSTRATION PROGRAMS.—

"(1) PROGRAM ESTABLISHED.—

"(A) IN GENERAL.—The Secretary shall establish a program of pilot and demonstration programs for the purpose of developing and improving techniques and demonstrating the effectiveness of specialized methods in addressing employment and training needs. The Secretary may award grants and enter into contracts with entities to carry out the programs.

"(B) PROJECTS.—Such programs may include projects in such areas as—

"(i) school-to-work transition;

"(ii) new methods of imparting literacy skills and basic education;

"(iii) new training techniques (including projects undertaken with the private sector);

"(iv) methods to eliminate artificial barriers to employment;

"(v) approaches that foster participation of groups that encounter special problems in the labor market (such as displaced homemakers, teen parents, welfare recipients, and older individuals);

"(vi) processes that demonstrate effective methods for alleviating the adverse effects of dislocations and plant closings on workers and their communities; and

"(vii) cooperative ventures among business, industry, labor, trade associations, community-based organizations or nonprofit organizations to develop new and cost-effective approaches to improving work force literacy.

"(2) EVALUATION COMPONENT.—Demonstration programs assisted under this subsection shall include a formal, rigorous evaluation component. Pilot programs assisted under this subsection shall include an appropriate evaluation component.

"(3) SPECIAL RULE.—No demonstration program under this subsection shall be assisted under this section for a period of more than 7 years. No pilot program under this subsection shall be assisted under this section for a period of more than 3 years.

"(d) EVALUATION.—

"(1) PROGRAMS.—

"(A) JOB TRAINING PROGRAMS.—The Secretary shall provide for the continuing evaluation of programs conducted under this Act, including the cost effectiveness of the program in achieving the purposes of this Act.

"(B) OTHER PROGRAMS.—The Secretary may conduct evaluations of other federally funded employment-related activities including programs administered under—

"(i) the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

"(ii) the National Apprenticeship Act (29 U.S.C. 50 et seq.);

"(iii) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(iv) chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.); and

"(v) the Federal unemployment insurance program under titles III, IX, and XII of the Social Security Act (42 U.S.C. 501 et seq., 1101 et seq., and 1321 et seq.).

"(2) TECHNIQUES.—

"(A) METHODS.—Evaluations conducted under paragraph (1) shall utilize sound statistical methods and techniques of the behavioral and social sciences, including random assignment methodologies if feasible.

"(B) ANALYSIS.—Such evaluations may include cost-benefit analysis of programs, the impact of the programs on community and participants, the extent to which programs meet the needs of various demographic groups, and the effectiveness of the delivery systems used by various programs.

"(C) EFFECTIVENESS.—The Secretary shall evaluate the effectiveness of programs authorized under this Act with respect to—

"(i) the statutory goals;

"(ii) the performance standards established by the Secretary; and

"(iii) the extent to which such programs enhance the employment and earnings of participants, reduce income support costs, improve the employment competencies of participants in comparison to comparable persons who did not participate in such programs, and, to the extent feasible, increase the level of total employment over the level that would have existed in the absence of such programs.";

(3) in section 453, to read as follows:

"CAPACITY BUILDING, INFORMATION, DISSEMINATION, AND REPLICATION ACTIVITIES

"SEC. 453. (a) NATIONAL STRATEGY.—The Secretary shall develop a national strategy for carrying out the activities described in subsection (b)(2) and the replication of programs described in subsection (c), and shall ensure the implementation of the national strategy.

"(b) NETWORK.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary shall establish a Capacity Building and Information and Dissemination Network (referred to in this section as the 'Network') to enhance the effectiveness of and to strengthen the caliber of services provided through programs authorized under this Act and other Federal, State, and local employment and training programs.

"(B) ADMINISTRATION.—The Secretary shall establish and maintain such Network—

"(i) directly;

"(ii) under an interagency agreement; or

"(iii) through a grant or contract awarded on a competitive basis to a single entity, or to a system of entities coordinated by the Secretary, with appropriate expertise.

"(2) ACTIVITIES.—The Network shall—

"(A) provide, coordinate, and support the development of, appropriate training, technical assistance, staff development, and other activities that will—

"(i) enhance the skills, knowledge, and expertise of the personnel who staff employment and training and other closely related human service systems, including service providers;

"(ii) improve the quality of services provided to individuals served under this Act and other Federal employment and training programs and encourage integrated service delivery under such programs using—

"(I) where cost effective, interactive communication systems and satellite technology; and

"(II) where possible, staff trained in a variety of Federal human resource programs;

"(iii) improve the planning, procurement, and contracting practices pursuant to this Act; and

"(iv) provide broad human services policy and planning training to—

"(I) private industry council volunteers; and

"(II) where appropriate, members of State human resource investment councils and other State councils;

"(B) prepare and disseminate staff training curricula and materials, primarily using computer-based technologies, for employment and training professionals and support staff, that focus on enhancing staff competencies and professionalism, including instruction on the administrative requirements of this Act, such as procurement and contracting standards and regulations; and

"(C)(i) identify, develop, disseminate, and provide training in the techniques learned from, innovative and successful program models, materials, methods, and information, by using computer-based technologies for organizing a data base and dissemination and communication system for the Network, and establishing a computer-based communications and dissemination methodology to share information among employment and training personnel and institutions; and

"(ii) in identifying such program models, ensure that consideration shall be given to—

"(I) the size and scope of the program;

"(II) the length of time that the program has been operating;

"(III) the nature and reliability of measurable outcomes for the program;

"(IV) the capacity of the sponsoring organization to provide the technical assistance necessary for States and service delivery areas to replicate the program; and

"(V) the likelihood that the program will be successful in diverse economic, geographic, and cultural environments.

"(3) CHARGES.—The Network may require cost-sharing to offset the actual costs of institute training, materials acquisition, or information dissemination. Any resulting income shall be used in accordance with section 141(m).

"(4) COORDINATION.—

"(A) IN GENERAL.—The Secretary shall consult with the Secretaries of Education and Health and Human Services, as appropriate, to coordinate the activities of the Network with other relevant institutes, centers, laboratories, clearinghouses, or dissemination networks, such as the National Diffusion Network.

"(B) COORDINATION WITH REPLICATION GRANT PROGRAM.—To the extent possible, the Network shall coordinate the activities of the Network with activities assisted under the replication grant program conducted under subsection (c).

"(c) REPLICATION.—

"(1) REPLICATION PROGRAM AUTHORIZED.—The Secretary shall make competitive grants to public or private nonprofit organizations for technical assistance, and to States and service delivery areas for planning and program development, to promote the replication of employment and training programs that are successful in improving the employment prospects of populations served under this Act and that are replicable on a large scale. In making such grants, the Secretary shall consider the recommendations described in paragraph (2)(B) of the review panel established under paragraph (2)(A) regarding such programs.

"(2) REVIEW PANEL.—

"(A) ESTABLISHMENT.—The Secretary shall establish a review panel comprised of not more than 6 individuals appointed by the Secretary who are recognized experts in the operation and evaluation of employment and training programs for economically disadvantaged youth and adults, and dislocated workers.

"(B) RECOMMENDATIONS.—The review panel shall make recommendations to the Secretary regarding model programs that the panel considers likely to be successful in improving such employment prospects of populations served under this Act and to be replicable on a large scale.

"(C) CONSIDERATIONS.—In recommending such programs the review panel shall use the considerations described in subsection (b)(2)(C)(ii).

"(D) MEETINGS.—The review panel shall meet not more than once each year to carry out the responsibilities described in this paragraph.

"(E) CONFLICT OF INTEREST.—No member of such panel shall have a direct financial interest in or affiliation with a potential recipient of funds under the program authorized by this section.

"(3) APPLICATIONS.—

"(A) NONPROFIT ORGANIZATION.—Any public or private nonprofit organization desiring to receive such a grant to provide the technical assistance necessary for program replication may submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(B) STATE; SERVICE DELIVERY AREA.—Any State or service delivery area desiring to receive such a grant for planning and program development associated with a replication effort shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(C) CONTENTS.—Each application described in subparagraph (A) or (B) shall contain—

"(i) a description of the program proposed for replication and available evidence of the success of the program in improving the employment prospects of economically disadvantaged youth and adults, and dislocated workers, within each such service delivery area; and

"(ii) in the case of applications described in subparagraph (A), an assurance that the organization will enter into an agreement with the service delivery areas in which the program is to be replicated, to participate in the replication program.

"(4) GRANT LIMITATIONS.—

"(A) LIMITATION.—In any 3-year period the Secretary shall not approve grants for the same replication activities in more than 10 States or communities. During such 3-year period, the results of such limited replication efforts shall be carefully evaluated and examined by the Secretary regarding the advisability of replicating the model program in more than 10 States or communities or for longer than 3 years.

"(B) WAIVER.—The Secretary may waive the limitation set forth in subparagraph (A) for a program if immediate replication efforts on a larger scale are warranted by extensive evaluation of the program prior to designation as a model program under this subsection.

"(5) COORDINATION.—To the extent possible, the Secretary shall coordinate the activities assisted under the replication grant program conducted under this subsection with the activities of the Network under subsection (b). The Secretary shall ensure that information on the programs replicated under this subsection shall be available through the Network.

"(d) MANAGEMENT CAPABILITY.—

"(1) GRANTS.—From the amounts reserved under section 3(c)(2)(B)(ii)(III) for each fiscal year to carry out this subsection, the Secretary may award grants to States for the purpose of assisting the States in carrying out the activities described in section 202(c)(1)(A).

"(2) ELIGIBILITY.—A State that receives an amount under section 202(c)(1)(A) for a fiscal year that is less than $500,000 shall be eligible to receive a grant under this subsection for the fiscal year.

"(3) AMOUNT OF GRANT.—The amount of a grant awarded to a State for a fiscal year under paragraph (1) shall not exceed the lesser of—

"(A) $100,000; or

"(B) the difference obtained by subtracting from $500,000 the amount received by the State for the fiscal year under section 202(c)(1)(A).

"(4) AWARD OF GRANTS.—In determining whether to award a grant to a State under paragraph (1), and in determining the amount of such a grant, the Secretary shall take into account the demonstrated need of the State to receive such a grant, as indicated by—

"(A) the number of service delivery areas in the State; and

"(B) the demonstrated insufficiency of resources of the State to administer State responsibilities under sections 121 and 122.

"(5) APPLICATION.—To be eligible to receive a grant under this subsection for a fiscal year, a State shall submit an application at such time, in such manner, and containing such information as the Secretary may require, including sufficient information to enable the Secretary to make the determinations described in paragraph (4).

"(6) USE OF FUNDS.—The Secretary shall make available to carry out subsections (b) and (c) any amounts reserved under section 3(c)(2)(B)(ii)(III) for a fiscal year and not expended to make grants under paragraph (1) for such year.";

(4) striking sections 454 through 456; and

(5)(A) redesignating section 457 as section 456; and

(B) striking the heading for section 456 (as redesignated by subparagraph (A)) and inserting "NONTRADITIONAL EMPLOYMENT DEMONSTRATION PROGRAM".

(b) TRAINING AND TECHNICAL ASSISTANCE.—Part D of title IV of the Act (29 U.S.C. 1671 et seq.) is amended by inserting after section 453 the following:

"GUIDANCE ON ELIGIBILITY VERIFICATION

"SEC. 454. (a) ESTABLISHMENT.—The Secretary shall provide guidance and technical assistance, to States and service delivery areas, relating to the documentation required to verify the eligibility of participants under parts A, B, and C of title II of this Act, particularly the hard-to-serve individuals specified in section 203(b) and subsections (b) and (d) of section 263. Such documentation shall, to the extent practicable, be uniform and standard.

"(b) GUIDANCE.—The guidance provided pursuant to subsection (a), while maintaining program integrity, shall—

"(1) limit the documentation burden to the minimum necessary to adequately verify such eligibility; and

"(2) ensure, to the extent practicable, that the documentation requirements shall not discourage the participation of eligible individuals.

"(c) CONTENTS.—The guidance provided pursuant to subsection (a) shall specifically address income eligibility, assessment, the determination regarding whether an individual is a hard-to-serve individual, and specific uniform or standardized documentation forms or procedures (including simplified standardized forms, automated intake procedures, and self-certification documents) and other documentation proxies (such as JOBS and Job Corps eligibility forms).

"(d) DATE.—The Secretary shall provide the guidance described in subsection (a) not later than December 18, 1992.".

SEC. 404. UNIFORM REQUIREMENTS.

(a) REPORTING; TRAINING NETWORK.—Part D of title IV of the Act (29 U.S.C. 1731 et seq.), is amended by inserting after section 454 (as added by section 403) the following new section:

"UNIFORM REPORTING REQUIREMENTS

"SEC. 455. (a) FINDING.—Congress finds that closer coordination and more effective use of resources among a variety of employment and training programs can be facilitated if the programs have common data elements and definitions.

"(b) DATA ELEMENTS.—The Secretaries of Labor, Education, and Health and Human Services, in consultation with other appropriate departments and with the National Occupational Information Coordinating Committee, shall identify a core set of consistently defined data elements for employment and training programs, including those funded under titles II, III, and IV of this Act, the Wagner-Peyser Act (29 U.S.C. 49 et seq.), the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), the JOBS program, and title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

"(c) REPORT.—The Secretary shall prepare and submit to Congress not later than January 1, 1994, a report listing recommended data elements and their definitions, and containing an analysis of the benefits of the adoption of the data elements and definitions.

"(d) CONSULTATION.—The Secretary shall consult with experts and practitioners, at the Federal, State, and local levels and in the various program areas, in fulfilling the requirements of this section. The Secretary shall also consult with the General Accounting Office in fulfilling the requirements of this section.".

SEC. 405. LABOR MARKET INFORMATION.

(a) COOPERATIVE LABOR MARKET INFORMATION.—Section 462 of the Act (29 U.S.C. 1752) is amended by adding at the end the following new subsection:

"(g)(1) Taking into consideration research previously conducted by the National Commission for Employment Policy and other entities, the Commissioner of Labor Statistics, in cooperation with the States, shall determine appropriate procedures for establishing a nationwide database containing information on the quarterly earnings, establishment and industry affiliation, and geographic location of employment, for all individuals for whom such information is collected by the States.

"(2) The Commissioner of Labor Statistics shall determine appropriate procedures for maintaining such information in a longitudinal manner and for making such information available for policy research or program evaluation purposes or both, while ensuring the confidentiality of information and the privacy of individuals.

"(3) The Secretary shall prepare and submit to the Congress, not later than 12 months after the date of enactment of the Job Training Reform Amendments of 1992, a report that shall describe the costs and benefits, including savings on program followup surveys, of a nationwide database containing the information described in paragraph (1) and a schedule that would allow for the establishment of such a database.

(b) SPECIAL FEDERAL RESPONSIBILITIES.—Section 463(a) of the Act (29 U.S.C. 1753(a)) is amended by inserting "the Secretary of Health and Human Services," after "the Secretary of Education,".

(c) NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.—Section 464 of the Act (29 U.S.C. 1754) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "not more than $5,000,000" and inserting "$6,000,000"; and

(B) in paragraph (2) by striking "for Manpower, Reserve Affairs, and Logistics" and inserting "Force Management and Personnel"; and

(2) in subsection (b)—

(A) in paragraph (2) by inserting after "give special attention to the" the following: "career development and"; and

(B) in paragraph (5) by inserting after "any aspect of occupational and career information systems" the following: "and coordination and compatibility of human resources data systems operated by Federal agencies or the States, including systems to assist economic development activities and, where appropriate, provide support to States in the implementation of such system improvements.".

SEC. 406. ESTABLISHMENT OF THE YOUTH FAIR CHANCE PROGRAM.

Title IV of the Act (29 U.S.C. 1671 et seq.) is amended by adding at the end the following new part:

"Part H—Youth Fair Chance Program

"SEC. 491. STATEMENT OF PURPOSE.

"It is the purpose of the Youth Fair Chance program under this part to—

"(1) ensure access to education and job training assistance for youth residing in high poverty areas of urban and rural communities;

"(2) provide a comprehensive range of education, training, and employment services to disadvantaged youth who are not currently served or are underserved by Federal education and job training programs;

"(3) enable communities with high concentrations of poverty to establish and meet goals for improving the opportunities available to youth within the community; and

"(4) facilitate the coordination of comprehensive services to serve youth in such communities.

"SEC. 492. PROGRAM AUTHORIZED.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary is authorized to establish a national program of Youth Fair Chance grants to pay the Federal share attributable to this part of providing comprehensive services to youth living in high poverty areas in the cities and rural areas of the Nation.

"(b) ELIGIBILITY FOR GRANTS.—

"(1) RECIPIENTS.—The Secretary may only award grants under this part to—

"(A) the service delivery area (on behalf of the participating community) in which a target area is located;

"(B) in the case of a grant involving a target area located in an Indian reservation or Alaska Native village, the grantee designated under subsection (c) or (d) of section 401, or a consortium of such grantees and the State; or

"(C) in the case of a grant involving a target area located in a migrant or seasonal farmworker community, the grantee designated under section 402(c), or a consortium of such grantees and the State.

"(2) NUMBER OF GRANTS.—

"(A) IN GENERAL.—The Secretary may award not more than 25 grants during the first fiscal year that the program is authorized.

"(B) INDIAN RESERVATIONS AND ALASKA NATIVE VILLAGES.—In awarding grants under this part during the first 5 fiscal years that the program is assisted, the Secretary shall award—

"(i) at least 1 grant to a grantee or consortium described in paragraph (1)(B); and

"(ii) at least 1 grant to a grantee or consortium described in paragraph (1)(C).

"(c) RENEWABILITY OF GRANTS.—

"(1) IN GENERAL.—Grants awarded under this part shall be for a 1-year period. Such a grant shall be renewable for each of the 2 succeeding fiscal years if the Secretary determines the grant recipient complied with conditions of the grant during the previous fiscal year.

"(2) EXTENSION.—The Secretary may extend the renewal period set forth in paragraph (1) for an additional 2 fiscal years on reapplication.

"(d) FACTORS FOR AWARDS.—In awarding grants under this part, the Secretary shall consider the quality of the proposed project, the goals to be achieved, the likelihood of successful implementation, the extent of community support, other Federal and non-Federal funds available for similar purposes, and additional State, local, or private resources that will be provided. The Secretary shall give priority to participating communities with the highest poverty rates.

"SEC. 493. APPLICATION.

"(a) ELIGIBILITY TO APPLY.—Participating communities that have the highest concentrations of poverty, as determined by the Secretary based on the latest Bureau of the Census estimates, shall be eligible to apply for a Youth Fair Chance grant.

"(b) CONTENTS OF APPLICATION.—

"(1) IN GENERAL.—Each participating community desiring a grant under this part shall, through the individuals set forth in subsection (c), submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each such application shall—

"(A) include a comprehensive plan for the Youth Fair Chance initiative designed to achieve identifiable goals for youth in the target area;

"(B) set forth measurable program goals and outcomes, which may include increasing the proportion of—

"(i) youth completing high school or its equivalent;

"(ii) youth entering into postsecondary institutions, apprenticeships, or other advanced training programs;

"(iii) youth placed in jobs; or

"(iv) youth participating in education, training, and employment services;

"(C) include supporting goals for the target area such as increasing security and safety, or reducing the number of drug-related arrests;

"(D) provide assurances that the applicant will comply with the terms of the agreement described in section 494;

"(E) demonstrate how the participating community will make use of the resources, expertise, and commitment of institutions of higher education, educational agencies, and vocational and technical schools and institutes;

"(F) provide an assurance that all youth in the target areas will have access to a coordinated and comprehensive range of education and training opportunities that serve the broadest range of youth interests and needs and simultaneously mobilizes the diverse range of education and training providers in the participating community;

"(G) provide assurances that the youth in the target area will have access to supportive services necessary for successful participation, including such services as child care, transportation, and assistance in resolving personal or family crises, such as crises related to substance abuse, homelessness, migration, and family violence;

"(H) include a description of a system of common intake procedures or sites, individualized assessment, and case management to be used by the program;

"(I) demonstrate how the participating community will make use of the resources, expertise, and commitment of such programs and service providers as—

"(i) community-based organizations providing vocational skills, literacy skills, remedial education, and general equivalency preparation, including community-based organizations serving youth with limited-English proficiency;

"(ii) youth corps programs, including youth conservation and human service corps;

"(iii) Job Corps centers;

"(iv) apprenticeship programs; and

"(v) other projects and programs funded under this Act;

"(J) include an estimate of the expected number of youth in the target area to be served;

"(K) include a description of the resources available in the participating community from private, local government, State, and Federal sources that will be used to achieve the goals of the program;

"(L) include an estimate of funds required to ensure access to appropriate education, training, and support services for all youth in the target area who seek such opportunities; and

"(M) provide evidence of support for accomplishing the stated goals of the participating community from—

"(i) local elected officials;

"(ii) the local school system;

"(iii) appropriate postsecondary education and training institutions;

"(iv) the applicable private industry council;

"(v) local community leaders;

"(vi) business;

"(vii) labor organizations; and

"(viii) other appropriate organizations.

"(c) SUBMISSION OF APPLICATION.—The application for funds described in subsection (b) may only be submitted to the Secretary on behalf of a participating community by—

"(1) the mayor of a city or the chief elected official in a metropolitan statistical area, after the Governor of the State has had an opportunity to comment on the application;

"(2) the chief elected official of a nonmetropolitan county or the designated chief elected official of contiguous nonmetropolitan counties, after the Governor of the State has had an opportunity to comment on the application; or

"(3) a grantee or consortium described in subparagraph (B) or (C) of section 492(b)(1) in applications for Native American or migrant or seasonal farmworker communities, respectively.

"SEC. 494. GRANT AGREEMENT.

"(a) IN GENERAL.—Each grant recipient receiving a grant under this part on behalf of a participating community shall enter into an agreement with the Secretary.

"(b) CONTENTS.—Each such agreement shall—

"(1) designate a target area that—

"(A) will be the focus of the demonstration project; and

"(B) shall have a population of—

"(i) not more than 25,000; or

"(ii) in an appropriate case, not more than 50,000,

except that in the event that the population of an area from which a high school draws a substantial portion of its enrollment exceeds either limit, the target area may encompass such boundary;

"(2) contain assurances that funds provided under this part will be used to support education, training, and supportive activities selected from a set of youth program models designated by the Secretary or from alternative models described in the application and approved by the Secretary, such as—

"(A) nonresidential learning centers;

"(B) alternative schools;

"(C) combined activities including summer remediation, work experience and work readiness training, and school-to-work, apprenticeship, or postsecondary education programs;

"(D) teen parent programs;

"(E) special programs administered by community colleges;

"(F) youth centers;

"(G) initiatives aimed at increased rural student enrollment in postsecondary institutions;

"(H) public-private collaborations to assure private sector employment and continued learning opportunities for youth; and

"(I) initiatives, such as youth corps programs, that combine community and youth service opportunities with education and training activities;

"(3) provide that funds received under this part will be used for services to youth ages 14 through 21 at the time of enrollment;

"(4) contain assurances that the local educational agency and any other educational agency that operates secondary schools in the target area shall provide such activities and resources as are necessary to achieve the educational goals specified in the application;

"(5) contain assurances that the participating community will provide such activities and local resources as are necessary to achieve the goals specified in the application;

"(6) contain assurances that the participating community will undertake outreach and recruitment efforts in the target area to encourage, to the maximum extent possible, participation by the disadvantaged youth who are currently unserved, or underserved, by education and

training programs, including targeted measures specifically designed to enlist the participation of youth, particularly males, under the jurisdiction of the child welfare, juvenile justice, and criminal justice systems;

"(7) provide that the participating community will carry out special efforts to establish coordination with Federal, State, or local programs that serve the target population;

"(8) provide assurances that funds provided under this part for a fiscal year will be used only to pay the Federal share attributable to this part of the cost of programs and services not otherwise available in the target area and will supplement, and not supplant, funding from other local, State, and Federal sources available to youth in the target area during the previous year; and

"(9) permit funds provided under this part to be used to support paid work experience programs if such programs are combined with other education and training activities.

"SEC. 495. JOB GUARANTEES.

"(a) PROGRAM AUTHORITY.—The Secretary shall permit a reasonable number of the grant recipients under this part to enter into an agreement to provide, in accordance with this section, a job guarantee program to youths meeting prior school attendance and performance standards.

"(b) GUARANTEE AGREEMENTS.—A grant recipient providing such a job guarantee program shall enter into an agreement with the Secretary, which agreement shall—

"(1) provide that the program be available to youth age 16 to 19 who undertake a commitment to continue and complete their high school education;

"(2) require the grant recipient to guarantee employment to each youth undertaking the commitment if such youth meets school attendance and performance standards for the previous school semester, as established by the Secretary in consultation with the Secretary of Education;

"(3) provide that the grant recipient will make additional services available to support the undertaking of any such youth, which shall include counseling, job development and placement, and supportive services (including child care and transportation);

"(4) specify the conditions under which funds provided under this part may be used to provide wage subsidies of up to 50 percent through employers, which conditions shall—

"(A) encourage subsidies to employers who provide advanced or specialized training, or who provide a structured and integrated learning experience involving the school and employer; and

"(B) limit the duration of such subsidies to not more than 1 year;

"(5) require that the employment provided to any such youth shall not exceed 15 hours per week during the school year;

"(6) permit employment to continue through the summer following high school graduation, or until the youth reaches age 19, whichever is later; and

"(7) contain such other terms and conditions as the Secretary requires by regulation.

"(c) SELECTION OF GRANT RECIPIENTS.—In determining which grant recipients to permit to enter an agreement under this section, the Secretary shall seek to target funds to areas with the highest poverty rates.

"(d) YOUTH ELIGIBILITY.—All youth, regardless of income, residing in an eligible high poverty area shall be eligible to participate in the job guarantee program.

"(e) PRIVATE FUNDS.—Nothing in this section shall be construed to prohibit the grant recipient from raising funds to augment such grant if such funds are utilized under the conditions of the grant, except that such funds shall not be used for administration.

"SEC. 496. PAYMENTS; FEDERAL SHARE.

"(a) PAYMENTS REQUIRED.—In any fiscal year, the amount of a grant awarded under this part shall be based on the size of the target area and the extent of the poverty in such area, and shall be of sufficient size and scope to carry out an effective program under this part.

"(b) FEDERAL SHARE.—The Federal share attributable to this part of the cost of providing comprehensive services as provided in section 492(a) shall be not less than 70 percent for each fiscal year a grant recipient receives assistance under this Act.

"(c) OTHER FEDERAL SOURCES.—In providing for the remaining share of such cost, each grant recipient may provide not more than 20 percent of such cost from Federal sources other than funds received pursuant to this part.

"(d) NON-FEDERAL SHARE.—A grant recipient shall provide non-Federal funds in an amount not less than 10 percent of such cost, an in-kind contribution equivalent to such percent (as determined by the Secretary), or a combination thereof.

"SEC. 497. REPORTING.

"The Secretary is authorized to establish such reporting procedures as are necessary to carry out the purposes of this part.

"SEC. 498. FEDERAL RESPONSIBILITIES.

"(a) IN GENERAL.—The Secretary shall provide assistance to participating communities in implementing the projects assisted under this part.

"(b) INDEPENDENT EVALUATION.—

"(1) IN GENERAL.—The Secretary shall provide for a thorough, independent evaluation of the Youth Fair Chance program to assess the outcomes of youth participating in programs assisted under this part.

"(2) EVALUATION MEASURES.—In conducting the evaluation described in paragraph (1) the Secretary shall include an assessment of—

"(A) the impact on youth residing in target areas, including the rates of school completion, enrollment in advanced education or training, and employment of the youth;

"(B) the extent to which participating communities fulfilled the goal of guaranteed access to appropriate education, training, and supportive services to all eligible youth residing in target areas who seek to participate;

"(C) the effectiveness of guaranteed access to comprehensive services combined with outreach and recruitment efforts in enlisting the participation of previously unserved or underserved youth residing in target areas;

"(D) the effectiveness of efforts to integrate service delivery in target areas, including systems of common intake, assessment, and case management; and

"(E) the feasibility of extending guaranteed access to comprehensive education, training and support services for youth in all areas of the United States, including possible approaches to incremental extension of such access over time.

"(c) REPORT.—The Secretary shall prepare a report detailing the results of the independent evaluation described in subsection (b) and shall submit such report to the Congress not later than December 31, 1996, along with an analysis of expenditures made, results achieved, and problems in the operations and coordination of programs assisted under this part.

"(d) RESERVATION OF FUNDS.—The Secretary may reserve not more than 5 percent of the amount appropriated under this part in each fiscal year to carry out the provisions of this section.

"SEC. 498A. DEFINITIONS.

"For the purposes of this part—

"(1) PARTICIPATING COMMUNITY.—The term 'participating community'—

"(A) in the case of a community conducting a project in an urban area, means a city in a metropolitan statistical area;

"(B) in the case of a community conducting a project in a rural area, means a nonmetropolitan county or contiguous nonmetropolitan counties;

"(C) in the case of a community conducting a project in an Indian reservation or Alaska Native village, the grantee designated under subsection (c) or (d) of section 401, or a consortium of such grantees and the State; or

"(D) in the case of a community conducting a project in a migrant or seasonal farmworker community, the grantee designated under section 402(c), or a consortium of such grantees and the State.

"(2) HIGH POVERTY AREA.—The term 'high poverty area' means an urban census tract, a nonmetropolitan county, a Native American Indian reservation, or an Alaska Native village, with a poverty rate of 30 percent or more, as determined by the Bureau of the Census, or a migrant or seasonal farmworker community.

"(3) TARGET AREA.—The term 'target area' means a high poverty area or set of contiguous high poverty areas that will be the focus of the program in each participating community.".

SEC. 407. ESTABLISHMENT OF THE MICROENTERPRISE GRANTS PROGRAM.

Title IV of the Act (29 U.S.C. 1671 et seq.), as amended by section 406, is further amended by adding at the end the following new part.

"Part I—Microenterprise Grants Program

"SEC. 499. MICROENTERPRISE GRANTS.

"(a) PROGRAM AUTHORITY.—From the amount appropriated to carry out this section for fiscal years 1993 through 1997, the Secretary of Labor shall make grants of not more than $500,000 per year to not more than 10 States per year to implement and enhance community-based microenterprise activities. Such grants shall be an amount adequate to ensure that the activities will be of sufficient size and scope to produce substantial benefits. Such activities shall be for the benefit of economically disadvantaged persons.

"(b) USE OF FUNDS.—Such funds shall be used, notwithstanding section 141(q)—

"(1) to train program staff in such entrepreneurial activities as business plan development, business management, resource inventory design, and marketing approaches, and other activities necessary to provide effective entry level training to persons developing a microenterprise;

"(2) to provide to owners or potential owners of a microenterprise such technical assistance (including technical assistance with respect to business planning, securing funding, marketing, and production of marketing materials) and other assistance as may be necessary to develop microenterprise activities; and

"(3) to provide microenterprise support (such as peer support programs and counseling).

"(c) APPLICATION AND SELECTION.—The Secretary shall award grants competitively under this section on the basis of—

"(1) the State commitment, as evidenced by existing or proposed related programs and support;

"(2) evidence of ability to conduct and monitor the microenterprise activities;

"(3) evidence of linkage to private, community-based credit and technical assistance providers; and

"(4) size of the non-Federal match.

"(d) TIMING.—Not later than April 1 of any fiscal year, a State may submit to the Secretary an application. Not later than the following June 1, the Secretary shall approve not more than 10 of the applications. Not later than the following July 1, the Secretary shall authorize the applicant to begin the programs. The Secretary may consider making multiyear grants.

"(e) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—No State shall receive a grant under this section unless the State agrees

to provide, to carry out the microenterprise programs, non-Federal contributions in an amount equal to 100 percent of Federal funds provided under such grant.

"(2) DETERMINATION.—The non-Federal contribution may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"(f) REPORTS.—Each State receiving a grant under this section shall, for each fiscal year for which funds are received, submit to the Secretary a report that describes—

"(1) the programs that have been established and developed with such funds, including a description of the persons participating and the microenterprises developed;

"(2) the quantitative and qualitative benefits of such programs; and

"(3) the contributions of such programs to economic self-sufficiency and economic development.

"(g) DEFINITIONS.—As used in this section:

"(1) MICROENTERPRISE.—The term 'microenterprise' means a commercial enterprise if—

"(A) the enterprise has 5 or fewer employees, 1 or more of whom owns the enterprise; and

"(B) each of the owners of the enterprise is economically disadvantaged.

"(2) STATE.—The term 'State' includes—

"(A) in the case of a community conducting a project in an Indian reservation or Alaska Native village, the grantee designated under subsection (c) or (d) of section 401, or a consortium of such grantees and the State; and

"(B) in the case of a community conducting a project in a migrant or seasonal farmworker community, the grantee designated under section 402(c), or a consortium of such grantees and the State.".

SEC. 408. ESTABLISHMENT OF THE DISASTER RELIEF PROGRAM.

Title IV of the Act (29 U.S.C. 1671 et seq.), as amended by sections 406 and 407, is further amended by adding at the end the following new part:

"Part J—Disaster Relief Employment Assistance

"SEC. 499A. GENERAL AUTHORITY.

"(a) QUALIFICATION FOR FUNDS.—Funds appropriated to carry out this part shall be made available in a timely manner by the Secretary to the Governor of any State within which is located an area that has suffered an emergency or a major disaster as defined in paragraphs (1) and (2), respectively, of section 102 of the Disaster Relief Act of 1974 (42 U.S.C. 5122 (1) and (2)) (referred to in this part as the 'disaster area').

"(b) SUBSTATE ALLOCATION.—Not less than 80 percent of the funds made available to any Governor under subsection (a) shall be allocated by the Governor to units of general local government located, in whole or in part, within such disaster areas. The remainder of such funds may be reserved by the Governor for use, in concert with State agencies, in cleanup, rescue, repair, renovation, and rebuilding activities associated with such major disaster.

"(c) COORDINATION—Funds made available under this part to Governors and units of general local government shall be expended in consultation with—

"(1) agencies administering programs for disaster relief provided under the Disaster Relief Act of 1974; and

"(2) the administrative entity and the private industry council in each service delivery area within which disaster employment programs will be conducted under this part.

"SEC. 499B. USE OF FUNDS.

"(a) PROJECTS RESTRICTED TO DISASTER AREAS.—Funds made available under this part to any unit of general local government in a disaster area—

"(1) shall be used exclusively to provide employment on projects to provide food, clothing, shelter, and other humanitarian assistance for disaster victims and on projects regarding demolition, cleanup, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster area; and

"(2) may be expended through public and private agencies and organizations engaged in such projects.

"(b) ELIGIBLE PARTICIPANTS.—An individual shall be eligible to be offered disaster employment under this part if such individual is—

"(1)(A) eligible to participate or enroll, or is a participant or enrolled, under title III of this Act, other than an individual who is actively engaged in a training program; or

"(B) eligible to participate in programs or activities assisted under section 401 or 402; and

"(2) unemployed as a consequence of the disaster.

"(c) LIMITATIONS ON DISASTER RELIEF EMPLOYMENT.—No individual shall be employed under this part for more than 6 months for work related to recovery from a single natural disaster.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to promote the fiscal integrity of programs conducted with funds made available under this part.

"SEC. 499C. DEFINITIONS.

"As used in this part, the term 'unit of general local government' includes—

"(1) in the case of a community conducting a project in an Indian reservation or Alaska Native village, the grantee designated under subsection (c) or (d) of section 401, or a consortium of such grantees and the State; and

"(2) in the case of a community conducting a project in a migrant or seasonal farmworker community, the grantee designated under section 402(c), or a consortium of such grantees and the State.".

TITLE V—JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS INCENTIVE BONUS PROGRAM

SEC. 501. JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS.

Title V of the Act (29 U.S.C. 1791 et seq.) is amended to read as follows:

"TITLE V—JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS INCENTIVE BONUS PROGRAM

"SEC. 501. STATEMENT OF PURPOSE.

"It is the purpose of this title to provide incentives to reduce welfare dependency, promote self-sufficiency, increase child support payments, and increase employment and earnings of individuals by providing to each participating State a bonus for providing job training to—

"(1) absent parents of children receiving aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), who subsequent to such training pay child support for their children; and

"(2) blind or disabled individuals receiving supplemental security income under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), who subsequent to such training are successfully placed in and retain employment.

"SEC. 502. PAYMENTS.

"(a) IN GENERAL.—For each program year for which funds are appropriated to carry out this title, the Secretary shall pay to each participating State the amount that State is eligible to receive under this title.

"(b) RATABLE REDUCTIONS.—If the amount so appropriated is not sufficient to pay each State the amount each State is eligible to receive, the Secretary shall ratably reduce the amount paid to each State.

"(c) RATABLE INCREASES.—If any additional amount is made available for carrying out this title for any program year after the application of subsection (b), such additional amount shall be allocated among the States by increasing such payments in the same manner as they were reduced, except that no such State shall be paid an amount that exceeds the amount that the State is eligible to receive under this title.

"(d) REPROGRAMMING.—If the amount appropriated for a program year is in excess of the amount necessary to pay each State the amount each State is eligible to receive, the Secretary shall allot the excess amount to the States for allocation to the service delivery areas in accordance with section 202 to carry out part A of title II.

"SEC. 503. AMOUNT OF INCENTIVE BONUS.

"The amount of the incentive bonus paid to each State shall be the sum of—

"(1) an amount equal to the total of the amounts of child support paid by each individual eligible under section 506(1) within the State, for up to 2 years after the termination of the individual from activities provided under this Act; and

"(2) an amount equal to the total reduction in the Federal contribution to the amounts received under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) by each individual eligible under section 506(2) within the State, for up to 2 years after the termination of the individual from activities provided under this Act.

"SEC. 504. USE OF INCENTIVE BONUS FUNDS.

"(a) IN GENERAL.—

"(1) ALLOCATION.—

"(A) ADMINISTRATIVE COSTS.—During any program year, the Governor may use an amount not to exceed 5 percent of the total bonus payments of a State for administrative costs incurred under this title, including data and information collection and compilation, recordkeeping, or the preparation of applications for incentive bonuses.

"(B) DISTRIBUTION OF PAYMENTS.—The amount of incentive bonus payments that remains after the deduction of administrative costs under subparagraph (A) shall be distributed to service delivery areas and Job Corps centers within the State in accordance with an agreement between the Governor and representatives of such areas and centers. Such agreement shall reflect an equitable method of distribution that is based on the degree to which the efforts of such area or center contributed to the qualification of the State for an incentive bonus payment under this title.

"(2) SPECIAL RULE.—Not more than 10 percent of the amounts received under this title in any program year by each service delivery area and Job Corps center may be used for the administrative costs of establishing and maintaining systems necessary for operation of programs under this title, including the costs of providing incentive payments described in subsection (b), technical assistance, data and information collection and compilation, management information systems, post-program followup activities, and research and evaluation activities. The balance of funds not so expended shall be used by each service delivery area for activities described in sections 204 and 264, and by each Job Corps center for activities authorized under part B of title IV.

"(b) INCENTIVE PAYMENTS TO SERVICE PROVIDERS.—Each service delivery area or Job Corps center may make incentive payments to service providers, including participating State and local agencies, and community-based organizations, that demonstrate effectiveness in delivering employment and training services to individuals such as those described in section 506.

"(c) APPLICATION OF SECTION RELATING TO ADMINISTRATIVE ADJUDICATIONS.—Section 166

(relating to administrative adjudication) shall apply to the distribution of incentive bonus payments under this section.

"SEC. 505. NOTICE AND APPLICATION.

"(a) NOTICE OF INTENT TO PARTICIPATE.—Any State seeking to participate in the incentive bonus program established under this title shall notify the Secretary of the intent of the State to participate not later than 30 days before the beginning of the first program year of participation.

"(b) APPLICATION.—

"(1) IN GENERAL.—Any State seeking to receive an incentive bonus under this title shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require in order to ensure compliance with this title.

"(2) CONTENTS.—Each such application shall contain, at a minimum—

"(A) a list of the eligible individuals in the State who satisfied the requirements of section 506 during the program year;

"(B) the amount of the incentive bonus attributable to each eligible individual and due the State under section 503; and

"(C) certification that documentation is available to verify the eligibility of participants and the amount of the incentive bonus claimed by the State.

"(c) NOTICE OF APPROVAL OR DENIAL.—The Secretary shall promptly inform a State after receipt of the application as to whether or not the application of the State has been approved.

"SEC. 506. ELIGIBILITY FOR INCENTIVE BONUSES.

"An individual shall be eligible to participate in a program established under this title if—

"(1) the individual—

"(A) was an absent parent of any child receiving aid to families with dependent children under part A of title IV of the Social Security Act at the time such individual was determined to be eligible to participate in activities provided under this Act;

"(B) has participated in education, training or other activities (including the Job Corps) provided under this Act; and

"(C) pays child support for a child specified in subparagraph (A) following termination from activities provided under this Act; or

"(2) the individual—

"(A) is blind or disabled;

"(B) was receiving benefits under title XVI of the Social Security Act (relating to supplemental security income) at the time such individual was determined to be eligible to participate in activities under this Act;

"(C) has participated in education, training, or other activities (including the Job Corps) provided under this Act; and

"(D) earns from employment a wage or income.

"SEC. 507. INFORMATION AND DATA COLLECTION.

"(a) TECHNICAL ASSISTANCE.—In order to facilitate the collection, exchange, and compilation of data and information required by this title, the Secretary is authorized to provide technical assistance to the States. Such assistance may include cost-effective methods for using State and Federal records to which the Secretary has lawful access.

"(b) JOINT REGULATIONS.—

"(1) IN GENERAL.—The Secretary and the Secretary of Health and Human Services shall jointly issue regulations regarding the sharing, among public agencies participating in the programs assisted under this title, of the data and information necessary to fulfill the requirements of this title.

"(2) SUBJECTS.—Such regulations shall ensure—

"(A) the availability of information necessary to verify the eligibility of participants and the amount of the incentive bonus payable; and

"(B) the maintenance of confidentiality of the information so shared in accordance with Federal and State privacy laws.

"SEC. 508. EVALUATION AND REPORT.

"(a) EVALUATION.—

"(1) IN GENERAL.—The Secretary shall conduct or provide for an evaluation of the incentive bonus program assisted under this title.

"(2) CONSIDERATIONS.—The Secretary shall consider—

"(A) whether the program results in increased service under this Act to absent parents of children receiving aid to families with dependent children under part A of title IV of the Social Security Act and to recipients of supplemental security income under title XVI of the Social Security Act;

"(B) whether the program results in increased child support payments;

"(C) whether the program is administratively feasible and cost effective;

"(D) whether the services provided to other eligible participants under part A of title II are affected by the implementation and operation of the incentive bonus program; and

"(E) such other factors as the Secretary determines to be appropriate.

"(b) REPORT TO CONGRESS.—Not later than January 1, 1997, the Secretary shall submit a report to the appropriate committees of the Congress on the effectiveness of the incentive bonus program assisted under this title. Such report shall include an analysis of the costs of such program and the results of program activities.

"SEC. 509. IMPLEMENTING REGULATIONS.

"The Secretary shall promulgate regulations implementing this title not later than January 31, 1993.".

TITLE VI—STATE HUMAN RESOURCE INVESTMENT COUNCIL

SEC. 601. STATE HUMAN RESOURCE INVESTMENT COUNCIL

(a) IN GENERAL.—The Act (29 U.S.C. 1501 et seq.) is amended by adding at the end the following new title:

"TITLE VII—STATE HUMAN RESOURCE INVESTMENT COUNCIL

"SEC. 701. ESTABLISHMENT AND FUNCTIONS.

"(a) IN GENERAL.—Each State may, in accordance with the requirements of this title, establish a single State human resource investment council (in this title referred to as the 'State Council') that—

"(1) shall review the provision of services and the use of funds and resources under applicable Federal human resource programs and advise the Governor on methods of coordinating such provision of services and use of funds and resources consistent with the laws and regulations governing such programs;

"(2) shall advise the Governor on the development and implementation of State and local standards and measures relating to applicable Federal human resource programs and coordination of such standards and measures;

"(3) shall carry out the duties and functions prescribed for existing State councils described under the laws relating to the applicable Federal human resource programs;

"(4) may identify the human investment needs in the State and recommend to the Governor goals for meeting such needs;

"(5) may recommend to the Governor goals for the development and coordination of the human resource system in the State;

"(6) may prepare and recommend to the Governor a strategic plan to accomplish the goals developed pursuant to paragraphs (4) and (5); and

"(7) may monitor the implementation of and evaluate the effectiveness of the strategic plan prepared pursuant to paragraph (6).

"(b) APPLICABLE FEDERAL HUMAN RESOURCE PROGRAM DEFINED.—

"(1) IN GENERAL.—(A) Except as provided in subparagraph (B), for purposes of this title, the term 'applicable Federal human resource program' includes any program authorized under the provisions of law described under paragraph (2)(A) that the Governor and the head of the State agency responsible for the administration of such program jointly agree to include within the jurisdiction of the State Council.

"(B) With respect to a program authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.) under paragraph (2)(A)(ii), the term 'applicable Federal human resource program' shall only apply to such program if, in addition to meeting the requirements of subparagraph (A), the State council on vocational education agrees to include such program under the jurisdiction of the State Council.

"(2) PROGRAMS.—In accordance with the requirements of paragraph (1), applicable Federal human resource programs—

"(A) may include the programs authorized under—

"(i) this Act;

"(ii) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

"(iii) the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.);

"(iv) the Adult Education Act (20 U.S.C. 1201 et seq.);

"(v) the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

"(vi) part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.); and

"(vii) the employment program established under section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)); and

"(B) may not include programs authorized under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

"SEC. 702. COMPOSITION.

"(a) IN GENERAL.—Each State Council shall be composed as follows:

"(1) Each State Council shall include the head of each State agency responsible for the administration of an applicable Federal human resource program.

"(2)(A) Each State Council shall include one or more representatives, appointed by the Governor to the State Council for a minimum of 2 years, from each of the following:

"(i) Local public education.

"(ii) A postsecondary institution.

"(iii) A secondary or postsecondary vocational educational institution.

"(iv) A community-based organization.

"(B) The total number of representatives appointed under clause (i), (ii), and (iii) of subparagraph (A) shall constitute not less than 15 percent of the membership of the State Council.

"(3)(A) Each State Council shall include individuals, appointed by the Governor to the State Council for a minimum of 2 years, from among the following:

"(i) Representatives of business and industry, who shall constitute not less than 15 percent of the membership of the State Council, including individuals who are representatives of business and industry on private industry councils established within the State under section 102.

"(ii) Representatives of organized labor who—

"(I) shall be selected from among individuals nominated by recognized State labor federations; and

"(II) shall constitute not less than 15 percent of the membership of the State Council.

"(B) If the State labor federation fails to nominate a sufficient number of individuals under subclause (I) of subparagraph (A)(ii) to satisfy the requirement under subclause (II) of such subparagraph, individual workers may be included on the State Council to satisfy such requirement.

"(b) ADDITIONAL MEMBERS.—Each State Council may also include additional qualified members, who may be selected from—

"(1) representatives from local welfare agencies;

"(2) representatives from public housing agencies;

"(3) representatives from units of general local government or consortia of such units, appointed from nominations made by the chief elected officials of such units or consortia;

"(4) representatives from the State legislature;

"(5) representatives from any State or local program that receives funding under an applicable Federal human resource program that the Governor determines to have a direct interest in the utilization of human resources within the State; and

"(6) individuals who have special knowledge and qualifications with respect to special education and career development needs of hard-to-serve individuals.

"(c) ADDITIONAL REQUIREMENTS.—

"(1) PERCENTAGE LIMITATION.—None of the following categories of individuals may constitute more than 60 percent of the membership of each State Council:

"(A) Individuals selected under subsection (a)(1).

"(B) Individuals appointed under subsection (a)(2).

"(C) Individuals appointed under subsection (a)(3)(A)(i).

"(D) Individuals appointed under subsection (a)(3)(A)(ii).

"(E) Individuals selected under subsection (b).

"(2) EXPERTISE.—The Governor shall ensure that both the State Council and the staff of the State Council have sufficient expertise to effectively carry out the duties and functions of existing State councils described under the laws relating to the applicable Federal human resource programs. Such expertise shall include, where appropriate, knowledge of—

"(A) the long-term needs of individuals preparing to enter the workforce;

"(B) the needs of local, State, and regional labor markets; and

"(C) the methods for evaluating the effectiveness of vocational training programs in serving varying populations.

"SEC. 703. ADMINISTRATION.

"(a) FUNDING.—In order to carry out the functions of the State Council, each State establishing a State Council that meets the requirements of this title may—

"(1) use funds otherwise available for State councils under the applicable Federal human resource programs;

"(2) use funds otherwise available under the applicable Federal human resource programs, consistent with the laws and regulations governing such programs, including funds available to carry out section 123(a)(2)(D), except that, with respect to the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), such State may use funds only to the extent provided under section 112(g) of such Act; and

"(3) use funds, services, personnel, facilities and information provided by State and local public agencies, with the consent of such agencies.

"(b) PERSONNEL.—Each State Council may obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions.

"(c) CERTIFICATION.—Each State shall certify to the Secretary the establishment and membership of the State Council at least 90 days before the beginning of each period of 2 program years for which a job training plan is submitted under this Act.

"(d) EQUITABLE FUNDING.—Each State agency participating in a State Council under this title is encouraged to provide funds to support such Council in a manner consistent with its representation on such Council.".

(b) CONFORMING AMENDMENTS.—

(1) CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT AMENDMENTS.—Section 112 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2322) is amended—

(A) in subsection (a), by striking "Each" and inserting "Except as provided in subsection (g), each"; and

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

"(g)(1) In lieu of establishing the State council required under subsection (a), each State may satisfy the requirements of this section by designating the State human resource investment council established in accordance with title VII of the Job Training Partnership Act (in this subsection referred to as the 'State Council') to carry out the duties described in subsection (d).

"(2) Funds available under subsection (f) may be allotted to the State Council to carry out such duties and the other duties of the State Council if the Governor and head of the State agency responsible for administration of the programs under this Act agree to such an allotment. Only funds available under subsection (f) may be so allotted.".

(2) ADULT EDUCATION ACT AMENDMENT.—Section 332(d) of the Adult Education Act (20 U.S.C. 1205a(d)) is amended by adding at the end the following new subsection:

"(g) DESIGNATION OF STATE HUMAN RESOURCE INVESTMENT COUNCIL UNDER THE JOB TRAINING PARTNERSHIP ACT.—(1) The requirements in this section shall be satisfied if a State designates the State human resource investment council established under title VII of the Job Training Partnership Act (in this subsection referred to as the 'State Council') to carry out the duties described in subsection (f).

"(2) Funds under this part may be allotted to the State Council to carry out such duties and the other duties of the State Council if the Governor and the head of the State agency responsible for carrying out programs under this Act agree to such an allotment.".

(3) STATE JOB TRAINING COORDINATING COUNCIL.—Section 122 of the Act (29 U.S.C. 1532) is amended—

(A) in subsection (a) by striking "Any" and inserting "Except as provided in subsection (d), any"; and

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

"(d)(1) In lieu of establishing the State council required under subsection (a), each State may satisfy the requirements of this section by designating the State human resource investment council established in accordance with title VII (in this subsection referred to as the 'State Council') to carry out the duties described in subsection (b).

"(2) Funding provided to carry out this section may be allotted to the State Council to carry out such functions and the other functions of the State Council if the Governor and the head of the State agency responsible for administration of programs under this Act agree to such an allotment.".

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. EFFECTIVE DATE AND TRANSITION PROVISIONS.

(a) IN GENERAL.—Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on July 1, 1993.

(b) PERFORMANCE STANDARDS.—The Secretary of Labor shall issue revised performance standards under the amendments made by section 115 as soon as the Secretary determines sufficient data are available, but not later than July 1, 1994, except that with respect to the factor of retention in unsubsidized employment specified in section 106(b)(3)(B) of the Job Training Partnership Act (as amended by section 115), the requirement that such retention be for not less than 6 months shall take effect not later than July 1, 1995.

(c) INTERIM TRAINING SERVICES FORMULA.—

(1) LEVEL OF FUNDING.—If the amount appropriated to carry out parts A and C of title II of the Job Training Partnership Act for fiscal year 1993 is less than the sum of—

(A) $25,000,000; and

(B) the amount appropriated to carry out part A of title II of such Act, as in effect on the day before the date of enactment of this Act, for fiscal year 1992,

the amendment made by section 202 of this Act shall not take effect on July 1, 1993, and section 202 of the Job Training Partnership Act shall be amended to read as follows:

"SEC. 202. ALLOTMENT AND ALLOCATION.

"(a) ALLOTMENT.—

"(1) TERRITORIES.—Not more than $5,000,000 of the amount appropriated pursuant to section 3(a)(1) for each fiscal year and available for this part shall be allotted among Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

"(2) STATES.—Subject to the provisions of paragraph (3), of the remainder of the amount available for this part for each fiscal year—

"(A) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each State as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in all the States;

"(B) 33⅓ percent shall be allotted on the basis of the relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all the States; and

"(C) 33⅓ percent shall be allotted on the basis of the relative number of economically disadvantaged adults within each State compared to the total number of economically disadvantaged adults in all States, except that, for the allotment for any State in which there is any service delivery area described in section 101(a)(4)(A)(iii), the allotment shall be based on the higher of the number of adults in families with an income below the low-income level in such area or the number of economically disadvantaged adults in such area.

"(3) LIMITATIONS.—

"(A) STATE MINIMUM.—No State shall receive less than one-quarter of 1 percent of the amounts available for allotment to the States under this subsection from the remainder described in paragraph (2) for each fiscal year.

"(B) MINIMUM PERCENTAGE.—No State shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(C) ALLOTMENT PERCENTAGE.—

"(i) IN GENERAL.—Except as provided in clause (ii), for purposes of subparagraph (B), the allotment percentage of a State for a fiscal year shall be the percentage of funds allotted to the State under this subsection.

"(ii) FISCAL YEAR 1992.—For purposes of subparagraph (B), the allocation percentage of a State for fiscal year 1992 shall be the percentage of funds allotted to the State under section 201, as in effect on the day before the date of enactment of the Job Training Reform Amendments of 1992.

"(b) ALLOCATION TO SERVICE DELIVERY AREAS.—

"(1) FORMULA.—The Governor shall, in accordance with section 162, allocate 77 percent of the allotment of the State under subsection (a) for each fiscal year among service delivery areas within the State, and shall ensure that, subject to the provisions of paragraph (3), of the amount allocated under this subsection—

"(A) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each service delivery area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(B) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each service delivery area as compared to the total excess number of unemployed individuals in all service delivery areas in the State; and

"(C) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged adults within each service delivery area compared to the total number of economically disadvantaged adults in the State, except that the allocation for any service delivery area described in section 101(a)(4)(A)(iii) shall be based on the higher of the number of adults in families with an income below the low-income level in such area or the number of economically disadvantaged adults in such area.

"(2) LIMITATIONS.—

"(A) MINIMUM PERCENTAGE.—No service delivery area within any State shall be allocated an amount equal to less than 90 percent of the average of its allocation percentage for the 2 preceding fiscal years preceding the fiscal year for which the determination is made. If the amounts appropriated pursuant to section 3(a)(1) for a fiscal year and available to carry out this part are not sufficient to provide an amount equal to at least 90 percent of such allocation percentage to each such area, the amounts allocated to each area shall be ratably reduced.

"(B) ALLOCATION PERCENTAGE.—

"(i) IN GENERAL.—Except as provided in clause (ii), for purposes of subparagraph (A), the allocation percentage of a service delivery area for a fiscal year shall be the percentage of funds allocated to the service delivery area under this subsection.

"(ii) FISCAL YEAR 1992.—For purposes of subparagraph (A), the allocation percentage of a service delivery area for fiscal year 1992 shall be the percentage of funds allocated to the service delivery area under part A of title II.

"(c) STATE ACTIVITIES.—

"(1) DIVISION.—Of the remaining 23 percent of the allotment of the State under subsection (a) for each fiscal year—

"(A) 5 percent of such allotment of the State for each fiscal year shall be available to the Governor of the State to be used for overall administration, management, and auditing activities relating to programs under this title and for activities described in sections 121 and 122;

"(B) 5 percent of such allotment of each State for each fiscal year shall be available to provide incentive grants authorized under section 106(b)(7), in accordance with paragraph (2);

"(C) 8 percent of the allotment of each State for each fiscal year shall be available to carry out section 123; and

"(D) 5 percent of such allotment of each State for each fiscal year shall be available to carry out section 204(d).

"(2) OTHER USES.—

"(A) CAPACITY BUILDING AND TECHNICAL ASSISTANCE.—The Governor may use up to 33 percent of the amount allotted under paragraph (1)(B) for providing capacity building and technical assistance to service delivery areas and service providers. Such use of funds may include the development and training of service delivery area and service provider staff and the development of exemplary program activities.

"(B) NONDUPLICATION AND COORDINATION.—Funds used under subparagraph (A)—

"(i) may not be used to duplicate the activities of the Capacity Building and Information and Dissemination Network established under section 453(b); and

"(ii) shall, to the extent practicable, be used to coordinate the activities under subparagraph (A) with the activities of the Network under section 453(b).

"(d) DEFINITIONS AND RULE.—As used in this section:

"(1) DEFINITIONS.—

"(A) ECONOMICALLY DISADVANTAGED ADULT.—The term 'economically disadvantaged adult' means an individual who is age 22 through 72 and who has, or is a member of a family that has, received a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) that, in relation to family size, was not in excess of the higher of—

"(i) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); or

"(ii) 70 percent of the lower living standard income level.

"(B) EXCESS NUMBER.—The term 'excess number' means—

"(i) with respect to the excess number of unemployed individuals within a State—

"(I) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or

"(II) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State; and

"(ii) with respect to the excess number of unemployed individuals within a service delivery area—

"(I) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the service delivery area; or

"(II) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such service delivery area.

"(C) STATE.—The term 'State' means any of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) SPECIAL RULE.—For the purposes of this section, the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of economically disadvantaged adults.".

(2) EFFECTIVE DATE.—Any amendment made by paragraph (1) shall take effect on July 1, 1993.

(d) PERMANENT TRAINING SERVICES FORMULA.—

(1) LEVEL OF FUNDING.—If section 202 of the Job Training Partnership Act is amended in accordance with subsection (c) and the amount appropriated to carry out parts A and C of title II of the Job Training Partnership Act for a fiscal year is not less than the sum of—

(A) $25,000,000; and

(B) the amount appropriated to carry out part A of title II of such Act, as in effect on the day before the date of enactment of this Act, for fiscal year 1992,

the amendment made by section 202 of this Act shall take effect.

(2) EFFECTIVE DATE.—Any amendment made by paragraph (1) shall take effect on October 1 of the fiscal year described in paragraph (1).

(e) SUMMER YOUTH PROGRAM TRANSFERS.—

(1) IN GENERAL.—Section 205 and the amendment made by such section 205 shall take effect on the date of enactment of this Act.

(2) TRANSITION.—A service delivery area may transfer up to 10 percent of the amounts allocated for such area for the summer of 1992 under part B of title II of the Job Training Partnership Act for program year 1992 to provide services to youth pursuant to the program under part A of such title, to provide services to youth under such part A, if such transfer is approved by the Governor.

(f) INTERIM TRAINING SERVICES FORMULA.—

(1) LEVEL OF FUNDING.—If the amount appropriated to carry out parts A and C of title II of the Job Training Partnership Act for fiscal year 1993 is less than the sum of—

(A) $25,000,000; and

(B) the amount appropriated to carry out part A of title II of such Act, as in effect on the day before the date of enactment of this Act, for fiscal year 1992,

the amendment made by section 207 of this Act shall not take effect on July 1, 1993, and title II of the Job Training Partnership Act shall be amended by inserting after section 261 of such Act the following:

"SEC. 262. ALLOTMENT AND ALLOCATION.

"(a) ALLOTMENT.—

"(1) TERRITORIES.—Not more than $5,000,000 of the amount appropriated pursuant to section 3(a)(1) for each fiscal year and available for this part shall be allotted among Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

"(2) STATES.—Subject to the provisions of paragraph (3), of the remainder of the amount available for this part for each fiscal year—

"(A) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each State as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in all the States;

"(B) 33⅓ percent shall be allotted on the basis of the relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all the States; and

"(C) 33⅓ percent shall be allotted on the basis of the relative number of economically disadvantaged youth within each State compared to the total number of economically disadvantaged youth in all States, except that, for the allotment for any State in which there is any service delivery area described in section 101(a)(4)(A)(iii), the allotment shall be based on the higher of the number of youth in families with an income below the low-income level in such area or the number of economically disadvantaged youth in such area.

"(3) LIMITATIONS.—

"(A) STATE MINIMUM.—No State shall receive less than one-quarter of 1 percent of the amounts available for allotment to the States under this subsection from the remainder described in paragraph (2) for each fiscal year.

"(B) MINIMUM PERCENTAGE.—No State shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(C) ALLOTMENT PERCENTAGE.—

"(i) IN GENERAL.—Except as provided in clause (ii), for purposes of subparagraph (B), the allotment percentage of a State for a fiscal year shall be the percentage of funds allotted to the State under this subsection.

"(ii) FISCAL YEAR 1992.—For purposes of subparagraph (B), the allocation percentage of a State for fiscal year 1992 shall be the percentage

of funds allotted to the State under section 201, as in effect on the day before the date of enactment of the Job Training Reform Amendments of 1992.

"(b) ALLOCATION TO SERVICE DELIVERY AREAS.—

"(1) FORMULA.—The Governor shall, in accordance with section 162, allocate 82 percent of the allotment of the State under subsection (a) for each fiscal year among service delivery areas within the State, and shall ensure that, subject to the provisions of paragraph (3), of the amount allocated under this subsection—

"(A) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each service delivery area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(B) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each service delivery area as compared to the total excess number of unemployed individuals in all service delivery areas in the State; and

"(C) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged youth within each service delivery area compared to the total number of economically disadvantaged youth in the State, except that the allocation for any service delivery area described in section 101(a)(4)(A)(iii) shall be based on the higher of the number of youth in families with an income below the low-income level in such area or the number of economically disadvantaged youth in such area.

"(2) LIMITATIONS.—

"(A) MINIMUM PERCENTAGE.—No service delivery area within any State shall be allocated an amount equal to less than 90 percent of the average of its allocation percentage for the 2 preceding fiscal years preceding the fiscal year for which the determination is made. If the amounts appropriated pursuant to section 3(a)(1) for a fiscal year and available to carry out this part are not sufficient to provide an amount equal to at least 90 percent of such allocation percentage to each such area, the amounts allocated to each area shall be ratably reduced.

"(B) ALLOCATION PERCENTAGE.—

"(i) IN GENERAL.—Except as provided in clause (ii), for purposes of subparagraph (A), the allocation percentage of a service delivery area for a fiscal year shall be the percentage of funds allocated to the service delivery area under this subsection.

"(ii) FISCAL YEAR 1992.—For purposes of subparagraph (A), the allocation percentage of a service delivery area for fiscal year 1992 shall be the percentage of funds allocated to the service delivery area under part A of title II.

"(c) STATE ACTIVITIES.—

"(1) DIVISION.—Of the remaining 18 percent of the allotment of the State under subsection (a) for each fiscal year—

"(A) 5 percent of such allotment of the State for each fiscal year shall be available to the Governor of the State to be used for overall administration, management, and auditing activities relating to programs under this title and for activities described in sections 121 and 122;

"(B) 5 percent of such allotment of each State for each fiscal year shall be available to provide incentive grants authorized under section 106(b)(7), in accordance with paragraph (2); and

"(C) 8 percent of the allotment of each State for each fiscal year shall be available to carry out section 123.

"(2) OTHER USES.—

"(A) CAPACITY BUILDING AND TECHNICAL ASSISTANCE.—The Governor may use up to 33 percent of the amount allotted under paragraph (1)(B) for providing capacity building and technical assistance to service delivery areas and service providers. Such use of funds may include the development and training of service delivery area and service provider staff and the development of exemplary program activities.

"(B) NONDUPLICATION AND COORDINATION.—Funds used under subparagraph (A)—

"(i) may not be used to duplicate the activities of the Capacity Building and Information and Dissemination Network established under section 453(b); and

"(ii) shall, to the extent practicable, be used to coordinate the activities under subparagraph (A) with the activities of the Network under section 453(b).

"(d) DEFINITIONS AND RULE.—As used in this section:

"(1) DEFINITIONS.—

"(A) ECONOMICALLY DISADVANTAGED YOUTH.—The term 'economically disadvantaged youth' means an individual who is age 16 through 21 and who has, or is a member of a family that has, received a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) that, in relation to family size, was not in excess of the higher of—

"(i) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); or

"(ii) 70 percent of the lower living standard income level.

"(B) EXCESS NUMBER.—The term 'excess number' means—

"(i) with respect to the excess number of unemployed individuals within a State—

"(I) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or

"(II) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State; and

"(ii) with respect to the excess number of unemployed individuals within a service delivery area—

"(I) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the service delivery area; or

"(II) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such service delivery area.

"(C) STATE.—The term 'State' means any of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) SPECIAL RULE.—For the purposes of this section, the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of economically disadvantaged youth.".

(2) EFFECTIVE DATE.—Any amendment made by paragraph (1) shall take effect on July 1, 1993.

(g) PERMANENT TRAINING SERVICES FORMULA.—

(1) LEVEL OF FUNDING.—If title II of the Job Training Partnership Act is amended in accordance with subsection (f) and the amount appropriated to carry out parts A and C of title II of the Job Training Partnership Act for a fiscal year is not less than the sum of—

(A) $25,000,000; and

(B) the amount appropriated to carry out part A of title II of such Act, as in effect on the day before the date of enactment of this Act, for fiscal year 1992,

the amendment made by section 207 of this Act shall take effect.

(2) EFFECTIVE DATE.—Any amendment made by paragraph (1) shall take effect on October 1 of the fiscal year described in paragraph (1).

(h) EVALUATION.—The Secretary of Labor shall evaluate the impact of programs under title II of the Job Training Partnership Act on participant employment, earnings and welfare dependency in multiple sites, using the random assignment of individuals to groups receiving services under programs authorized under the Job Training Reform Amendments of 1992 to groups not receiving such services.

(i) RULES AND PROCEDURES.—

(1) IN GENERAL.—The Secretary of Labor may establish such rules and procedures as may be necessary to provide for an orderly implementation of the amendments made by this Act.

(2) REVIEW.—The Secretary of Labor, the Governors, and the service delivery areas shall conduct a comprehensive review of the current policies, practices, procedures, and delivery systems relating to programs authorized under the Job Training Partnership Act for the purpose of ensuring the effective implementation of the amendments made by this Act. Such review shall include consideration of the appropriateness of current service delivery area designations, the representativeness of current State and local councils, the adequacy of current administrative systems, the effectiveness of current outreach, service delivery, and coordination activities, and other relevant matters.

(j) IMPLEMENTING REGULATIONS.—The Secretary of Labor shall issue final regulations relating to the implementation of the amendments made by this Act not later than December 18, 1992.

SEC. 702. TECHNICAL AND CONFORMING AMENDMENTS.

(a) JOB TRAINING PARTNERSHIP ACT.—

(1) Section 4(14) of the Act (29 U.S.C. 1503(14)) is amended by striking "section 521(19)" and inserting "section 521(22)".

(2) Section 4(23) of the Act (29 U.S.C. 1503(23)) is amended by striking "section 1201(h) of the Higher Education Act of 1965" and inserting "section 1471(23) of the Elementary and Secondary Education Act of 1965".

(3) Subparagraph (C) of section 4(27) of the Act (29 U.S.C. 1503(27)) is amended by indenting, and aligning the margin of, such subparagraph so as to align with subparagraph (B) of such section.

(4) Section 121(b)(1) is amended by striking "and 203" and inserting "203, or 263".

(5) Section 122 of the Act (29 U.S.C. 1532) is amended—

(A) in subsection (a)(1), by striking "section 202(b)(4)" and inserting "sections 202(c)(1)(A) and 262(c)(1)(A)";

(B) in subsection (b)(2), by striking "section 202(a)" and inserting "section 202(b) or 262(b)"; and

(C) in subsection (b)(11)(B), by striking "section 113(b)(9)" and inserting "section 113(b)(14)".

(6) Section 125(a) of the Act (29 U.S.C. 1535(a)) is amended by striking "section 202(b)(4) and".

(7) Section 161(b)(2) of the Act (29 U.S.C. 1571(b)(2)) is amended by striking "sections 452 through 455" and inserting "section 452".

(8) Section 161(c) of the Act (29 U.S.C. 1571(c)) is repealed.

(9) Section 172 of the Act is redesignated the second place it appears as section 173.

(10) Section 181 of the Act (29 U.S.C. 1591) is repealed.

(11) Section 302(b)(2) of the Act (29 U.S.C. 1652(b)(2)) is amended by striking "part B and this part" and inserting "part A".

(12) Section 311(f) of the Act (29 U.S.C. 1661(f)) is amended by striking "section" and inserting "sections".

(13) Section 433(c)(1) of the Act (29 U.S.C. 1703(c)(1)) is amended by striking "sections 452 and 455" and inserting "sections 452 and 453".

(14) Section 433A of the Act (29 U.S.C. 1703a) is amended—

(A) in subsection (c)(2), by striking "may be over the maximum age permitted by section 423(1), but"; and

(B) in subsection (e), by striking "section 454" and inserting "section 452(d)".

(15) Section 436(a)(1) of the Act (29 U.S.C. 1706(a)(1)) is amended by striking "1954" and inserting "1986".

(16) Section 462(f)(2) of the Act (29 U.S.C. 1752(f)(2)) is amended by adding at the end a period.

(17) Section 472(a) of the Act (29 U.S.C. 1772(a)) is amended by striking the 4th sentence.

(18) Section 473(7) of the Act (29 U.S.C. 1773(7)) is amended—

(A) by striking "(A)";

(B) by striking ", after consultation with the National Council on Vocational Education,";

(C) by striking "; and" and inserting a period; and

(D) by striking subparagraph (B).

(19) Section 481(a) of the Act (29 U.S.C. 1781(a)) is amended by striking "section 203(a)(1)" and inserting "section 203, 263".

(20) Title VI of the Act is amended by redesignating section 505 (29 U.S.C. 1505) as section 605.

(b) FOOD STAMP ACT OF 1977.—Section 5(l) of the Food Stamp Act of 1977 (7 U.S.C. 2014(l)) is amended by striking "section 204(5)" and inserting "section 204(b)(1)(C) or section 264(c)(1)(A)".

(c) TABLE OF CONTENTS.—The table of contents relating to the Act is amended to read as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Statement of purpose.
"Sec. 3. Authorization of appropriations.
"Sec. 4. Definitions.

"TITLE I—JOB TRAINING PARTNERSHIP

"PART A—SERVICE DELIVERY SYSTEM

"Sec. 101. Establishment of service delivery areas.
"Sec. 102. Establishment of private industry council.
"Sec. 103. Functions of private industry council.
"Sec. 104. Job training plan.
"Sec. 105. Review and approval of plan.
"Sec. 106. Performance standards.
"Sec. 107. Selection of service providers.
"Sec. 108. Limitation on certain costs.
"Sec. 109. Recapture and reallotment of unobligated funds.

"PART B—ADDITIONAL STATE RESPONSIBILITIES

"Sec. 121. Governor's coordination and special services plan.
"Sec. 122. State job training coordinating council.
"Sec. 123. State education coordination and grants.
"Sec. 124. Identification of additional imposed requirements.
"Sec. 125. State labor market information programs.
"Sec. 126. Authority of State legislature.
"Sec. 127. Interstate agreements.

"PART C—PROGRAM REQUIREMENTS FOR SERVICE DELIVERY SYSTEM

"Sec. 141. General program requirements.
"Sec. 142. Benefits.
"Sec. 143. Labor standards.
"Sec. 144. Grievance procedure.
"Sec. 145. Prohibition against Federal control of education.

"PART D—FEDERAL AND FISCAL ADMINISTRATIVE PROVISIONS

"Sec. 161. Program year.
"Sec. 162. Prompt allocation of funds.
"Sec. 163. Monitoring.
"Sec. 164. Fiscal controls; sanctions.
"Sec. 165. Reports, recordkeeping, and investigations.
"Sec. 166. Administrative adjudication.
"Sec. 167. Nondiscrimination.
"Sec. 168. Judicial review.
"Sec. 169. Administrative provisions.
"Sec. 170. Utilization of services and facilities.
"Sec. 171. Obligational authority.
"Sec. 172. Presidential awards for outstanding private sector involvement in job training programs.
"Sec. 173. Construction.

"PART E—MISCELLANEOUS PROVISIONS

"Sec. 182. Criminal provisions.
"Sec. 183. Reference.
"Sec. 184. Repealers.

"TITLE II—TRAINING SERVICES FOR THE DISADVANTAGED

"PART A—ADULT TRAINING PROGRAM

"Sec. 201. Statement of purpose.
"Sec. 202. Allotment and allocation.
"Sec. 203. Eligibility for services.
"Sec. 204. Program design.
"Sec. 205. Linkages.
"Sec. 206. Transfer of funds.

"PART B—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS

"Sec. 251. Purpose.
"Sec. 252. Authorization of appropriations; allotment and allocation.
"Sec. 253. Use of funds.
"Sec. 254. Limitations.
"Sec. 255. Applicable provisions.
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"TITLE VII—STATE HUMAN RESOURCE INVESTMENT COUNCIL

"Sec. 701. Establishment and functions.
"Sec. 702. Composition.
"Sec. 703. Administration.".

And the Senate agrees to the same.

That the Senate recedes from its amendment to the title of the bill.

WILLIAM D. FORD,
PAT WILLIAMS,
CARL C. PERKINS,
ROBERT E. ANDREWS,
JOHN W. OLVER,
BILL GOODLING,
STEVE GUNDERSON,
PAUL B. HENRY,
Managers on the Part of the House.

EDWARD M. KENNEDY,
HOWARD METZENBAUM,
PAUL SIMON,
ORRIN HATCH,
STROM THURMOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3033) to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE

1. Bill Titles. The House Bill is titled, "Job Training Reform Amendments," while the Senate Amendment is titled, "Job Training and Basic Skills Act of 1992".

The Senate recedes with an amendment to add "of 1992" after the word "Amendments".

TABLE OF CONTENTS

2. Table of Contents. There are technical differences between the House Bill and Senate Amendment lists.

The House recedes with an amendment to conform the Table of Contents to the contents of the Conference bill.

3. References. The Senate Amendment, but not the House Bill, includes a standard reference provision to the Job Training Partnership Act.

The Senate recedes.

TITLE I—JOB TRAINING PARTNERSHIP REQUIREMENTS

4. Statement of Purpose. The Senate Amendment, but not the House Bill, adds a clause in the statement of purpose on improving the quality of the workforce and enhancing productivity.

The House recedes.

5. Authorization of Appropriations. A. The House Bill, but not the Senate Amendment, authorizes appropriations to carry out parts A and C of title II (the adult and youth year round programs) with an amount "equal to" 60 percent of such sum for part A and an amount equal to 40 percent for part C.

B. The Senate Amendment, but not the House Bill, also authorizes appropriations to carry out parts A and C of title II, but requires that "not less than" 40 percent shall be made available to part C (the year round youth program).

The House recedes with an amendment on parts A and B. The Conferees agree to authorize appropriations to carry out parts A and C of title II and require that not less than 40 percent be made available for part A and not less than 40 percent be made available for part C. The remainder may be allocated between either part A or part C.

6. Statistical Data Authorization. The House Bill, but not the Senate Amendment, authorizes $6 million for any fiscal year to carry out section 462 (e) and (f) of current law, which directs the Secretary to develop statistical data on permanent lay-offs and plant closings and to develop, with the Secrtary of Agriculture, statistical data on the permanent dislocation of farmers and ranchers.

The Senate recedes.

7. Replication of Programs. The Senate Amendment, but not the House Bill, authorizes $10 million for FY93 and such sums thereafter for the Replication of Successful Programs.

The Senate recedes. See comment 8 for authorization language under title IV for "Capacity Building, Information, Dissemination, and Replication Activities."

8. Title IV Program Authorizations. The House Bill, but not the Senate Amendment, authorizes:

$5 million for each fiscal year 1993 through 1997 for title IV–I, the Microenterprise Grants:

$15 million for fiscal year 1993 and such sums thereafter for title IV–J, for Disaster Relief Employment;

$15 million for fiscal year 1993 and such sums thereafter for section 457, for Training Networks.

The Senate recedes on the authorizations for Microenterprise Grants and Disaster Relief Employment. The Senate recedes with an amendment on Training Networks to authorize $15 million in title IV funds, after the set-asides for veterans and Indian and migrant programs have been fulfilled. The Training Network, as amended, is retained in Section 453 of the Conference bill (which also merges language from Section 453 of the Senate Amendment and language on Replication of Successful Programs, also from the Senate Amendment; see comment 230 for a description of the new Section 453).

9. Title V. The Senate Amendment, but not the House Bill, deletes the authorization trigger provision for title V Jobs for Employable Dependent Individuals (JEDI) and deletes the funding cap of $5 million.

The House recedes.

10. Conforming Amendments. The House Bill, but not the Senate Amendment, makes a technical change to Jobs for Employable Dependent Individuals in title V to tie the authorization trigger to parts A and C of title II.

The House recedes.

11. The Senate Amendment but not the House Bill, makes a conforming amendment to subsection 302(e) of current law, reservation of funds for the territories.

The House recedes.

12. The Senate Amendment, but not the House Bill, makes a conforming amendment to the Clean Air Act employment amendments in section 326 of current law.

The House recedes.

13. Definitions. The House Bill, but not the Senate Amendment, makes a technical amendment to the areas of substantial unemployment (ASU) definition to make it applicable to part C of title II.

The Senate recedes.

14A. The House Bill, but not the Senate Amendment, adds the Center for Employment Training to the definition of community-based organizations.

The Senate recedes.

B. The Senate Amendment, but not the House Bill, adds literacy organizations, agencies or organizations serving older individuals and organizations that provide service opportunities and youth corps programs to the definition of community-based organizations.

The House recedes.

15. Definitions. The House Bill, but not the Senate Amendment, strikes the National Urban Indian Council from the definition of community-based organizations.

The Senate recedes.

16. Poverty Determinations. The House Bill, but not the Senate Amendment, amends the definition for determining poverty levels by placing the determination within the "income guidelines promulgated by the Secretary of Health and Human Services." The Senate Amendment, but not the House Bill, also amends the definition, but places the determination within the Office of Management, and Budget as "revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981."

The House recedes.

17. Definitions. The House Bill, but not the Senate Amendment, adds individuals who are eligible, but not necessarily receiving, food stamps to the definition of economically disadvantaged.

The Senate recedes with an amendment. The Conferees agree that the determination of food stamp eligibility must have been made within the preceding 6 months.

18A. Supportive Services Definition. The House Bill, but not the Senate Amendment, adds financial assistance and dependent care to the definition of supportive services.

The Senate recedes.

The Conferees intend that through the inclusion of financial assistance in the list of supportive services provided under the Adult and Youth programs, the provision of such financial assistance will be encouraged under both the adult and youth programs. However, such financial assistance is to be based on the individual needs of the participant as determined in the participant's individual assessment and service strategy. Further, such assistance shall not be construed to be an entitlement under this Act, and shall be provided based on what is appropriate both for the success of the individual and for the success of the program. (See also comments 141A and 147.)

B. The Senate Amendment, but not the House Bill, adds job coaches to the definition of supportive services for individuals with disabilities.

The House recedes.

19. Definitions. The Senate Amendment, but not the House Bill, includes "English" reading skills in the definition of basic skills deficient.

The House Bill refers to the equivalent score on a criterion referenced test, while the Senate Amendment refers to the comparable score.

The House recedes on both parts.

20. Definitions. The Senate Amendment, but not the House Bill, adds new definitions for the terms: citizenship skills, educational agency, family, and hard-to-serve individuals.

The House recedes on the definition of citizenship skills, family, and hard-to-serve individual. The Senate recedes on the definition of educational agency.

21. Definitions. The Senate Amendment, but not the House Bill, excepts followup services authorized under section 253(d) of the Senate Amendment from the definition of "participants."

The House recedes.

22. Definitions. The Senate Amendment, but not the House Bill, adds a new definition for the term "youth corps program".

The House recedes.

23. Conforming Amendments. The Senate Amendment, but not the House Bill, includes a series of technical changes to substitute the term "individuals with a disability" for the term "handicapped".

The House recedes.

24. Establishment of a service delivery area. The House Bill, but not the Senate Amendment, includes two new exceptions to the 2-year limit on the frequency with which a Governor may redesignate a service delivery area. These two exceptions are: failure to meet performance standards and failure to take corrective action for a substantial violation of the Act or the regulations.

The Senate recedes.

25. Private Industry Councils. A. The House Bill, but not the Senate Amendment, clarifies current law by adding "each of the following" after "representatives of" various public agencies.

B. The House Bill and the Senate Amendment add "local welfare agencies." The Senate Amendment, but not the House Bill, adds "public assistance agencies".

The Senate recedes on part A. The House recedes on part B with an amendment to delete "local welfare agency" and retain "public assistance agency" on the PIC.

26. The Senate Amendment, but not the House Bill, requires that representatives of organized labor and community-based organizations compose not less than 15 percent of private industry council membership.

The House recedes.

27. Private Industry Councils. The Senate Amendment, but not the House Bill, specified how education and labor representatives to the private industry council are to be selected.

The House recedes with an amendment requiring that representatives of organized labor must be selected from individuals recommended by State or local labor federations.

28. The Senate Amendment, but not the House Bill, requires that remaining members of the private industry council not specifically mandated shall be from all sectors described in section 102(a)(3) of the Senate Amendment.

The Senate recedes with an amendment to use language from current law on choosing additional private industry council members from interested organizations. This language reads, "The remaining members of the council shall be selected from individuals recommended by interested organizations." (Section 102(c) of current law.)

29. The Senate Amendment, but not the House Bill, provides private industry councils 3 years to comply with the proceeding changes.

The Senate recedes.

30. Job Training Plan. The House Bill, but not the Senate Amendment, requires that the job training plan include provisions for coordinating agreements established for on-the-job training contracts.

The Senate recedes.

31. Job Training Plan. The House Bill requires the job training plan to include a description of agreements with "appropriate" educational agencies, while the Senate Amendment does not mention the word "appropriate" when referring to educational agencies in the corresponding paragraph.

The Senate recedes.

32. Job Training Plan. The Senate Amendment, but not the House Bill, requires a description in the job training plan of the linkages established with the National and Community Service Act, if appropriate.

The Senate recedes.

33. Job Training Plan. The Senate Amendment, but not the House Bill, requires a description in the job training plan of the manner in which the program will contribute to the economic self-sufficiency of participants and local productivity.

The Senate recedes.

34. The Senate Amendment includes in Section 104(b)(6)(A) language similar to language in Section 104(b)(7) of the House Bill on outreach efforts to targeted populations.

The Senate recedes with an amendment to combine House Bill and Senate Amendment language on outreach to hard-to-serve populations into Section 104(b)(6) of the Conference bill.

35. Job Training Plan. The House Bill, but not the Senate Amendment, requires the job training plan to contain a description of the process for providing information and referrals for applicants and participants.

The Senate recedes.

36. The House Bill, but not the Senate Amendment, requires the job training plan to include a means for involving labor organizations and community-based organizations in the provision of services.

The Senate recedes.

37. Job Training Plan. The Senate Bill, but not the House Bill, specifically requires service provider selection procedures to take into account past performance of providers in basic skills training.

The House recedes.

38. The Senate Amendment, but not the House Bill, requires in the job training plan a description of procedures for selecting service providers that take into account the "ability of the providers to provide services that can lead to achievement of competency standards for participants with identified deficiencies".

The House recedes.

39. Job Training Plan. The Senate Amendment, but not the House Bill, includes requirements also in the nontraditional Employment for Women Act, Public Law 102-235.

The House recedes.

40. Job Training Plan. The Senate Amendment, but not the House Bill, requires that the job training plan include language on goals for training targeted populations, including women in nontraditional employment and apprenticeships (also in the Nontraditional Employment of Women Act, Public Law 102-235), along with a description of the efforts to be undertaken to accomplish such goals.

The House recedes with amendment to merge similar provisions.

41. Review and Approval of Plan. The Senate Amendment, but not the House Bill, adds community-based organizations to the list of organizations and agencies to which the job training plan shall be made available for review and comment.

The House recedes.

42. The House Bill, but not the Senate Amendment, adds failure to comply with the linkages language in sections 205 and 275, as additional coordination criteria for the Governor to consider in approval or disapproval of a job training plan.

The Senate recedes. (Note: The linkage language in the youth part is in section 265.)

43. Performance Standards. The Senate Amendment, but not the House Bill, in its findings on performance standards, adds long-term economic self-sufficiency to the list of criteria for determining whether the job training investment has been productive.

The House recedes.

44. Performance Standards. The Senate Amendment directs the Secretary to base adult program performance standards on the succeeding factors listed in section 106(b)(3) of the Senate Amendment, which are similar in both bills; however, the House Bill simply lists the factors.

The House recedes.

45. The Senate Amendment, but not the House Bill, defines retention as 6 months in unsubsidized employment and creates separate subparagraphs for this factor.

The House recedes with an amendment to phase-in the 6-month requirement by July 1, 1995.

46. Performance Standards—Skills Acquisition. The Senate Amendment, but not the House Bill, cross references the acquisition of skills to the competency levels described in the succeeding paragraph (5).

The House recedes.

47. Performance Standards. The Senate Amendment, but not the House Bill, directs the Secretary to base performance standards on the succeeding youth factors, while the House Bill simply lists the standards.

The House recedes.

48. Youth Standards. The House Bill, but not the Sente Amendment, lists enrollment in education or employment programs as a standard that shall be included in the list of standards for youth programs under part C of title II. The Senate Amendment, but not the House Bill, lists postsecondary education.

The House recedes.

49. The Senate Amendment, but not the House Bill, allows the Secretary to prescribe variations in the preceding standards to reflect differences between in-school and out-of-school programs.

The House recedes.

50. Competency Standards. The House Bill, but not the Senate Amendment, provides that where appropriate, the private industry councils shall consult with labor organizations for "determining" competency "standards".

The Senate Amendment, but not the House Bill, refers to "establishing" competency "levels."

The House recedes with an amendment to add after educational agencies "and, where

appropriate, the private sector, labor organizations, and community-based organizations".

51. Performance Standards. The Senate Amendment, but not the House Bill, specifically refers to the performance standards described in the preceding paragraphs 3 and 4, while the House Bill simply refers to "standards." The Senate Amendment, but not the House Bill, also specifically refers to paragraphs 3 and 4 for the base period of measurement.

The House recedes with an amendment to delete the redundant references to paragraphs 3 and 4.

52. The House Bill, but not the Senate Amendment, lists post program employment as an additional element that shall be included in the competency standards. The Senate Amendment, but not the House Bill, requires provisions for indicators of post program cash welfare payment reductions.

The Senate recedes on including post program employment in the competency standards. The House recedes on indicators of welfare payment reductions.

53. Performance Standards. The House Bill, but not the Senate Amendment, requires the use of cost-effective methods for obtaining performance standards data for section 454, as well as for section (106). (See Section 452 in the Conference bill.)

The Senate recedes.

54. Performance Standards. The Senate Amendment, but not the House Bill, specifically refers to parts A and C of title II (the Adult and Youth Programs) for relating gross program expenditures and specifically directs the Governors not to use this measure when awarding grants, while the House Bill does not make a specific program reference, other than to the term "incentive" grants.

The House recedes with an amendment to exclude any cost per participant measures from the performance standards.

55. Performance Standards. The House Bill, but not the Senate Amendment, links exceeding performance standards for all participants with exceeding them for hard to serve populations, such as the target population. The Senate Amendment, but not the House Bill, lists the standards separately and specifically defines hard to serve in Section 4 of the Senate Amendment.

The House recedes.

56. The Senate Amendment, but not the House Bill, provides incentive grants for serving more than the minimum percentage of out of school youth.

The House recedes.

57. The House Bill, but not the Senate Amendment, provides incentive grants for placing participants in employment which "includes employer-assisted employment benefits, including health benefits. . . ."

The Senate recedes.

58. Performance Standards. The House Bill, but not the Senate Amendment, limits the incentive grants awarded on additional state standards (under subsection (e) of the House Bill) to hard to serve populations.

The House recedes.

59. The Senate Amendment, but not the House Bill, directs the Secretary to make appropriate allowance for the cost differences resulting from serving workers receiving needs-related payments under section 314(e), which is similar to current law.

The House recedes.

60. The House Bill, but not the Senate Amendment, requires the Governor to report in the Governor's coordination and special services plan any state variations of performance standards.

The Senate recedes.

61. Performance Standards. The House Bill directs the Secretary to prescribe "variations" in performance standards, while the Senate Amendment directs the Secretary to prescribe "adjustments."

The Senate Amendment, but not the House Bill, includes displaced homemakers in the list of special populations.

The Senate recedes on both parts. In choosing the term "variations" rather than "adjustments", the Conferees are retaining current law.

62. Performance Standards. The House Bill refers to the Secretary accepting the Governor's plan, while the Senate Amendment refers to the Secretary's approval of the Governor's plan. The Senate Amendment is more specific in instructing the Secretary to base determinations under subparagraph (B) of the Senate Amendment only on failure to implement such plan, and not on the plan itself.

The House recedes.

63. Performance Standards. The substance of the House Bill and Senate Amendment language on Secretarial Action (Section 106(i)(6) of the House Bill) is substantively the same, except that the House Bill only refers to the "revision" of a reorganization plan, while the Senate Amendment refers to a rescission or revision of such plan. Also, the paragraph notations differ.

The House recedes.

64. Selection of Service Providers. The House Bill, but not the Senate Amendment, allows the Secretary of establish guidelines on the demonstrated performance of service providers.

The Senate recedes.

65. Selection of Service Providers. The House Bill refers to service provider compliance with procurement standards established by the Secretary, while the Senate Amendment refers to those established by the Governor.

The House recedes.

66. The House Bill refers to the cost limitations in this "section," while the Senate Amendment refers to this "subsection."

The House recedes.

67. Service delivery area transfer agreements. The Senate Amendment, but not the House bill, creates a new section 109 on service delivery area transfer agreements. The Senate Amendment, but not the House bill, requires that each service delivery area entering into transfer agreements be credited under the appropriate performance standards. The House Bill, but not the Senate Amendment, adds a similar provision in section 141(e)(2).

The Senate recedes.

68. Reallocation and reallotment. In addition to technical drafting differences, the House Bill, but not the Senate Amendment, excepts the funds set aside for older workers from this recapture section.

The House recedes with amendment to exempt the older worker state set-aside from the general title II reallocation provision.

69. The House Bill, but not the Senate Amendment, directs the Secretary to establish the unemployment and poverty rates at which service delivery areas are determined to be eligible.

The House recedes.

70. Governor's coordination and special services plan. The Senate Amendment, but not the House Bill, amends paragraph (1) of section 121(b) of current law by requiring the Governor's plan to include coordinating criteria for older worker programs and programs under the National and Community Service Act.

The Senate recedes.

71. Governor's Plan. The House Bill requires a description in the Governor's plan of the education coordination activities in section 123. The Senate Amendment lists a description of section 123 initiatives as an optional item for inclusion in the plan as a new paragraph (12) in subsection (c) of the Senate Amendment.

The House recedes with an amendment that eliminates the language in section 121 requiring that a description of the education coordination activities required under section 123 be included in the Governor's plan. This is due to the fact that such a requirement is explicitly provided under section 123. (See also comment 81.)

72. The Senate Amendment, but not the House Bill, requires the Governor's plan to include a description of how the State will encourage services to older workers.

The Senate recedes.

73. Governor's Plan. The Senate Amendment lists the activities in section 123 and coordination activities with the National Community Service Act as optional items for inclusion in the Governor's plan. The House Bill only requires a description of section 123 activities in the preceding subsection (b).

The House recedes.

74. State Job Training Coordination Council. The House Bill includes older workers organizations in the SJTCC, while the Senate Amendment includes the National Community Service Act State Advisory Board.

The House recedes on older workers organizations. The Senate recedes on the National Community Services Act State Advisory Board.

75. Education Coordination and Grants. The Senate Amendment but not the House Bill, specifies in paragraphs (1) and (2) of section 123(a) funds are to be used to pay the "Federal share" of carrying out the projects under this part.

The House recedes.

The Conference agreement provides for an 8 percent State set-aside for the education coordination and grants program. In the allocation of funds to "any State education agency" under Section 123 of the Act, Conferees intend that in most States, the State educational agency (as defined in Section 1471(23) of the Elementary Secondary Education Act of 1965) shall be the recipient of funds. However, in States where the State educational agency is not the agency primarily responsible for the State supervision of education programs under the Carl D. Perkins Vocational and Applied Technology Education Act and the Adult Education Act, the Governor may also allocate funds, as appropriate to the services to be provided, to the State agency primarily responsible for the supervision of such programs. In such cases, it is intended that those State education agencies be allowed to participate in the joint planning activities described in Section 123(c), as well as in the joint governing of the geographic distribution of funds for programs under their jurisdiction.

In clarifying the ability to allocate funds under Section 123 to more than one state education agency, the Conferees in no way intend to permit Governors to allocate funds to multiple State education agencies, except as cited above.

76. The House Bill, but not the Senate Amendment, prohibits the Governor from establishing any requirements on the distribution of funds in this subsection.

The Senate recedes with an amendment to prohibit the Governor from establishing any

requirements governing the geographic distribution of funds, removing language that would have prohibited the Governor from establishing any requirements governing the distribution of funds.

77. School to Work Projects. The House Bill, but not the Senate Amendment, specifically mentions support of multiyear dropout prevention programs of demonstrated effectiveness as a way to increase the rate at which dropouts return to schooling.

The Senate recedes.

78. Education Coordination and Grants. The Senate Amendment, but not the House Bill, includes language on non-traditional employment for women that has recently become part of Public Law 102-235.

The House recedes.

79. The House Bill, but not the Senate Amendment, allows the State education agency to use funds under this subsection for State human resource investment councils that meet the requirements of sections 701 through 705 of the House Bill.

The Senate recedes.

80. The Senate Amendment, but not the House Bill, specifies that the Federal match shall be 50 percent. The House Bill, but not the Senate Amendment, requires a similar match in the succeeding subsection (b)(2) of the House Bill by stating that the State shall contribute "a total amount equal to the amount provided under this section." (The Senate Amendment also addresses the matching amount in the succeeding subsection (b)(2).)

The House recedes.

81. Education Coordination and Grants—Governor's Plan. The House Bill directs the State Educational Agency (SEA) to develop the description of the activities planned for section 123 to be included in the Governor's plans, while the Senate Amendment directs the Governor to develop a description of section 123 activities "in consultation" with the SEA.

The House recedes with an amendment requiring that the State education agency submit the program goals and a description of the services to implement them for inclusion in the Governor's coordination and special services plan. The amendment further requires that program goals be jointly developed by the State education agency and the Governor. However, under the amendment, the Governor may not impose any requirements on the geographic distribution of the 8 percent funds.

The Conferees and the Administration agree that residential programs, such as the High/Scope model, that are designed to increase the enrollment of disadvantaged youth in postsecondary education are an authorized use of title II funds and are an appropriate project for funding under section 123, which provides funds for "State Education Coordination and Grants".

82. Education Coordination—Governor's Plan. The Senate Amendment, but not the House Bill, includes the National and Community Service Act in the list of program linkages that are to be described in the Governor's plan for section 123 on school to work programs.

The House recedes.

83. Education Coordination—Governor's Plan. The Senate Amendment, but not the House Bill, includes the National Community Service Act in the list of program linkages to be described in the Governor's plan for section 123 on literacy and lifelong learning.

The House recedes.

84. Nontraditional Employment. The Senate Amendment, but not the House Bill, includes a paragraph on nontraditional employment for women recently passed into law (Public Law 102-235).

The House recedes.

85. General Program Requirements—Section 141. The House Bill, but not the Senate Amendment, amends section 141(c) of current law to prohibit the use of funds for the relocation of any business establishment.

The Senate recedes with an amendment to strengthen the prohibition that exists in current law on the use of JTPA funds to induce, encourage, or assist relocations that result in the loss of employment at the original site. The Conference agreement requires the Secretary to investigate allegations that JTPA funds have been improperly used and to determine whether a violation has occurred. The agreement provides that where the Secretary has determined that a violation by a State, substate grantee, or SDA has occurred, such State, substate grantee or SDA must repay misspent funds to the U.S. Treasury. Further, it requires the Secretary to require those in violation to pay an additional amount equal to the amount of the misspent funds unless they demonstrate that they neither knew nor could have known that such funds were provided in violation. This additional sum shall be applied to the title III program.

86. Charging of Costs—Tuition. The House Bill, but not the Senate Amendment, includes a specific reference to the definitions of higher education and proprietary institutions. The Senate Amendment, but not the House Bill, includes a specific reference to postsecondary institutions.

The Senate recedes.

87. The House Bill provides an exception to the administration cost limitation only for community-based organizations, while the Senate Amendment provides a similar exception to any service provider, other than a State or local agency.

The Senate recedes with an amendment to add non-profits.

88. Charging of Costs. The Senate Amendment, but not the House Bill, requires that all service providers meeting the exception described in this subparagraph must nevertheless charge all expenditures to the appropriate cost category.

The House recedes with an amendment to limit the amount that may be charged to the administration category to a maximum of 25 percent of funds if the SDA is contracting with community-based organizations or nonprofits under this exemption. The amendment requires the appropriate limit for the direct training category to be reduced by one-half of the percentage by which an SDA exceeds the administrative limit. The same one-half percentage reduction is applied to the supportive services/indirect training category as well.

89. Placements. The House Bill, but not the Senate Amendment, adds a new paragraph that placements shall, to the extent practicable, be in job areas related to training provided to the participant.

The Senate recedes.

90. Service Delivery Area Agreements. The House Bill adds a similar provision to one created in section 109 of the Senate Amendment, which allows service delivery areas to enter into transfer agreements approved by each private industry council and described in the job training plan.

The Senate recedes.

91. On-the-Job Training. The House Bill and Senate Amendment add new 6-month limitations to on-the-job training contracts. However, only the Senate Amendment allows an exception to exceed the 6 months, as long as the training is less than 500 hours. While both Bills refer to the Dictionary of Occupational Titles, there are technical drafting differences between the two.

The House recedes with an amendment to allow one alternative to the 6-month limit on payments for on-the-job training (OJT) that permits payments for up to 500 hours of on-the-job training.

92. On-the-Job Training. The House Bill, but not the Senate Amendment, adds language that prohibits on-the-job training contracts with employers who have a pattern of failing to provide previous on-the-job training participants long-term employment with employment benefits and wages and working conditions at the same level as other employees doing similar work.

The Senate recedes with an amendment to require that OJT may only be provided under the year-round out-of-school youth program if the OJT placement pays a wage that exceeds the average wage at placement under the adult progam in the local area, has career potential, and offers a formal program of structured training. In addition, if an OJT participant is a dropout, the participant must also, concurrently or sequentially, enroll in an education program leading to a diploma or its equivalent.

93. Program Income. The House Bill, but not the Senate Amendment, specifies that receipts from conferences shall be included as income subject to the requirements of the preceding paragraph (1) (section 141(m) of the House Bill).

The Senate recedes.

94. Program Income. A. The House Bill, but not the Senate Amendment, includes interest income (except as provided by the Cash Management Improvement Act) in its list of restricted types of program income.

The Senate recedes with an amendment to delete the reference to the Cash Management Improvement Act.

B. The House Bill requires "each entity" to maintain records on program income, while the Senate Amendment only requires "each public or private non-profit entity" to maintain such records, thereby excluding for-profit entities.

The Senate recedes.

95. Use of Funds Restrictions. The House Bill, but not the Senate Amendment, includes language prohibiting the use of funds for assisting relocations. Funds are also prohibited for employment generating activities, economic development activities, loans, capitalization of business, contract bidding resource centers, and other similar activities that do not result in the direct creation of jobs for Job Training Partnership Act participants. The House Bill also adds that no funds shall be used for foreign travel. The Senate Amendment has no comparable provisions.

The Senate recedes with an amendment. For amendment language on relocations, see comment 85. The Conference agreement places a total prohibition on the use of JTPA funds for economic development and employment generating activities. However, local service delivery areas can still perform job development activities under title II to place JTPA participants.

96. Labor Standards. The House Bill, but not the Senate Amendment, strengthens the prohibition on programs that would impair existing contracts for services or collective bargaining agreements without the written concurrence of the employer and the labor organization, unless either party fails to respond to written notification requesting concurrence, within 30 days of receipt.

The Senate recedes with an amendment to make technical changes to the House Bill.

97. The House Bill, but not the Senate Amendment, corrects the references to the Fair Labor Standard Act as they apply to Puerto Rico, American Samoa and other territories, to apply the existing exception to the mandatory minimum wage requirement for all workers in the territories to the participants in the territories who are served in this program.

The Senate recedes.

98. Grievance Procedures. The House Bill, but not the Senate Amendment, adds language to prohibit the Secretary from delegating his or her authority to investigate an allegation or complaint of a recipient's failure to comply with the requirements of this Act.

The House recedes with an amendment to add at the end of Section 144 new provisions to clarify the grievances that may be submitted to the Secretary. The Conferees intend Section 144(e)(1) on binding grievance procedure to apply in circumstances where (1) a union and an employer have negotiated a procedure providing for binding resolution of grievances, (2) the union and the employer have agreed that grievances alleging violations of Section 143 are resolvable under that procedure, and (3) the person alleging a violation of Section 143 has access to the procedure. Where these conditions are met, the contractual grievance procedure may be used as an alternative to the procedures described in Section 144(d).

99. Arbitration. The Senate Amendment, but not the House Bill, adds a new subsection strengthening the grievance procedures for current workers displaced by Job Training Partnership Act participants. In this instance, if a decision is not reached on a grievance procedure within 60 days of its filing, then any party to the grievance may submit it to arbitration. Also, if a grievant receives an adverse decision, the party to the grievance may submit it to arbitration. Requirements of the arbitration proceeding are specified, including the requirement that the parties to the arbitration evenly divide the cost of the proceedings.

The House recedes with an amendment described in comment 98 above.

100. Advance Payments. A. The House Bill, but not the Senate Amendment, refers to substate areas in the list of entities that may provide advance payments to non-profit organizations. The Senate Amendment, but not the House Bill, includes the Secretary in its list of entities.

The Senate recedes on including substate areas in the list of entities that may make advance payments to non-profits. The House recedes on including the Secretary in the list.

B. The House Bill permits advance payments "provided" advance payments are based on financial need, while the Senate Amendment permits advance payments "except" that payments shall be based on financial need.

The Senate recedes.

101. Fiscal Control/Cost Principles. The House Bill, but not the Senate Amendment, requires the Secretary to prescribe regulations establishing uniform cost principles substantially equivalent to those generally applicable to other Federal grantees. The House Bill includes specific language on what these minimum standards should include.

The Senate recedes.

102. Procurement Standards. The House Bill, but not the Senate Amendment, requires the Secretary to "prescribe regulations establishing uniform procurement standards". In prescribing such regulations, the House Bill, but not the Senate Amendment, requires the Secretary to consult with the Inspector General and take into consideration the relevant circulars prescribed by the Office of Management and Budget.

The Senate Amendment, but not the House Bill, requires the governor to "prescribe and implement uniform procurement standards".

The House recedes with an amendment stating that the Governor shall prescribe and implement procurement standards in accordance with minimum procurement requirements established by the Secretary in regulations. In establishing these minimum requirements, the Secretary shall consult with the Inspector General of the Department of Labor and take into consideration relevant aspects of the circulars issued by the Director of the Office of Management and Budget.

103. The House Bill refers to a list of what such procurement standards shall include "at a minimum", while the Senate Amendment simply refers to a list of what such standards shall include.

The House recedes with an amendment (see comment 102)

104. Cost Reimbursable Procurement. The House Bill, but not the Senate Amendment, requires that procurement transactions between State or local governments and administrative entities for service delivery areas be conducted on a cost-reimbursable basis.

The Senate recedes.

105. Certification. The House Bill, but not the Senate Amendment, directs the Governor to "biennially" certify the implementation and monitoring of procurement standards. The Senate Amendment, but not the House Bill, refers to the Governor submitting procurement standards and annually certifying the monitoring and compliance of its procurement standards.

The Senate recedes.

106. Report to Congress. The House Bill, but not the Senate Amendment, refers to the Secretary submitting a report to Congress, while the Senate Amendment, but not the House Bill, refers to the Secretary, "in consultation with the Inspector General," submitting a report to the "appropriate committees" of the Congress.

The House recedes with an amendment to change the due date of the report from October 1, 1994 to October 1, 1995.

107. Biennial Review. The Senate Amendment, but not the House Bill, requires the Secretary to biennially review the procurement standards established by the Governor and to notify the Congress whether procurement requirements have been satisfied.

The Senate recedes.

108. Public Access to Records. The House Bill, but not the Senate Amendment, requires that recipient records be made available to the public upon request, unless the information pertains to trade secrets, is confidential, or is so personal that its release would be an invasion of privacy.

The Senate recedes.

109. The House Bill, but not the Senate Amendment, allows recipients to charge fees for processing such records requests.

The Senate recedes.

110. Advance Notice. The House Bill requires the Secretary, Inspector General, or Comptroller General to furnish advance notice "not less than 15 working days" prior to the adult, while the Senate Amendment requires the same notice to be furnished "not fewer than 14 days" in advance of the audit.

The House recedes.

111. Monitoring Agreements. When referring to each recipient of funds under this Act, the House Bill requires each recipient to monitor service provider performance in complying with "agreements" made pursuant to this Act, while the Senate Amendment refers to any "grants, contracts or other agreements" made under this Act.

The House recedes.

112. Report Information. While the House Bill and Senate Amendment refer to similar lists of specific requirements for the reports required in the previous subsection (c) of Section 165 of the House Bill, only the House Bill requires the reports to "include (but not be limited to) information in such form as to permit cross-tabulation" of such required information. The Senate Amendment refers to a list of what shall be included in the reports, but does not refer to cross-tabulation.

The House recedes.

113. Demographic Characteristics. The House Bill, but not the Senate Amendment, requires reports to include relevant demographics which include race "or" ethnicity, sex, "or" age. The Senate Amendment, but not the House Bill, requires that all race, ethnicity, sex, "and" age characteristics be included in such information.

The House recedes.

114. Quarterly Reports. The House Bill, but not the Senate Amendment, adds a new subsection requiring the Secretary to require quarterly financial reports, to show all program costs by cost category, to separately identify costs incurred (such as stand-in costs).

The Senate recedes with an amendment requiring substate grantees and service delivery areas to submit quarterly reports on program costs to the State and then requiring the State to submit a summary of the reports to the Secretary on a quarterly basis. The amendment further requires each State, substate grantee: and service delivery area to maintain records identifying program income or profits earned, including income or profits earned by subrecipients.

115. Section 167 Regulations. The House Bill, but not the Senate Amendment, requires the Secretary to issue final regulations implementing section 167 within 90 days of enactment of this legislation.

The Senate recedes.

TITLE II—TRAINING SERVICES FOR THE DISADVANTAGED

116. Title II, part A—Adults. The House Bill changes the title of part A in current law to the "Adult Program", while the Senate Amendment changes the title of part A to the "Adult Opportunity Program."

The Senate recedes with an amendment to read "Adult Training Program".

117. State and Service Delivery Area Allotments. The House Bill, but not the Senate Amendment, reserves 81% of the remainder of funds (after deduction for the territories) for allotment to the States for allocation to service delivery areas within each State, as determined by formula. The House Bill, but not the Senate Amendment, allots the remaining 19% for State set-asides described in subsection (c) of section 202 of the House Bill.

The Senate Amendment, but not the House Bill, allots the remainder of funds (after deducting for the territories) to the States by formula in paragraph (B) of Section 202(a)(2) of the Senate amendment for allocation to service delivery areas (after deducting for State set-asides) within each State by an additional formula described in subsections (b) and (c).

The Senate recedes with an amendment to change the 81% reservation of funds to a 77% reservation and to change the 19% remainder to 23%.

118. Formula. The House Bill, but not the Senate Amendment, retains the formula factors in current law, but allots the amounts based upon service delivery area factors of unemployment and poverty instead of the State factors of unemployment and poverty. The Senate Amendment, but not the House Bill, retains the formula factors in current law, which remains based upon the State factors of unemployment and poverty.

As a result of this formula change, the House Bill, but not the Senate Amendment, compares each service delivery area's formula factors to all service delivery areas in the country, whereas, the Senate Amendment only compares each service delivery area's formula factors to all service delivery areas within the same State.

The Senate recedes with an amendment to make technical changes in the funding formula, converting it to a "bottom up" formula driven by the unemployment and poverty data of the 600-plus SDAs. Currently, the formula has a "top down" design driven by the unemployment and poverty data of the 50 States. The Conference agreement includes a one-time trigger provision that requires Title IIA and IIC funding to increase by $25 million before the formula change becomes effective. (See also Comments, 127 and 170.)

119. Limitations. The House Bill, but not the Senate Amendment, amends current law by requiring that no service delivery area be allotted less than 90% of its allotment percentage for the previous fiscal year. The Senate Amendment, but not the House Bill, contains a provision similar to current law requiring that no State be allotted less than the allotment percentage for the previous fiscal year.

The Senate recedes.

120. Maximum Limits. The House Bill and the Senate Amendment both add a new stop-gain requirement of 130% for the formula. However, the House Bill, but not the Senate Amendment, puts the 130% cap on service delivery area funding. The Senate Amendment, but not the House Bill, puts the 130% cap on State funding.

The Senate recedes.

121. State Minimum. Both the House Bill and Senate Amendment require that no State receive less than ¼ of 1% of the total allotment, but the bills include technical drafting differences.

The Senate recedes.

122. Title IIA Allotment Percentage. Both the House bill and Senate Amendment have requirements that the funds allotted to the new Part A adult program be the same allotment percentage as in the previous fiscal year for purposes of determining the hold-harmless and stop-gain.

The Senate recedes.

123. Definitions. The House Bill defines the age of economically disadvantaged "adults" as "22 or older", whereas the Senate Amendment defines the age of these same "individuals" as "22 through 72", only for the purposes of distributing funds, which does not affect the provision of services to those older than 72.

The House recedes.

124. Definitions. The House Bill, but not the Senate Amendment, in the definition of economically disadvantaged refers to "poverty income guidelines promulgated each year by the Secretary of Health and Human Services." In a similar reference, the Senate Amendment, but not the House Bill, refers to the "official poverty line as defined by the Office of Management and Budget" in accordance with the Budget Reconciliation Act of 1981.

The House recedes.

125. Exclusions. Both the House Bill and Senate Amendment exclude college students and Armed Forces members from the number of economically disadvantaged adults/individuals, but the bills have technical drafting differences.

The Senate recedes.

126. Excess Unemployment. Both the House Bill and the Senate Amendment define the excess number of unemployed as over 4.5% of the civilian labor force in the service delivery area; however, only the Senate Amendment requires the individuals to be age 22 through 72. Additionally, the Senate Amendment, but not the House Bill, includes the same definition for unemployed individuals within a "State", as well as in a service delivery area.

The Senate recedes on both the first sentence and the second sentence.

127. Allocation From States to Service Delivery Areas. The Senate Amendment, but not the House Bill, retains the formula in current law, which requires the Governors to allot funds to service delivery areas based upon the same factors used to allot funds to each State in Section 202(a)(2)(B) of the Senate Amendment.

The Senate recedes with an amendment described in comment 118.

128. State Set-Asides. A. The House Bill, but not the Senate Amendment, retains 19% of the funds available for allotment for the following purposes:

5% for administration, management, audits, and for activities under sections 121 and 122 of the House Bill;

6% for incentive grants authorized in section 106(b)(8) alloted in accordance with paragraphs (3) and (4) of this subsection, which allows the Governor to use some funds for capacity building; and

8% to carry out section 123.

The Senate recedes with an amendment on the 5 percent set-aside for administration. (See 128B for comment.)

On the 6 percent set-aside for incentive grants, the House recedes with an amendment to combine the 3 percent State set-aside for incentive grants and the 2 percent State set-aside for capacity building, both included in the Senate Amendment, into one 5 percent State set-aside for incentive grants, of which up to 33 percent may be used for capacity building and staff training (as well as coordination with the Capacity Building and Information and Dissemination Network; see comments 131, 178, and 230).

The House Bill and Senate Amendment contain identical language on the 8 percent set-aside for education coordination and grants; therefore, it is not necessary for the House or Senate to recede.

B. The Senate Amendment, but not the House Bill, requires the Governor to allocate 23% of the amounts allotted to each State for the following purposes:

5% for administration, management, auditing, and for activities under sections 121 and 122, which includes a small State minimum for administration of $500,000 (drawn from States receiving funds in excess of $500,000);

2% for technical assistance and capacity building (note: the House Bill creates a separately authorized national program for capacity building-related activities in title IV);

3% for incentive grants authorized in section 106(b)(8);

8% to carry out section 123; and

5% to carry out section 204(d) for older individuals.

The Senate recedes with an amendment on the Senate proposal for a 5% set-aside for administration, which included a small state minimum for administration of $500,000. The amendment reserves $1 million from the National Network and Replication program authorized in Sec. 453, for the purpose of providing grants (of up to $100,000 in any given year) from the Secretary to small states with administrative funds below $500,000. To obtain such a grant a state must demonstrate to the Secretary it is in need of additional assistance to fulfill the administrative requirements of this Act. The Conferees do not anticipate that small states with only one service delivery area (SDA) will be able to demonstrate the need for additional administrative assistance, and discourage such states from creating additional SDAs.

The House recedes with an amendment on the 3 percent set-aside for incentive grants and the 2 percent set-aside for capacity building (see 128A for comment).

The House recedes with an amendment on the 5 percent State set-aside for older workers. Under the amendment, the Older Worker Program will continue to be a State set-aside—5 percent of the State's adult money. The Conference agreement requires that performance standards take into account the needs of older workers. The amendment also requires equitable geographic distribution of funds.

129. Set-Aside Formula Allotment. The House Bill, but not the Senate Amendment, allots the State set-aside funds based upon the relative amount of funds allocated to all service delivery areas within a State compared to all service delivery areas in all States.

The Senate recedes.

130. Incentive Grants. The House Bill, but not the Senate Amendment, requires that not less than ¾ of the funds distributed by the Governor for incentive grants be based on the extent to which a service delivery area exceeds the performance standard requirements described in Sec. 106(b)(8) of the House Bill.

The House recedes.

131. Incentive Grant for Capacity Building. The House Bill, but not the Senate Amendment, allows the Governor to use up to ⅓ of the State set-aside for incentive grants to be used for capacity building and technical assistance to service delivery areas and service providers. (The Senate Amendment, but not the House Bill, creates a separate 2% State set-aside for capacity building and technical assistance.

The Senate recedes with an amendment described in comment 128 and 230.

132. Eligibility. The House Bill, but not the Senate Amendment in Sec. 203(a) references the 10% window for non-economically disadvantaged individuals described in subsection (c); however, both bills provide for such a window.

The Senate recedes. (See also comments 136 and 183.)

133. Targeted Groups. The House Bill requires that not less than 60% of adult program participants under this part shall meet one additional barrier to employment, while the Senate Amendment requires that not less than 65% of program participants under this part shall meet one additional barrier to employment.

The House recedes. The Conferees adopt the Senate language that not less than 65 percent of adult program participants shall

face at least one additional barrier to employment.

134. Employment Barriers. In the lists of additional barriers to employment, the House Bill includes a category of "recipients of cash welfare payments", while the Senate Amendment limits this category only to recipients of aid to families with dependent children (AFDC).

The Senate recedes with an amendment to mention specifically that recipients of funds under the Job Opportunities and Basic Skills Act are considered recipients of cash welfare payments.

135. Employment Barriers. A. While both the House Bill and Senate Amendment include the homeless in the lists of additional barriers, the Senate Amendment, but not the House Bill, specifically references the homeless as defined by the Mckinney Act.

The Senate recedes.

B. The Senate Amendment, but not the House Bill, includes individuals "who are unemployed for the previous 6 months or longer" and those "who are limited-English proficient" in its list of additional barriers to employment.

The Senate recedes.

C. The Senate Amendment, but not the House Bill, includes individuals who are in a category designated and justified by the service delivery area, and approved by the Governor and the Secretary.

The House recedes with an amendment allowing service delivery areas to add one additional barrier to employment, if approved by their Governor, but this additional barrier cannot be unemployment or poor work history. The amendment deletes the provision requiring the Secretary's approval, but requires this request as approved by the Governor, to be included in the Governor's plan. (Also in comment 182.)

136. Non-Economically Disadvantaged. Both the House Bill and Senate Amendment provide a 10% "window" for serving the non-economically disadvantaged as long as such individuals experience another barrier to employment. Both the House Bill and Senate Amendment list the barriers described in the previous subsection or paragraph, in addition to other barriers described; however the House Bill, but not the Senate Amendment, lists those who have limited English language proficiency.

The House recedes. (See also comments 132 and 183.)

137. Older Worker Services. A. The House Bill, but not the Senate Amendment, requires service delivery areas to expend not less than 8% of funds for services to eligible individuals 55 years of age or older (the Senate Amendment describes its use of funds for State older worker programs in Sec. 204(d) of the Senate Amendment).

The House recedes with an amendment which requires that the 5 percent State set-aside for older workers provide services on an equitable geographic basis throughout the State taking into account the relative share of economically disadvantaged workers residing in each SDA.

B. The House Bill, but not the Senate Amendment, requires the Governor to recapture, reallot, or contract with a different service provider if he or she determines that a service delivery area obligated less than 8% of funds for older individuals.

The House recedes.

138. Older Americans Coordination. Both the House Bill and Senate Amendment require coordination of older worker services with the services provided under title V of the Older Americans Act; however, the House Bill makes this a requirement for the State job training coordinating council and the service delivery area, while the Senate Amendment makes this a requirement for the Governor.

The House recedes.

139. Service Provider Selection A. The House Bill requires the service delivery area to give priority to agencies or organizations with a demonstrated record of effectiveness in providing services to older individuals. The Senate Amendment makes the same requirement of the Governor, but not the service delivery area.

The House recedes.

B. The House Bill, but not the Senate Amendment, allows the service delivery areas within the State to combine funds to contract with an area agency on aging or organizations of demonstrated effectiveness.

The House recedes.

140. Assessments. A. Both the House Bill and Senate Amendment require an objective assessment of the skill levels and service needs of each participant. The House Bill includes a list of skills, experiences, and support service needs, which must be reviewed for each participant, while the Senate Amendment only suggests the assessment include "such factors" similarly listed.

The Senate recedes.

B. The House Bill, but not the Senate Amendment, requires that the assessments comply with the requirements of section 167 on nondiscrimination.

The House recedes. Section 167 already applies to all provisions of the Act, including assessments.

141. Additional Required Services. The House Bill, but not the Senate Amendment, requires basic skills training, occupational training and supportive services to be provided either directly or through arrangement, where the assessment and service strategy indicate it is appropriate.

The Senate recedes with an amendment in Sections 204(c)(5) and 264(d)(6) to clarify that the Conferees do not intend that these requirements be construed to create any contractual rights or legal entitlement for participants. To clarify this intention, the Conference agreement modifies previous bill language stating that the service strategy is not to be considered a contract, to state that nothing in Section 204 is to be construed to provide a private right of action to participants to obtain services described in the assessment or service strategy or the services specified in Sections 204(a)(1)(D) and 264(b)(1)(D). (See also comments 18A and 147.)

142. Additional Requirements. Both the House Bill and the Senate Amendment require that each participant or applicant who meets the minimum income eligibility criteria be provided information on the full array of applicable or appropriate services available. The House Bill includes services available through the service delivery area or other service providers including, "but not limited to," those receiving funds under this Act, while the Senate Amendment lists the same group, but only includes providers receiving funds under this Act.

The Senate recedes.

143. Service Provider Referrals. Both the House Bill and Senate Amendment require that eligible applicants who do not meet the enrollment requirements of a service provider's program be referred to the service delivery area for further assessment and referral. The House Bill, but not the Senate Amendment, also requires that eligible applicants "who cannot be served" by a program be referred to the service delivery area.

The Senate recedes.

144. Authorized Services. The Senate Amendment, but not the House Bill, adds a clause in the subsection on authorized services to subject this subsection "to the limitations contained in subsection (c)" of Section 204 of the Senate Amendment.

The House recedes.

145. Training-Related Services. The Senate Amendment, but not the House bill, includes language to assist women in obtaining non-traditional employment, which was also included in the recently passed non-traditional employment act (P.L. 102-235).

The House recedes.

146. Supportive Service. The House Bill, but not the Senate Amendment, cross references the definition of supportive services in its description of these services under this subsection (Section 204(b)(2) of the House Bill).

The Senate recedes.

147. Needs Based Payments. The House Bill, but not the Senate Amendment, refers to needs-based payments and financial assistance in its list of training related services. The Senate Amendment, but not the House Bill, refers to current law in listing needs-based payments "in accordance with a locally developed formula".

The Senate recedes. (See also comments 18A, 141, and 149.)

148. OJT Limits. The House Bill, but not the Senate Amendment, requires that the ratio of participants in on-the-job training in the public sector to those in such training in the private sector not exceed the ratio between civilian governmental employment and non-governmental employment in a service delivery area.

The House recedes.

149. Needs-Based Payments. Both the House Bill and Senate Amendment include similar language on needs-based payment restrictions, except that the House Bill adds "financial assistance" to this restriction, while the Senate Amendment duplicates the language in Section 204(b)(2)(I) of the Senate Amendment. Both the Senate Amendment and the House Bill refer to current law in listing needs-based payments "in accordance with a locally developed formula".

The Senate recedes.

150. Older Worker Programs. The Senate Amendment, but not the House Bill, authorizes the Governor to provide programs developed in conjunction with service delivery areas to encourage the employment of older individuals in private business.

The House recedes.

151. Older Workers. The Senate Amendment, but not the House Bill, requires the Governor, after consulting with the private industry councils and chief elected officials, to enter into agreements with prescribed agencies and organizations.

The House recedes with an amendment to require the Governor to enter into a contract with at least one entity included in the list of prescribed organizations and agencies, instead of with all the entities as required by the Senate Amendment. The amendment adds private industry councils to the list. The Conferees agrees that service delivery areas shall continue to be eligible service providers under the 5 percent Older Worker Set-aside program.

152. The Senate Amendment, but not the House Bill, requires the Governor to consider training programs in growth industries using technological skills.

The House recedes.

153. The Senate Amendment, but not the House Bill, restates the eligibility require-

ments for older individuals and provides for an exception for 10% of such individuals if they are not economically disadvantaged, but face serious barriers to employment and are income eligible under title V of the Older Americans Act.

The House recedes.

154. Applicable Requirements. The Senate Amendment, but not the House Bill, includes a provision to give priority to this subsection's (Section 204(d) of the Senate Amendment) applicability in the event of a conflict with other subsections.

The Senate recedes.

155. Linkages. Aside from minor drafting differences, the House Bill and Senate Amendment are substantially the same on this page of the side-by-side.

The House recedes.

156. Linkages. A. The House Bill, but not the Senate Amendment, includes in its list of programs with which the service delivery area shall establish linkages, programs assisted under the U.S. Housing Act, the National Literacy Act, Head Start, and any other provision of this Act.

The Senate recedes.

B. The Senate Amendment, but not the House Bill, includes in its list of programs with which the service delivery area must establish linkages, programs assisted under title V of the Older Americans Act and chapter 2 of title II of the Trade Act of 1974.

The House recedes.

157. Other Linkages. The House Bill and Senate Amendment are substantially the same, except that only the Senate Amendment includes "literacy organizations" in its list of other programs with which to establish linkages.

The Senate recedes.

158. Transfer of Funds. Both the House Bill and Senate Amendment allow for a 10% transfer of funds between the Part A Adult Program and the Part C Youth Program; however the Senate Amendment also allows for a transfer to the Part B Summer Youth Program.

The Senate recedes with an amendment to include a transfer provision in title IIB to allow a 10 percent transfer of funds from title IIB to title IIC, including in 1992.

159. Studies. The Senate Amendment, but not the House Bill, requires the GAO to study the number of adults assisted under this part who remain employed for at least 9 months after receiving assistance.

The Senate recedes.

160. Summer Youth. The House Bill and Senate Amendment are substantively the same with minor drafting differences.

The House recedes.

161. Youth Funding Formula. Both the House Bill and Senate Amendment use the Part C Youth Program funding formula for the distribution of Summer Youth funds, but refer to different subsections in Part C. The Senate Amendment, but not the House Bill, cites the definition of economically disadvantaged in Part C.

The Senate recedes.

162. Use of Funds. The House Bill and Senate Amendment are substantively the same, except that only the Senate Amendment lists "Youth Corps Programs" as a use of funds.

The House recedes.

163. Basic and Remedial Education. The House Bill and Senate Amendment are substantively the same, except that only the House Bill refers to "training" in Section 253(b)(2), while only the Senate Amendment refers to "Youth Corps Programs" in the same paragraph under the Senate Amendment.

The Senate recedes on "training". The House recedes on "Youth Corps Programs".

164. Assessment. The House Bill requires summer youth assessments to include a review of supportive services, while the Senate Amendment lists supportive services as an optional review item.

The Senate recedes.

165. Followup Services. The House Bill requires followup services to be made available for participants for whom a service strategy is developed, while the Senate Amendment only requires followup services where the service strategy indicates it is appropriate.

The House recedes.

166. Concurrent Enrollment. The House Bill and Senate Amendment are substantively the same, except that they refer to different paragraph citations in Sec. 106 on performance standards.

The House recedes.

167. Transfers. The House Bill states that youth "do not need" to be terminated from participation in part B or part C in order to be enrolled in the other part, while the Senate Amendment states that the youth "are not required" to be terminated.

The House recedes.

168. Part C—Youth Program. Statement of Purpose. The Senate Amendment, but not the House Bill, states that one of the purposes of the Youth Opportunity Program is to enhance the "citizenship" skills of youth.

The House recedes.

169. State and Service Delivery Area Allotment. A. Both the House Bill and Senate Amendment use the same type of funding formula as described in the Part A—Adult Program. The Senate Amendment, but not the House Bill, specifically cites Sec. 202 (a)(2) and (3) for the formula allotment to the States and changes the definition of economically disadvantaged individuals to economically disadvantaged youth for this part.

The Senate recedes with an amendment to change "individuals" to "youth".

B. The House Bill, but not the Senate Amendment, reserves 81% of the remainder of funds (after deduction for the territories) for allotment to the States for allocation to service delivery areas within each State, as determined by formula. The House Bill, but not the Senate Amendment, allots the remaining 19% for State set-asides described in Section 272(c) of the House Bill.

The Senate recedes with an amendment to change the 81 percent reservation to 82 percent and to change the 19 percent remainder to 18 percent.

C. Allocation to Service Delivery Areas. The Senate Amendment, but not the House Bill, directs the Governor to allocate 82% of the allotment to each State based on the formula in Sec. 202(b) and to allocate 18% in accordance with subsection (c) of this section 262.

The Senate recedes.

170. Formula. The House Bill, but not the Senate Amendment, retains the formula factors in current law, but allots the amounts based upon service delivery area factors of unemployment and poverty for economically disadvantaged youth, instead of the State factors of unemployment and poverty. This formula is essentially the same as in part A, but targets economically disadvantaged youth instead of adults.

The Senate recedes with an amendment described in comment 118.

171. Limitations. The House Bill, but not the Senate Amendment, repeats the limitation provisions in the formula described in the Part A Adult Program. Comparable Senate Amendment provisions are also described in section 202(a) of the Senate Amendment, as referenced in section 262 (a) and (b).

The Senate recedes.

172. Definitions. The House Bill, but not the Senate Amendment, in the definition of economically disadvantaged refers to "poverty income guidelines promulgated each year by the Secretary of Health and Human Services." In a similar reference, the Senate Amendment, but not the House Bill, refers to the "official poverty line as defined by the Office of Management and Budget" in accordance with the Budget Reconciliation Act of 1981.

The House recedes.

173. The House Bill repeats the definition of "excess number" of unemployed first listed in section 202(b)(4)(c), while the Senate Amendment simply crossreferences the definition listed in section 202(d)(1)(B).

The House recedes.

174. Exclusions. Both the House Bill and Senate Amendment exclude college students and Armed Forces members from the number of economically disadvantaged youth/individuals, but the bills have technical drafting differences.

The Senate recedes.

175. State Set-Asides. The House Bill repeats the description of state set asides first listed in Sec. 202(c)(1) of the House bill. Whereas the Senate Amendment crossreferences the state set-asides described in Sec. 202(c)(2).

The Senate recedes.

176. State Set-Aside Allotment. The House Bill repeats the language first described in Sec. 202(c)(2) of the Hose Bill. Whereas the Senate Amendment crossreferences the state set-aside allotment described in Sec. 202(c)(2), as noted in comment 175.

The Senate recedes.

177. Incentive Allotment. The House Bill, but not the Senate Amendment, repeats the language first described in Sec. 202(c)(3) of the House Bill.

The House recedes.

178. Capacity Building. The House Bill, but not the Senate Amendment, repeats the language on capacity building first described in Sec. 202(c)(4) of the House Bill.

The House recedes with an amendment described in comment 128 and 230.

179. Youth Program. Eligibility for In-School Youth Services. The House Bill requires that "not less than 60 percent" of in-school participants face additional barriers to employment, whereas the Senate Amendment requires that "not less than 70 percent" of in-school participants face such barriers.

The House recedes with an amendment to require that not less than 65 percent of the youths participating in the in-school program face at least one additional barrier to employment. The amendment also provides that youth determined to be eligible for a free meal under the National School Lunch Act during the most recent school year are eligible for services under title IIB summer program and title IIc youth program.

180. The Senate Amendment, but not the House Bill, includes in the list of individuals facing additional barriers to employment those who "exhibit a pattern of disruptive behavior or disciplinary problems", those who are "limited-English proficient", and those who face some other serious barrier to employment as determined by a service delivery area and approved by the Governor and the Secretary.

The House recedes with an amendment described in comment 135c.

181. Targeted Groups. The House Bill requires that "not less than 60 percent" of out-

of-school participants face additional barriers to employment, whereas the Senate Amendment requires that "not less than 70 percent" of out-of-school participants face such barriers.

The House recedes with an amendment to require that not less than 65 percent of youths participating in the out-of-school program shall face at least one additional barrier to employment.

182. Out-of-School Youth. Eligibility for Services. The Senate Amendment, but not the House Bill, includes the list of individuals with additional barrier to employment those who are limited English proficient and those who face some other serious barriers to employment as determined by a service delivery area and approved by the Governor and the Secretary.

The House recedes with an amendment described in comment 135c.

183. Exceptions. Both the House Bill and Senate Amendment allow not more than 10 percent of the youth served in this program to be non-economically disadvantaged if they meet other barriers to employment. The House Bill, however, specifies that the individuals excepted under the 10 percent window "may" be individuals who face other barriers to employment and that those barriers "need not be limited to" the ones specified in this subsection, while the Senate Amendment specifies that the individuals excepted under the 10 percent window "shall" be individuals who face other barriers to employment and that those barriers "may" be included in the ones specified under this subsection.

The House recedes. (See also comments 132 and 136.)

184. Ratio of Out-of-School to In-School Youth. The House Bill requires that 60 percent of the youth served in this program be out-of-school (with 2 exceptions described below), while the Senate Amendment requires that 50 percent of the youth served be out-of-school.

The House recedes with an amendment requiring that 50 percent of youth served be out-of-school youth under the year-round youth program. The amendment retains the House provision permitting youth served in a schoolwide project to be excluded from the in-school count.

Schoolwide projects are authorized under Title II-C in order to target in-school youth in high poverty neighborhoods. SDAs are authorized to provide funds to establish these projects in high schools located in neighborhoods with over 30 percent poverty. This provision would target youth who are reading below grade level or face other barriers to employment, but it would not require each in school youth served by this project to be income-certified.

High schools in these high poverty areas must demonstrate that 70 percent of their students have barriers to employment other than their poverty. As long as it can be determined that 70 percent of the student population have these barriers (for example, if 70 percent of a high school were determined to be reading one year below grade level), then the entire school may be served by a program, without each individual being either income-certified or assessed for a specific individual barrier.

In urban and rural areas with a high concentration of poverty, individual eligibility criteria for in-school youth may be unnecessary and potentially counterproductive. Numerous JTPA service providers have testified that the burden of documentation can discourage participation in JTPA programs. While the Conferees support the need to document poverty and certain barriers for eligibility purposes, they also recognize that, in extreme situations in areas of pervasive poverty, it is more important to target the severely disadvantaged in a manner which does not hinder participation. Also, only a limited number of schools will qualify under the strict criteria established in this legislation although, in some high schools in our country, virtually the entire school has been tested as reading below grade level.

The Conferees want to clarify that while individuals who do not meet the requirements of section 263(a)(2) may be eligible for schoolwide projects, it is also assumed that individuals who do meet the requirements in section 263(a)(2) may also be eligible for services under schoolwide projects.

The Conferees intend that students participating in an alternative school program funded in part or in whole by funds provided under the Job Training Partnership Act, who have been identified as drop-outs or who have been identified as habitually truant (as defined by State law), be considered out-of-school youth for purposes of this program.

186. Additional Barrier to Employment. The Senate Amendment, but not the House Bill, allows a service delivery area to add one category of youth who face an additional barrier to employment if the Governor and, in turn, the Secretary approve.

The House recedes with an amendment allowing service delivery areas to add one additional barrier to employment, if approved by their Governor, but this additional barrier cannot be unemployment or poor work history. The amendment deletes the provision requiring the Secretary's approval, but requires this request, as approved by the Governor, to be included in the Governor's plan.

187. Year-Round Youth Program Design. The House Bill requires the youth program under this Part C to be conducted and services "made available during the year or on a multiyear basis as appropriate", while the Senate Amendment simply requires this Part C to be conducted "on a year-round basis".

The House recedes with an amendment. The programs under part C shall be conducted on a year-round basis and services shall be made available on a multi-year basis as appropriate.

188. Information Availability Requirements. The House Bill specifies that each participant be provided information on other service providers, "including, but not limited to," those receiving funds under this Act, while the Senate Amendment simply states "including".

The Senate recedes.

189. Referral Requirements. The House Bill refers to the "applicant" referral requirements, whereas the Senate Amendment refers to the "participant or applicant".

The House recedes.

190. Referral Requirements for Service Providers. Both the House Bill and the Senate Amendment require each service provider to refer each eligible applicant who does not meet enrollment requirements to the service delivery area for further assessment and possible referral; however, the House Bill, but not the Senate Amendment, makes the same broader requirement of service providers for eligible applicants "who cannot be served" by the provider's program.

The Senate recedes.

191. Authorized Services. In the list of authorized services for youth the House Bill specifies that services "may include, but need not be limited to" the subsequent list, while the Senate Amendment simply specifies that services "may include" the subsequent list.

The House recedes.

192. Direct Training Services. A. The Senate Amendment, but not the House Bill, adds "youth corps programs" to the list of other training or education services.

The House recedes.

B. The House Bill, but not the Senate Amendment, lists "preemployment and work maturity skills training" as an allowable direct training service.

The Senate recedes.

193. School Dropouts. A. The House Bill, but not the Senate Amendment, requires each service delivery area to make available, concurrently or sequentially, at least 2 or more options to enable a dropout under 18 to reenroll in some form of educational study or program (as specified in both bills).

B. The Senate Amendment, but not the House Bill, requires a dropout under the age of 18 to reenroll in some form of educational study or program (as specified in both bills) as a condition of participating in a program assisted under this part.

The Senate recedes on both parts with an amendment to require that an individual who is under the age of 18 and a dropout must enroll in and attend an alternative course of study approved by the local educational agency or enroll in and attend either school, an alternative high school, or a high school equivalency program. The SDA must make at least two of these reenrollment options available to such individuals.

As a part of the requirement for an individual who is under the age of 18 and a dropout to return to school or to a high school equivalency program the Conferees have included an exception for "interim periods". This exception is intended to provide flexibility to the program and the participants particularly during the summer months, or during the periods between school terms or when a course of study or school program is not immediately available. The Conferees expect this interim period to be used only in limited situations and for limited periods of time.

194. Educational Linkages. The House Bill identifies a non-exhaustive series of program linkages, while the Senate Amendment's list is exclusive.

The Senate recedes.

195. Program Linkages. In the requirement for service delivery areas to link with other Federal programs only the House Bill lists the National Literacy Act, while only the Senate Amendment lists the National and Community Services Act.

The House recedes on the National Literacy Act. The Senate recedes on the National and Community Services Act.

TITLE III—EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS

196. Title III. A. The House Bill refers to "any other provisions in law" when describing whether an eligible dislocated worker is deemed to be in training, while the Senate Amendment refers specifically to the "Internal Revenue Code."

The House recedes. The Senate Amendment confirms the specific intent of this provision to clarify that participants in Title III training programs shall be considered to be in training with the approval of the state agency for purposes of the Internal Revenue Code, which precludes states from denying unemployment insurance because an individual is "in training with the approval of the state agency."

B. The House Bill, but not the Senate Amendment, retains "1991" in the demonstration program authorization.

The House recedes.

197. Unobligated Title III Funds. The House Bill, but not the Senate Amendment, amends the carryover provisions in Section 303 to base the funds recapture on "unobligated" funds, instead of "unexpended" funds as in current law.

The House recedes. The Conferees conclude, based on previous experience with federally funded job training programs which operated on the same basis as the House Bill, that the provisions in the House Bill could undermine the effectiveness of the reallotment process.

198. Use of Funds. The House Bill amends current law to impose cost category limits only on Part A of title III, while the Senate Amendment retains the cost category limits on all of title III, "except for funds expended under section 326".

The Senate recedes with an amendment. The Conferees adopt the House Bill provision in recognition of the planning difficulties substate grantees have had under current law. Under that provision, substate grantees will be required to comply with the cost category limits on a program year basis. Thus, the appropriate period for compliance with the cost category limits for a particular program year will be the period for which the funds allocated for such program year are available.

The Conferees amend the House Bill to make clear that for purposes of this section, the term "allocated" is intended to refer to the final allocation a substate grantee receives for a given program year, adjusted upwards or downwards as appropriate following any reallocation to or from such substate grantee for that program year.

Notably, the House Bill also imposes the cost category limits only on Part A of title III, while the Senate Amendment retains the cost category limits on all of title III, "except for funds expended under section 326." The Senate recedes with regard to this difference. The Conferees intend that funds expended under Part B of title III not be subject to such cost category limits.

199. Combining Funds. The House Bill, but not the Senate Amendment, allows substate grantees within a State to combine funds to serve dislocated workers from 2 or more substate areas.

The Senate recedes. This provision is intended to allow neighboring substate grantees to work together to serve dislocated workers in a more efficient and cooperative fashion.

TITLE IV—FEDERALLY ADMINISTERED PROGRAMS

200. Native American Programs. The Senate Amendment, but not the House Bill, amends current law on Native American programs to make services available to American Samoans residing in the United States.

The Senate recedes.

201. Native American Programs. The Senate Amendment, but not the House Bill, adds language to current law to permit organizations "and State agencies", as determined by the Secretary, to administer programs for Hawaiian Natives and American Samoans.

The Senate recedes.

202. Native American Programs A. Both the House Bill and the Senate Amendment add new language to current law on creating a single organizational unit for coordinating certain activities under this section. The House Bill adds this new language on the organizational unit by adding a new subsection (k) to section 401 of current law, whereas the Senate Amendment amends section 401(e) of current law.

The Senate recedes.

The Conference bill incorporates several provisions amending the Native American language in current law. These changes are intended to ensure that the special Native American programs directly address Native American needs and further the development of Native American communities in ways determined by Native American groups themselves.

B. The House Bill establishes as the unit's "primary" responsibility "the administration of all Native American programs", whereas the Senate Amendment gives the unit "principal" responsibility for the "development, coordination, and oversight of all policies * * *".

The Senate recedes.

C. Additionally, the House Bill, but not the Senate Amendment, makes the organizational unit accountable for monitoring such programs and "making recommendations regarding the selection of all recipients of financial assistance".

The Senate recedes.

D. The House Bill makes the unit accountable (1) for the development of all policies and procedures "related to the implementation of such programs", and (2) for coordinating the development of policy and procedures "for all Native American employment and training programs within the Department", whereas the Senate Amendment makes the unit responsible for all policies "under which the Secretary regulates or influences the operation of Native American Indian programs under this section".

The Senate recedes.

E. The Senate Amendment, but not the House Bill, excludes audit, procurement, and debt collection policies from the purview of the organizational unit.

The Senate recedes.

203. A. The House Bill, but not the Senate Amendment, grants special consideration in the hiring and promotion of the unit's professional staff to individuals who have field experience in the daily operation of service and training programs for Native Americans.

The Senate recedes.

B. The House Bill requires the Secretary to take additional actions as may be necessary to promote the recruitment and promotion of Indians, Native Alaskans, and Native Hawaiians, whereas the Senate Amendment encourages "a special effort to recruit Indians, Alaska Natives, American Samoans, and Hawaiian Natives for employment".

The Senate recedes.

204. Clarification Amendments. The House Bill, but not the Senate Amendment, makes a clarification to Section 401(f) of current law and a conforming amendment to Section 401(j) of current law.

The House recedes.

205. Reservation of Funds. The House Bill, but not the Senate Amendment, makes a conforming amendment in the set-aside of funds for Indian programs and also adds that additional appropriations may be provided. The Senate Amendment, but not the House Bill, reserves from Title IV funds (other than part B) an amount not less than 3.5 percent of the total appropriated for parts A and C of Title II. (Current law provides for an amount equal to 3.3 percent of funds for this section.).

The House recedes with an amendment to change the 3.5 percent reservation to not less than 3.3 percent.

206. The Senate Amendment, but not the House Bill, amends Section 401(h) of current law to substitute "Advisory Council on Native American Indian Job Training Programs" for "representatives of Indians and other Native Americans" and to add language on Indians and American Samoans.

The Senate recedes.

207. Advisory Council. The House Bill creates a new subsection for advisory councils, while the Senate Amendment adds a new paragraph to subsection (h) of current law for advisory councils.

The Senate recedes.

208. Native American Programs.

A. The House Bill and Senate Amendment both create councils to evaluate and advise the Secretary on employment and training programs for Native Americans. The House Bill titles the council the "Native American Employment and Training Council", whereas the Senate Amendment title is the "Advisory Council on Native American Indian Job Training Programs".

The Senate recedes.

B. The House Bill requires the Council to have no fewer than 17 members, whereas the Senate Amendment requires not fewer than 15 members.

The Senate recedes.

C. The Senate Amendment, but not the House Bill, includes American Samoans in the population from which Council members shall be drawn and permits American Samoan organizations to nominate members.

The Senate recedes.

D. The House Bill requires the Council's membership to represent "all geographic areas of the United States with a substantial Indian, Native Alaskan, or Native Hawaiian population", whereas the Senate Amendment requires the membership to represent "diverse geographic areas".

The Senate recedes.

209. A. The House Bill requires the Council to include members of nonreservation Native American organizations "who are service providers under this Act", whereas the Senate Amendment does not stipulate that representatives from nonreservation Native American organizations should be service providers under this Act.

The Senate recedes.

B. The House Bill, but not the Senate Amendment, requires that a majority of the Council members shall have field experience in the daily operation of the program authorized under this section.

The Senate recedes.

C. The Senate Amendment, but not the House Bill, while encouraging American Samoan representation on the Council, does not allow an American Samoan to be elected Chair.

The Senate recedes.

210. The House Bill, but not the Senate Amendment, provides for the appointment of interim Council members, to be taken from the Native American Programs Advisory Committee, the members of which may also be appointed as members of the new Council.

The Senate recedes.

211. Council Membership. A. The House Bill requires the term of office for Council members to be 2 years, but requires one-half of the initial appointments to be for 1 year, whereas the Senate Amendment states each Council member "may" serve for a term of 2 years and "may" be reappointed.

The Senate recedes.

B. The House Bill, but not the Senate Amendment, lists procedures to be followed in the event of a vacancy.

The Senate recedes.

C. The House Bill, but not the Senate Amendment, establishes a deadline for the appointment of Council members.

The Senate recedes with an amendment to require that Council members be appointed by the beginning of program year 1993, not 1992 as in the House Bill.

212. The Senate Amendment, but not the House Bill, requires the Council to solicit the views of American Samoan groups on Native American employment and training programs.

The Senate recedes.

213. Native American Programs. A. The House Bill requires the Council to "advise and make recommendations" to the Secretary on the design and implementation of performance standards, whereas the Senate Amendment requires the Council to "advise" on the design of all aspects of performance standards.

The Senate recedes.

B. Both the House Bill and the Senate Amendment require the Council to advise the Secretary on services "obtained" by the Department; however, the House Bill, but not the Senate Amendment, also mentions services "to be obtained".

The Senate recedes.

C. The House Bill requires the Council's advice on "any services" authorized under section 401 of the House Bill, whereas the Senate Amendment requires advice on "services that involve the provision of technical assistance to, or evaluation of, the programs" authorized under this section.

The Senate recedes.

214. Effectiveness. The House Bill requires the Council to "evaluate" the effectiveness of Native American job training programs, whereas the Senate Amendment requires the Council to "assess" these programs.

The Senate recedes.

215. The House Bill requires the Council to advise the Secretary on individuals to be considered for the position of chief of the organizational unit, whereas the Senate Amendment specifies that the Council shall advise the Secretary on "the recruitment of, identification of, and selection criteria for, candidates" for the position of chief of the organizational unit.

The Senate recedes.

216. A. Both the House Bill and the Senate Amendment require the Council to submit a report to Congress; however, the House Bill, but not the Senate Amendment, also requires a report to be submitted to the Secretary.

The Senate recedes.

B. The House Bill requires a report to be submitted every other year, whereas the Senate Amendment requires a report to be submitted every year.

The Senate recedes.

C. Both the House Bill and the Senate Amendment require the Council to make recommendations for improving the "effectiveness" of Native American job training programs; however, the House Bill, but not the Senate Amendment, also requires recommendations for improving the "administration" of these programs.

The Senate recedes.

217. A. The House Bill states that Council members shall serve without compensation but may be reimbursed for their expenses, whereas the Senate Amendment states that the Secretary shall make available to the Council such sums as may be necessary to carry out the functions of the Council.

The Senate recedes.

B. The House Bill, but not the Senate Amendment, requires the Secretary to provide the Council with administrative support.

The Senate recedes.

218. The Senate Amendment, but not the House Bill, adds new language to Section 401 on competition for Section 401 grants.

The House recedes.

219. Migrant programs—Sec. 402. Both the House Bill and the Senate Amendment add new language on 2 year competitions for section 402 grantees; however, the House Bill, but not the Senate Amendment, specifies that procedures for awarding grants under this section shall be consistent with standard competitive procurement procedures.

The House recedes.

The Conferees are aware of the accomplishments of the Association of Farmworker Opportunity Programs (AFOP) and encourage the Department to continue their activities, including technical assistance and training for the Section 402 grantees in the areas of quality program enhancement and in database and other developments which can further improve the capabilities of grantees funded under section 402. The Conferees encourage the Department to utilize the Association in an advisory capacity.

The Conferees are aware that limitations on certain costs have been applied to the Native American and Migrant and Seasonal Farmworker programs, although they were not mandated for these nationally funded programs. For instance, the Conferees are aware that the Department has applied a 15% limitation on non-training related supportive services. As with performance standards, the Secretary is directed to prescribe adjustments in limitations on certain costs due to the unique needs of the Native American and Migrant and Seasonal Farmworker populations and the varying programs required to meet their special needs.

The Conferees recognize that Section 402 of JTPA is the main vehicle for public investments in migrant and seasonal farmworker employment, training, and supportive services. These investments assist farmworkers to obtain or retain stable employment both within and outside of agriculture and to provide assistance and related services that will stabilize and improve their agricultural employment situation. These programs target services to a particularly hard-to-serve and at-risk populations.

The Conferees recognize, as with the Native American JTPA programs, migrant and seasonal farmworker programs can benefit from centralized administration from the national level within the Department of Labor. The Conferees encourage the Department of Labor to provide a single office which focuses on the many different aspects of its dealing with grantees, including policy, performance, monitoring, administrative standards, and programs designed to meet farmworkers' unique needs. Furthermore, an office comprised of and headed by individuals with direct farmworker employment and training field experience, expertise with grantee operational methods necessary to administer such diverse programs, and a full understanding of and commitment to meeting the special and unusual needs of the migrant and seasonal farmworker community is encouraged. The Conferees plan to monitor the Department's progress toward this goal.

Section 402 grantees are currently designated every two years. The Conferees have included language intended to ensure that once a Section 402 grantee has performed successfully under the terms of an existing grant agreement and has met the performance criteria established by the Secretary, the Secretary may waive the requirement for competition for that grantee for the two succeeding years. The Conference bill includes language intended to ensure that the procedures used to award state Section 402 grants are consistent with the government's standard competitive procurement policies and that no entity competing for a grant be awarded points based on any non-competitive criterion. On those occasions where a grant designation is required during the two-year competitive grant period, an expedited process of competition, consistent with standard government procurement policies, should be conducted.

The employment of farmworkers on Christmas and other tree farms, forestry and other logging operations, fish farms and hatcheries, nurseries, and fruit and vegetable processing operations (both on and off farm sites) has significantly increased. The Conferees urge the Department to be responsive to these changes and to periodically modify and update the Section 402 regulations to recognize the changing nature of agricultural employment. The Conferees direct the Department of Labor to cooperate with the Department of Education on coordinating JTPA 402 projects with migrant programs administered by the Office of Migrant Education.

The Section 402 program was created to assist farmworkers who choose to remain in agricultural employment through activities that will assist in stabilizing their employment, improve their living and working conditions, as well as to help them enter employment outside of agriculture. The Conferees are aware that farmworkers, as an occupational group, are at high risk for exposure to toxic pesticides and for injury from other work related accidents. As an effort to stabilize farmworkers' employment in agriculture, the Conferees recognize the need for Section 402 programs to provide farmworkers with pesticide and other workers safety training as an employability enhancement activity.

220. Reservation of Funds. The House Bill, but not the Senate Amendment, makes a conforming amendment in the set-aside of funds for Migrant programs and also adds that additional appropriations may be provided. The Senate Amendment, but not the House Bill, reserves from Title IV funds (other than part B) an amount not less than 3.2% of the total appropriated for parts A and C of title II. (Current law provides for an amount "equal to 3.2% of funds for this section".)

The House recedes.

The Conference bill authorizes the Secretary to reserve from funds available for carrying out this title for any fiscal year, an amount not less than 3.2 percent of the total amount of funds appropriated to carry out parts A and C of title II of this Act for such fiscal year.

221. Grant Procedures—Sec 403. The House Bill, but not the Senate Amendment, adds a new section 403 on grant procedures and the charging of costs for Section 401 and 402 grants.

The Senate recedes.

The Conferees are aware that the Department of Labor has interpreted OMB Circular A-122 to prohibit grantees from using grant funds for legal, accounting or other consulting services relating to an audit after the grant officer issues a final determination. This precludes grantees from utilizing these resources for such services to resolve the audit matters during review of the grant officer's determination in hearings before an administrative law judge and during the final review of the matter by the Secretary. The Conferees are also aware that the Department of Health and Human Services, the

largest grant making agency in the Federal government, has a different interpretation of OMB Circular A-122, which allows grants funds to be used for such services until a final determination is made by the Secretary.

The Department of Labor's interpretation of Circular A-122 has proven particularly burdensome for nonprofit and single-purpose organizations providing job training services to migrant and seasonal farmworkers under Section 402 of the Act. These grantees may have no private resources available to obtain assistance in resolving audit matters during the important administrative proceedings before the Department's administrative law judge and the Secretary. The Department of Labor is encouraged to review this matter, giving full consideration to HHS interpretation. The Conferees encourage the Department to permit grantees to utilize grant funds for reasonable and necessary legal and accounting costs associated with audit resolutions in any Departmental proceedings.

222. Job Corps Eligibility. The House Bill, but not the Senate Amendment, makes individuals age 22 through 24 eligible for the Job Corps program, but limits their number to 20 percent of total enrollees.

The Senate recedes. Job Corps centers will not be required to enroll any individual older than 21, but will be permitted to do so by the Conference bill.

223. The House Bill, but not the Senate Amendment, clarifies current law so that Job Corps participants may concurrently or subsequently participate in Title II programs, and so that Title II participants may concurrently or subsequently participate in Job Corps.

The Senate recedes.

224. Job Corps. A. Nonresidential Participants. The House Bill and Senate Amendment both raise the cap on the number of non-residential individuals who are allowed to participate to 20 percent of the total enrolled.

The House and Senate provisions are identical.

B. The House Bill, but not the Senate Amendment, specifies that of those individuals who are to be nonresidential participants, priority shall be given to eligible individuals who are single parents with dependent children.

The Senate recedes.

C. The House Bill specifies that the number of residential participants shall not be reduced below the program year 1991 level as a result of increasing the number of nonresidential participants, whereas the Senate Amendment specifies that the number of residential participants shall not fall below the program year 1989 level.

The Senate recedes.

225. The House Bill, but not the Senate Amendment, prohibits the Department of Labor from contracting with a nongovernmental entity to administer a Civilian Conservation Center of the Job Corps on public land.

The Senate recedes.

226. Job Corps/Child Care Services. The House Bill, but not the Senate Amendment, requires the Secretary, to the extent practicable, to provide child care services for Job Corps participants who need them to participate in the program.

The Senate recedes.

227. Job Corps Referrals. The House Bill, but not the Senate Amendment, requires Job Corps centers to provide counseling and referrals, to enrollees who have problems with alcohol or drug abuse.

The Senate recedes.

228. National Partnership and Special Training Programs. The Senate Amendment, but not the House Bill, amends Section 451 of current law authorizing the Secretary of Labor to establish a system of grants administered at the national level including partnership programs with national organizations having special expertise; programs that address industry-wide skills shortages, meet training needs best addressed on a multistate basis, and increase competitiveness of the labor force; and programs that require technical expertise at the national level to serve individuals with special needs.

The House recedes.

229. Research, Demonstration, and Evaluation. The Senate Amendment, but not the House Bill, amends Section 452 of current law by adding to the list of authorized research topics: methods of addressing the needs of at-risk populations; information on immigration, international trade and competition, technological change, and labor shortages; and methods of easing individual transition into the workforce. The Senate Amendment further amends the pilot and demonstration program to improve effectiveness in meeting particular employment and training problems, and allows the Secretary to evaluate other federally-funded employment-related activities, as well as the impact of title II on welfare dependency.

The House recedes with an amendment stating that demonstration programs shall last for no longer than 7 years. The amendment also states that pilot programs must include an evaluation component.

230. Training and Information Programs. The Senate Amendment, but not the House Bill, amends current law to require the Secretary to: (1) develop curricula and provide training, technical assistance, staff development and other activities at the national, regional, state, and local levels; (2) prepare and disseminate training curricula and materials; and (3) disseminate innovative and successful models and materials.

The House recedes with an amendment to merge all the House and Senate language on capacity building, training networks, replication of successful programs, and information dissemination into a new section entitled "Capacity Building, Information Dissemination, and Replication Activities," which will replace Section 453 of current law.

The Capacity Building and Information and Dissemination Network shall provide training and technical assistance to enhance the expertise of employment and training professionals and to improve coordination of services. In pursuant of these goals, the Network shall, using primarily computer-based technologies, develop and disseminate staff training curricula and materials, and information on successful programs and training methods by crating a national database and communication system.

Coordination between the grant program established under the new Section 453 and the activities of the Network is required to the extent possible. Funds available for the grant program may not be used to duplicate the activities of the Network. Of the 7 percent of JTPA funds that are reserved for title IV programs, $15 million is authorized annually to carry out Section 453, after the set-asides for veterans and Indian and migrant programs are fulfilled (see comment 8). Up to 33 percent of the 5 percent State set-aside for incentive grants may also be used for similar capacity building activities (see comments 128, 131, and 178).

231. Redesignations. The Senate Amendment, but not the House Bill, eliminates Sections 454 through 456 and redesignates the old Section 457 as Section 454. The new heading for Section 454 reads—"Nontraditional Employment Demonstration Program" (P.L. 102-235).

The House recedes with an amendment to redesignate Section 457 as 456.

232. Secretary's Guidance. A. The House Bill and the Senate Amendment require that the Secretary provide guidance and technical assistance to States and service delivery areas to limit the burdens of documenting eligibility of participants under title II. However, the House Bill does this by amending Section 455 of current law, whereas the Senate Amendment provision are only for purposes of this Act.

The Senate recedes.

B. The House Bill refers to documentation for participants under parts A, B, and C of title II, whereas the Senate Amendment refers only to parts A and C of title II.

The Senate recedes.

C. The House bill, but not the Senate Amendment, focuses the new documentation requirements on participants described in Sections 203(a) and 273 (b) and (d) of the House Bill.

The Senate recedes with a technical amendment to redesignate Section 273 as Section 263.

D. The House Bill, but not the Senate Amendment, further specifies that the documentation shall, to the extent practicable, be uniform and standard.

The Senate recedes.

E. The House Bill, but not the Senate Amendment, specifically requires certain subjects to be addressed in the guidance.

The Senate recedes.

F. The House Bill requires the guidance to be provided no later than July 1, 1992, whereas the Senate Amendment requires the guidance to be provided no later than December 1, 1992. Also, the Senate Amendment, but not the House Bill, specifically states that the Secretary shall provide the guidance.

The House recedes with an amendment to change the due date of the guidance from December 1, 1992 to December 18, 1992.

233. Uniform Reporting Requirements. The House Bill, but not the Senate Amendment, amends Part D of Title IV by adding a new Section 456 requiring the Secretary of Labor, with the Secretaries of Education and Health and Human Services, to identify common data elements and definitions for federal employment and training programs. Report due to Congress, January 1, 1994.

The Senate recedes.

234. Training Network. The House Bill, but not the Senate Amendment, requires the Secretary to establish a National Capacity Building and Information and Dissemination Network to strengthen and improve effectiveness of services provided at the federal, State, and local levels.

The Senate recedes with an amendment to merge the House language on Training Network into a new section entitled "Capacity Building, Information, Dissemination, and Replication Activities," which will replace Section 453 of current law (see comment 230 for a summary of the newly amended Section 453).

235. Cooperative Labor Market Information.

A. Both the House Bill and the Senate Amendment amend Part E, Section 462 of title IV, Labor Market Information, regarding the development of a national, longitudinal data base utilizing unemployment insurance wage records.

The Senate Amendment permits, but does not require, the Secretary of Labor to study

the feasibility of making accessible nationwide information on quarterly earnings on all individuals for which such information is collected by States.

The House Bill, but not the Senate Amendment, *requires* the Bureau of Labor Statistics to determine the feasibility of organizing and making accessible nationwide information on quarterly earnings, establishment and industry affiliation, and geographic location of employment for all individuals for which such information is collected by States, and/or to demonstrate applications of such information.

The Senate recedes with an amendment to delete the paragraph on the Bureau of Labor Statistics engaging in research on employment data for each individual for whom such information is collected by the States. The amendment requires the Commissioner and States to build upon research conducted by the National Commission for Employment Policy and others to determine the procedures necessary to establish and maintain a longitudinal database using unemployment wage records and to develop a means to make this information available on a nationwide basis. The Conferees have included this amendment in recognition of the work of the NCEP that demonstrated the potential cost savings of using the unemployment insurance wage records. The Conferees agree to require the Secretary to report to Congress on the feasibility of establishing such a database.

B. The House Bill, but not the Senate Amendment, requires the Bureau of Labor Statistics to work with States to establish procedures to collect, maintain, and make available the information described above.

The Senate recedes with an amendment described in 235A.

C. The House Bill, but not the Senate Amendment, requires the Secretary to submit a report on the data base "12 months after the enactment of this bill".

The Senate recedes.

D. The House Bill, but not the Senate Amendment, specifies that the report to congress shall describe savings on program followup surveys.

The Senate recedes.

E. The House Bill, but not the Senate Amendment, requires the report to describe "the steps that have been taken and the schedule for any remaining steps necessary to implement the provisions of this section".

The Senate recedes.

F. The Senate Amendment, but not the House Bill, requires the report to "address the feasibility of establishing appropriate safeguards for maintaining the confidentiality of information and privacy of individuals".

The Senate recedes.

236. Federal Responsibilities. The House Bill, but not the Senate Amendment, adds a new subsection to Section 463 requiring the Secretary, through the National Occupational Information Coordinating Committee (NOICC), to report to Congress within 24 months of enactment of this Act, listing recommended common data elements, an analysis of benefits, and a plan for developing and maintaining this common core of data.

The Senate recedes with an amendment to delete Section 463(d) of the House Bill.

237. National Occupational Information Coordinating Committee (NOICC). A. The House Bill increases the authorization for NOICC from not more than $5 million to "not less than $6 million", while the Senate Amendment simply increases the authorization to $6 million.

The House recedes.

B. The House Bill, but not the Senate Amendment, adds to the responsibilities of the Committee by placing emphasis on career development and by requiring that the Committee conduct research and demonstrations to improve coordination and compatibility of human resources data systems (including systems to assist in economic development efforts).

The Senate recedes.

238. Replication of Successful Programs. The Senate Amendment, but not the House Bill, creates a new Part H in title IV authorizing the Secretary to make grants to public or private non-profit organizations to provide technical assistance to States and service delivery areas for costs associated with development and operation of model programs that are likely to improve the employment prospects of economically disadvantaged youth and adults.

The House recedes with an amendment to merge the Senate language on Replication of Successful Programs into a new section entitled "Capacity Building, Information, Dissemination, and Replication Activities," which will replace section 453 of current law (see comment 230 for a summary of the newly amended section 453).

239. Youth Opportunities Unlimited Program. Title. Both the House Bill and Senate Amendment establish a new program under title IV to serve youth in high poverty areas. However, in the House Bill, the title for this program is the Youth Opportunities Unlimited Program. In the Senate Amendment, the title is the "Fair Chance Youth Opportunities Unlimited Program."

The House recedes with an amendment to change the title to the Youth Fair Chance Program.

240. Program Authorization.

A. The Senate Amendment, but not the House Bill, refers to the grants awarded to service delivery areas "on behalf of participating communities."

The House recedes.

B. The House Bill, but not the Senate Amendment, makes grantees under the Migrant and Seasonal Farmworker Program eligible as grantees under the Youth Opportunities Unlimited Program, where the target area is located in a migrant or seasonal worker community.

The Senate recedes.

The provisions enabling tribal governments and Native Alaskan groups to apply for Youth Fair Chance grants are intended to apply to all tribal governments within Oklahoma regardless of the status of their land.

241. Grant Limits. A. The House Bill limits the number of grants that may be made during the first fiscal year of program authorization, whereas the Senate Amendment limits the number of grants over a five-year period.

The Senate recedes.

B. The House Bill limits the number of grants in the first fiscal year to not more than 50, whereas the Senate Amendment limits the number of grants in the first fiscal year to not more than 25.

The House recedes.

C. The Senate Amendment, but not the House Bill, limits the number of grants in the first five fiscal years to not more than 40.

The Senate recedes.

242. Indian Grants. The Senate Amendment, but not the House Bill, requires that at least one, and not more than three, grant(s) be made available to grantees designated under section 401 representing Native American Indian reservations and Alaska Native villages.

The House recedes with an amendment to add "or section 402 migrant programs".

243. Grant Extension. The Senate Amendment, but not the House Bill, permits the Secretary to extend the renewal period for an additional 2 fiscal years on reapplication.

The House recedes.

244. Award Criteria. The House Bill, but not the Senate Amendment, requires that the extent to which other Federal and non-Federal funds are available for similar purposes, and new State, local, or private resources are available, shall be considered by the Secretary in awarding grants.

The Senate recedes.

245. Award Priority. The House Bill gives priority in granting awards to "target areas" with the highest poverty rates, whereas the Senate Amendment gives priority to "participating communities" with the highest poverty rates.

The House recedes.

246. Application. The Senate Amendment, but not the House Bill, requires the Secretary to use the latest census estimates in determining communities with the highest level of poverty.

The House recedes.

247. Measurable Goals. Both the House Bill and Senate Amendment set the goal of increasing the proportion of youth having positive outcomes, but differ as follows:

A. Both set the goal of increasing the proportion of youth completing high school, but the House Bill, and not the Senate Amendment, also includes completion of the high school equivalent.

The Senate recedes.

B. The House Bill, sets the goal of entering into post-secondary institutions, apprenticeships, or other advanced training programs, while the Senate Amendment sets the goal of entering into community colleges or other advanced training programs.

The Senate recedes.

248. Application. The House Bill, but not the Senate Amendment, includes as a possible program goal increasing the proportion of youth participating in education, training, and employment services.

The Senate recedes.

249. Application. A. The House Bill, but not the Senate Amendment, requires each grant application to describe support services necessary for successful participation by youths.

The Senate recedes.

B. The House Bill, but not the Senate Amendment, requires each grant application to describe a system of common intake, individualized assessment, and case management.

The Senate recedes with an amendment to add "procedures or sites" after the term "common intake".

250. Application Requirements. The Senate Amendment, but not the House Bill, requires each grant application to demonstrate how the participating community will make use of the resources, expertise, and commitment of the various service providers of related programs.

The House recedes.

251. Application Requirements. The Senate Amendment, but not the House Bill, requires each grant application to include an estimate of the funds needed to serve all youth in the target area seeking appropriate education, training, and support services.

The House recedes.

252. Application Requirements. A. The House Bill requires each grant application to

provide evidence of support from the local school system, whereas the Senate Amendment requires such evidence from the local school board.

The Senate recedes.

B. The House Bill, but not the Senate Amendment, requires each grant application to provide evidence of support from post-secondary education and training institutions.

The Senate recedes.

253. Applications Submission. Both the House Bill and the Senate Amendment allow the Mayor of a city to submit an application under this program. However, the House bill, but not the Senate Amendment, would also allow a chief elected official to submit such application.

The Senate recedes.

254. Application Submission. The House Bill, but not the Senate Amendment, permits the chief elected official of a nonmetropolitan county or the designated chief official of contiguous nonmetropolitan counties to submit a grant application after review by the governor, whereas the Senate Amendment permits only the governor to submit an application on behalf of contiguous nonmetropolitan counties.

The Senate recedes.

255. Application Submission. A. The House Bill, but not the Senate Amendment, permits immigrant and seasonal farmworker communities to apply for grant.

The Senate recedes.

B. The House Bill, but not the Senate Amendment, permits joint grant applications to be submitted by the 401 or 402 grantee and the governor or by the grantee and the State.

The Senate recedes.

256. Grant Agreement. The House Bill, but not the Senate Amendment, permits the population of a target area to exceed 25,000 in the event that the population of an area from which a high school draws a substantial portion of its enrollment exceeds the 25,000 limit.

The Senate recedes with an amendment to expand the target area to a population of 50,000 where appropriate.

257. Grant Agreement. The Senate Amendment, but not the House Bill, mentions initiatives, "such as youth corps programs".

The House recedes.

258. Grant Agreement. A. The Senate Amendment, but not the House Bill, requires each grant agreement to provide that only youth who live in the target area shall be eligible to participate in the program.

The Senate recedes.

B. The House Bill, but not the Senate Amendment, requires that participants be age 14 through 21 at the time of enrollment. The Senate Amendment requires participants to be age 14 through 21 in order to participate.

The Senate recedes.

259. Grant Agreement. The House Bill, but not the Senate Amendment, requires the grant agreement to include assurances that the participating community will undertake outreach and recruitment efforts to reach underserved, disadvantaged youth.

The Senate recedes.

260. Grant Agreement. A. Both the House Bill and the Senate Amendment require that YOU funds be used to pay the Federal share of costs of the program and to supplement, not supplant, funding from other sources available to youth in the target area. The House Bill, but not the Senate Amendment, also stipulates that these funds not supplant funding available to youth during the previous year.

The Senate recedes.

B. The House bill, but not the Senate Amendment, stipulates that the grant agreement shall not permit funds to be used for paid work experience, unless such programs are combined with other education and training activities.

The Senate recedes.

261. Job guarantees. The House Bill, but not the Senate Amendment, establishes a job guarantee program for students who meet school attendance and performance standards.

The Senate recedes with an amendment requiring the Secretary to permit a "reasonable" number, rather than a "significant" number as in the House Bill, of grantees to participate in a job guarantee program for certain youths. The Conferees intend for the Secretary to devote sufficient funds to the job guarantee program to permit a reasonable number of such programs to be created. The amendment "permits", rather than "requires" as in the House Bill, the Secretary to use poverty as a criterion for selecting grantees.

262. Payments. Federal Share. The House Bill specifies that the size of the grant award shall be based on the size of the target area and the extent of the poverty in such area, and shall be of sufficient size and scope to carry out an effective program, whereas the Senate Amendment simply states that the Secretary shall pay the Federal share of the costs of the activities described in the application.

The Senate recedes.

263. Payments. Federal Share. The House Bill, but not the Senate Amendment, sets the Federal share of program costs at 100 percent for Native American or migrant and seasonal worker programs.

The Senate recedes.

264. Payments. Federal Share. Both the House Bill and the Senate Amendment allow for a portion of the matching requirement for this program to be obtained from Federal funds other than those provided for under the YOU program; however they differ on the percentage allowed. The Senate Amendment allows 50% of the required match to come from Federal sources other than those in the YOU program, while the House Bill allows 35% of the match to come from other Federal sources.

The House recedes with an amendment to require not less than 70 percent of funds to come from the Federal share. Of the remaining 30 percent of funds, not more than 20 percent may come from other Federal programs and not less than 10 percent may come from non-Federal funds, in-kind contributions, on a combination thereof.

265. Federal Responsibilities. The Senate Amendment, but not the House Bill, requires the Secretary to assess the feasibility of extending guaranteed access to comprehensive education, training, and support services for youth in all areas of the United States.

The House recedes.

266. Reporting Requirements. A. The Senate Amendment sets a deadline for submission of a report on this youth program, specifies that the report should be submitted to the appropriate Committees of Congress, and lists specific information that should be included in the report, while the House Bill simply requires the Secretary to prepare a report on the requirements of the previous subsection.

The House recedes with an amendment to change the due date from December 31, 1994 to December 31, 1996.

B. The House Bill allows the Secretary to reserve 5 percent of YOU funds in each fiscal year, whereas the Senate Amendment allows the Secretary to reserve up to 10 percent of YOU funds for carrying out the Federal responsibilities of the program.

The Senate recedes.

267. Definitions. A. "Participating Community." The House Bill, but not the Senate Amendment, includes in the definition of "participating community," a non-metropolitan county, a section 402 grantee, or a consortium of the State and section 402 grantee, when referring to migrant and seasonal worker areas.

The Senate recedes.

B. Poverty Area. The House Bill requires the Secretary to determine high poverty areas based on Census Bureau estimates, whereas the Senate Amendment omits reference to the Secretary and requires poverty areas to be determined directly by Census Bureau estimates.

The House recedes.

C. The House Bill, but not the Senate Amendment, includes automatically in its definition of high poverty area, a migrant or seasonal farmworker community or a unit of a general local government that has over 30% of its population receiving food stamps.

The House recedes.

268. Microenterprise Grants. The House Bill, but not the Senate Amendment, establishes a program to technical assistance, training, and counseling to assist persons whose income does not exceed 100% of the official poverty threshold to develop a commercial enterprise employing 5 or fewer employees, including the owner. Under this program the Secretary is authorized to make grants of not more than $500,000 per year to not more than 10 states per year to implement and enhance community-based microenterprise activities. A 100% State match is required.

The Senate recedes with a technical amendment to conform the poverty definition to the definition of economically disadvantaged in JTPA. The provisions enabling tribal governments and Native Alaskan groups to apply for Microenterprise Grants are intended to apply to all tribal governments within Oklahoma regardless of the status of their land.

269. Disaster Relief Employment Assistance. The House Bill, but not the Senate Amendment, adds a new part J to title IV, creating a new, permanent authority of $15 million per year, to fund public service employment for disaster relief as defined in the Disaster Relief Act of 1974. Eligible participants include those eligible for title III of this Act, or those unemployed as a result of the disaster.

The Senate recedes. The provisions enabling tribal governments and Native Alaskan groups to apply for disaster relief employment assistance are intended to apply to all tribal government within Oklahoma regardless of the status of their land.

TITLE V—JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS INCENTIVE BONUS PROGRAM

270. Jobs for Employable Dependent Individuals (JEDI). The Senate Amendment, but not the House Bill, amends and restructures title V of the Act by providing for the payment of incentive bonuses to each state for providing job training and placement to absent parents of children receiving Aid to Families with Dependent Children (AFDC), and to blind and disabled individuals receiving supplemental security income (SSI). The amount of the bonus paid to each state is based upon: (1) the amount of child support paid by each individual for up to 2 years after program termination; and (2) the reduc-

tion in federal contribution to the amounts eligible individuals receive under title XVI of the Social Security Act for up to 2 years after program termination.

The House recedes with an amendment to limit administrative costs for States to only 5 percent of funds. The amendment also requires that unused appropriations revert back to part A of the title II program. The amendment authorizes appropriations for the JEDI program through fiscal year 1996. The conference agreement includes the rewrite of the JEDI program as found in the Senate Amendment, including the removal of the funding trigger.

TITLE VI—STATE HUMAN RESOURCE INVESTMENT COUNCIL

271. State Human Resource Investment Council. The House Bill, but not the Senate Amendment, establishes a new Title VII, allowing states to voluntarily establish a State Human Resource Investment Council to review the use of funds and provision of services of applicable federal human resource programs, advise the Governor on coordination of such programs; advise the Governor on development and implementation of State and local standards and performance measures and coordination of such standards for applicable programs; and carry out the duties and functions of the existing State Councils as established under the applicable Federal laws establishing the individual councils.

The Senator recedes with an amendment. The Conference agreement provides for the voluntary establishment of State Human Resource Investment Councils (HRIC) at the discretion of the Governor and with the agreement of State agency heads of applicable programs in each State. The purpose of the HRIC is to provide coordination for Federal human resource programs, to advise the Governor on human investment needs in the State, and to recommend ways to meet those needs, while maximizing the use of Federal funds and avoiding duplication of effort. The agreement requires that prior to including State Vocational Education Council activities under the jurisdiction of the HRIC, the Governor and the State educational agency must obtain the approval of the existing State Vocational Education Council. HRIC's may use funds available for other state councils and administrative funds otherwise available under applicable Federal human resource programs. In the case of vocational education, no funds other than those appropriated specifically for the State Vocational Education Council may be used to fund the HRIC.

The Committee recognizes the valuable contribution made by State Councils on vocational Education to the evaluation of the State's vocational education programs. Should a State Council on Vocational Education exercise its option of excluding the Carl D. Perkins Vocational and Applied Technology Education Act from the purview of the State Human Resource Investment Council, the State Council on Vocational Education will continue to operate and those State Council funds shall not be used to support the activities of the State Human Resource Investment Council.

If a State does eliminate the State Council on Vocational Education and use site funds for the activities of the State Human Resource Investment Council, the newly formed State Council must fulfill the duties and responsibilities of the State Council on Vocational Education as specified in Section 112 of the Carl D. Perkins Vocational and Applied Technology Education Act.

Nothing in these amendments should be construed to prohibit States that have already established human resource councils or "super" councils in compliance with current law from maintaining them. To achieve the economy and efficiency of the single council contemplated by these amendments, however, States must conform their councils to all of the new requirements.

272. HRIC Membership. The House Bill, but not the Senate Amendment, requires that HRICs voluntarily established under this Act consist of: not less 30% representatives of business and industry; not less than 30% representatives of organized labor and community-based organizations; not more than 20% from the chief administrative officers of the State agencies responsible for applicable programs and from the State legislature and other State human resource agencies; and not less than 20% from representatives of local government, local education agencies, local welfare and public housing agencies, and individuals with expertise in education, career development and needs of special populations, and women and minority issues, including one representative of special education.

The Senate recedes with an amendment stating that business, labor, and education shall each constitute not less than 15 percent of the membership of the HRIC. Labor representation shall be chosen from individuals recommended by recognized State labor federations. At least one education representative must be from each of the following: local public education, a postsecondary institution, and a vocational education program. In addition, the head of each State agency or the designee of such State agency responsible for the administration of an applicable Federal human resource program must have a seat on the, HRIC as well as at least one representative of a community-based organization. Other entities or individuals that may be represented on the HRIC are local welfare agencies, public housing agencies, units of general local government or consortia of such units, the State Legislature, certain other State or local agencies that receive funding under an applicable Federal human resource program, and individuals who have expertise in special education and the career development needs of targeted populations.

The Committee intends that membership of the HRIC broadly represent business, labor, and education and that the Governor select individuals qualified by expertise and special knowledge to serve on the HRIC. Because of the HRIC's emphasis on workforce development, special consideration should be given to selecting individuals representative of the vocational-technical education and job training systems within the state. Individuals with expertise in secondary, postsecondary and adult vocational-technical education, career guidance and counseling personnel, qualified individuals with respect to the needs of special populations, and members of vocational student organizations should be given particular consideration by the Governor for inclusion on the HRIC.

In addition, given the important functions served by the State Director of vocational education in each State, the State Director participation on the HRIC is encouraged. Improvement in coordination and program services in vocational education will be most effective if the State Director is a member of the HRIC.

273. Budget and Use of Funds. A. The House Bill, but not the Senate Amendment, requires the HRIC to prepare a budget for itself and submit it to the Governor for approval.

B. The House Bill, but not the Senate Amendment, provides that states establishing State Human Resource Investment Councils may use funds otherwise available under applicable programs for State councils to carry out the functions of the HRIC.

The Senate recedes with an amendment to delete the provisions requiring a State Human Resource Investment Council to submit a budget to the Governor. The Conferees kept House Bill language permitting the HRIC to use funds set aside for State councils under applicable Federal human resource programs and added language to permit the regulated use of funds under such programs that are not specifically set aside for State councils. State Human Resource Investment Councils will also be permitted to use funds, services, personnel, and facilities provided by State and local public agencies with the consent of such agencies.

The Conferees want to make it clear that funds allotted to State Councils under the Carl D. Perkins Vocational and Applied Technology Education Act are the only funds from such Act to be used to support the activities of the State Human Resource Investment Councils. Other sources of funds for the activities of the HRIC must be agreed to by the administrative heads of the applicable federal programs with no one program contributing a disproportionate amount in relation to total federal spending on such programs. Each participating agency is encouraged to provide funds to support the HRIC in a manner consistent with its participation on the HRIC.

While no minimum and maximum levels of expenditures for State Human Resource Investment Councils are specified in title VI of the Conference bill, the Committee requires the Secretary to closely monitor and report annually to the appropriate Committees of Congress the amount of expenditures and sources of funding for the HRICs.

274. Definition. The House Bill, but not the Senate Amendment, defines any "applicable Federal human resource program" included under the State Human Resource Investment Council as any federally assisted human resource program included in an agreement reached by the State agencies responsible for administering the affected program.

The Senate recedes with an amendment stating that the Governor and the head of the State agency responsible for administering a Federal program must jointly agree that the Federal program qualifies as an applicable Federal human resource program under title VI of the Act in order for such program to be included within the jurisdiction of the HRIC except that the Governor and the State Educational Agency must obtain the approval of the existing State Vocational Council before including vocational education programs.

The Conferees intend that the HRICs will comply with the reporting requirements of the governing statutes of the applicable federal human resource programs represented on the HRIC.

TITLE VII—MISCELLANEOUS PROVISIONS

275. Conforming Amendments. The House Bill and the Senate Amendment have numerous technical differences between conforming amendments that will be addressed after the sections of the bills to which the conforming amendments pertain are reconciled.

The House recedes with an amendment to adjust the conforming amendments in accordance with the contents of the Conference bill.

276. Conforming Amendments. The House Bill, but not the Senate Amendment, repeals sections 161(c) and 181 of the Act.

The Senate recedes.

277. Technical Amendments. There are numerous differences between the House Bill and Senate Amendment technical changes to the table of contents, but differences in the technical amendments will be addressed after the sections to which the technical amendments pertain are reconciled.

The House recedes with an amendment to conform the technical changes to the contents of the Conference bill.

278. Effective Date. The House Bill establishes July 1, 1992, as the effective date of these amendments, whereas the Senate Amendment establishes December 1, 1992 as the effective date.

The House recedes with an amendment to change the effective date to July 1, 1993.

279. Performance Standards. A. The Senate Amendment specifically states that "the Secretary of Labor" shall issue revised performance standards, whereas the House Bill simply states that "performance standards shall be issued". B. The House Bill requires the performance standards to be issued no later than July 1, 1993, whereas the Senate Amendment requires the standards to be issued no later than July 1, 1994.

The House recedes on parts A and B.

280. The House Bill, but not the Senate Amendment, requires the Secretary to evaluate the impact of Title II programs as amended by this bill on participant employment, earnings and welfare dependency.

The Senate recedes.

281. The House Bill permits the Secretary to establish rules and procedures to provide for an orderly transition to and implementation of the amendments made by this Act, whereas the Senate Amendment refers to an orderly transition to the amendments made by this title.

The Senate recedes.

WILLIAM D. FORD,
PAT WILLIAMS,
CARL C. PERKINS,
ROBERT E. ANDREWS,
JOHN W. OLVER,
BILL GOODLING,
STEVE GUNDERSON,
PAUL B. HENRY,
Managers on the Part of the House.

EDWARD M. KENNEDY,
HOWARD METZENBAUM,
PAUL SIMON,
ORRIN HATCH,
STROM THURMOND,
Managers on the Part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5487, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION APPROPRIATIONS ACT, 1993

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a conference report on 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.

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

There was no objection.

CONFERENCE REPORT ON S. 323, FAMILY PLANNING AMENDMENTS ACT OF 1992

Mr. WAXMAN. Mr. Speaker, I call up the conference report on the Senate bill (S. 323) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

(For conference report and statement, see proceedings of the House of July 31, 1992, at page 20607.)

The SPEAKER. The gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes, and the gentleman from California [Mr. DANNEMEYER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, this conference report is to reauthorize the Federal family planning program, to overturn the gag rule on health professionals in family planning clinics, and to require that these clinics comply with State law that is in force regarding parental notification or consent for minors seeking privately funded abortion services.

REAUTHORIZATION IS IMPORTANT

The Federal family planning program is a key element in the Nation's effort to improve maternal and child health, lower infant mortality, and lower the rates of unwanted pregnancy and abortion in the United States. Over the years, expert review and medical research have always arrived at the same commonsense conclusion: The best solution to unwanted pregnancy is to prevent the pregnancy.

Unfortunately, this program has been held hostage in the abortion debate for a very long time. The program has been proposed for repeals, block grants, freezes, and restrictions. It has not been reauthorized since 1985 and has not had significant funding increases since its last authorization. In fact, in constant dollars adjusted for inflation, the funding of the program and its ability to provide services to poor women have declined by more than half.

The tragic result is that routine contraception services have been limited over the last decade, and that has meant unwanted pregnancy and, in turn, unnecessarily high rates of both low-birth weight babies and abortions.

With this legislation, I hope that we can expand these services and move beyond the abortion debate to the health debate. The continued use of the family planning program as a pawn in the abortion debate is self-defeating, leaving poor women with fewer an fewer ways to prevent pregnancy.

THE GAG RULE IS WRONG

We should also move to eliminate restrictions on the ability of poor women to get the best medical advice of the health professionals who provide them services. The administration has proposed regulations to limit the ability of doctors and nurses to counsel and refer patients or even to answer point-blank questions with truthful responses.

This regulation—which is known as the gag rule—is bad medicine, bad law, and bad precedent. Title X patients—most of them poor—will not get medical advice about their pregnancy but political advice. They will not get informed consent; they will be told what to do.

This is not right. The Supreme Court may say that it is constitutional, but it is not right.

This legislation would reverse the gag rule and replace it with a codification of the guidelines that were issued by the Reagan administration on how a family planning clinic should deal with a pregnant woman. This is a simple approach: If a patient requests information on pregnancy options, she should be given that information. It should be nondirective, it should be complete, and it should be true.

This has been the practice of the program practically from the time that then-Congressman Bush first spoke in favor of it and voted for it. It was formalized by the Reagan administration. It is supported by all health provider groups, including the American Medical Association and the American Nurses Association. It should continue to be the policy of the program.

STATE LAW SHOULD GOVERN ON PARENTAL NOTIFICATION FOR MINORS SEEKING PRIVATELY FUNDED ABORTION SERVICES

Finally, this legislation contains a House amendment to require that clinics receiving funds under this program comply with any State law in force that provides for parental notification or consent for minors seeking abortions.

The first thing that I want to make explicit is that title X funds cannot be used to perform abortions. Nothing in this report changes that policy. This provision affects only title X clinics that provide abortions with totally separate, non-Federal funds.

The amendment requires that these clinics comply with State law that is in force on parental notification and consent. Like the House, the conferees took this approach because of the widely varying provisions of State parental involvement law. Some States require it, some States do not. Some States make exceptions for medical emergencies. Some States allow notification to grandparents. Some States allow counseling by clergy instead.

Rather than superceding this variety of laws, the conferees chose to recognize these laws in a States' rights manner. It would be inappropriate to override State laws in this extremely complex area through a small grants program.

SUPPORT THE CONFERENCE REPORT

In closing, I would simply re-emphasize that the Federal family planning program is our best hope to achieve many maternal and child health goals. To reduce unwanted pregnancy we should make family planning widely available. To lower abortion rates we should give women the ability to prevent pregnancy. Family planning is not the problem. It is the solution.

□ 1820

Mr. DANNEMEYER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I trust some Members were shocked, dismayed, perhaps angered, even embarrassed to learn that Planned Parenthood spent a fortune going all the way to the U.S. Supreme Court in an effort to overturn Pennsylvania's modest restrictions on abortion.

Planned Parenthood spared no expense in their legal battle to nullify Pennsylvania's informed consent law—a modest pro-life regulation designed to ensure that the mother knows the risks of abortion, childbirth and basic facts concerning her unborn baby.

They petitioned the Court to strike down parental consent for minors—a move that should send a shudder down the spine of every parent since a large portion of Planned Parenthood's clientele are teenage girls and young women. About a third of all title X clients are minors. There can be no doubt that a sizeable number of teenage moms have been marched into abortion mills with the minors' parents deliberately left in the dark that their daughters were undergoing an abortion. There is no disputing the record that Planned Parenthood is vociferously against parental consent. Planned Parenthood believes—contrary to the overwhelming sentiments of the American people—that 14- or 15- or 16-year-old teenage mothers are entitled to a secret abortion.

And Planned Parenthood objected to a simple 24-hour waiting period—a policy designed to encourage reflection and mitigate pressure on the mother to abort her child from abortionists, counselors—even well-meaning friends.

Incredibly, the 1 day wait was regarded as too onerous and burdensome by Planned Parenthood, an extreme view that I trust many in this Chamber have a hard time swallowing.

Now these same people want to pressure you and me—and they have spent a reported $5 million to that end including a lawsuit—into nullifying yet another modest pro-life policy designed to curtail Government-subsidized referrals and counseling for abortion.

This conference report should be rejected by the House. I can say for certain that it will be vetoed by the President. For the record you should know that even if this bill is rejected, family planning programs will continue to receive a huge amount of Federal funds via the appropriations process. In 1992, the Federal Government alone will spend approximately $461 million on family planning, about a third of that earmarked for title X.

Moreover, according to HHS:

> Title X appropriated funds make up only a small part of title X project budgets. For example, in 1991, the title X services appropriation was about $134 million, while Title X aggregate grantee budgets exceeded $485 million. The additional $351 million came from a large variety of other federal, state, local or philanthropic organizations.

It should be noted that every dollar of federally funded family planning programs has been spent without an authorized bill.

Let me just say that, this is not a free speech issue—it is an issue concerning Federal payments for the facilitation of abortion. The simple fact of the matter is that many children have died in Planned Parenthood's abortion mills and in other title X grantees, and more will die—if this legislation passes.

The unpleasant reality that no amount of denial or wishful thinking can cloak, is that abortion kills children, and the methods employed are terrifying to contemplate. In lieu of care and loving attention and respect, these babies are dismembered by knives, they are dismembered by suction machines, they are chemically poisoned.

Tragically, Planned Parenthood performs or refers for over 200,000 abortions every year—which is enough kids to fill RFK stadium to capacity four times. Picture, if you will, all of these children eagerly awaiting a Redskins kickoff, grabbing a hotdog at RFK—then those same kids denied life itself.

And we are helping to facilitate the demise of these children.

Thus, at a minimum we should not subsidize counseling and referrals for abortion especially when the consequence of such a policy is dead children. Rather, we should be encouraging positive, nonviolent solutions to unintended pregnancies.

As you know, the Bush regulations properly require referrals at title X clinics to prenatal care providers.

The administration's regulations treat both the mother and her unborn baby with reverence and respect.

The policy repudiates the obnoxious notion that pregnancy is a disease—the unborn child the moral equivalent of a tumor or cyst, to be excised and destroyed. The regulations rest on the humane and reasonable proposition that abortion is not a method of family planning, a view held by over 80 percent of Americans, according to the Gallup and Wirthlin polls.

In short, the title X regulations show respect and encourage proper health care for both patients during pregnancy—mother and child.

I urge a "no" vote on the conference report.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Oregon [Mr. WYDEN], an important member of our subcommittee.

Mr. WYDEN. Mr. Speaker, once again there has been an effort to try to link family planning to a program that funds abortion.

I would say to my colleagues that if you want to oppose abortions, this is the program that makes it possible to do it.

Family planning makes it possible to assist our families to get a wide range of services that prevent abortion.

In addition, what we want to do is make sure that we do not put in place medical censorship. In the private sector, it would be malpractice to deny information to women. Let us make sure women have all the facts. Pass this program and do everything possible to prevent abortion through good family planning programs.

Mr. DANNEMEYER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

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

Mr. Speaker, the title X regulations, first issued in 1988 and later clarified by President Bush's directive on the importance of doctor-patient communications, are in no way, shape, or form a gag rule. We all know that this label is a public relations tool being used by supporters of abortion on demand to shape public opinion. If its absolute adoption by the press is any indication, we also know that this gimmick has been very successful. So far. I repeat, so far.

However, Mr. Speaker, from bitter experience we know better than anything else that misleading the public only leads to disaster and the further demeaning of Congress and its Members. The public cannot be misled for long by pithy labels. The truth will prevail and the truth is that what we are debating today are issues of program integrity; of taxpayers' choice; of the overwhelming opposition of most Americans to abortion as birth control; and of parents' responsibility for their children.

A vote for S. 323 is a vote to undermine all of these, and it will be seen as such by the American people, especially parents.

The truth is that the title X program was created as preventive family planning program, intended to help poor

women avoid unplanned pregnancy and to plan the timing and spacing of their children. The statute, conference report, and floor debate before their passage in 1970 all made it very clear that there was never to be an entanglement between title X activities and abortion-related activities.

Nevertheless, a 1982 GAO investigation found that there was entanglement and abuse by title X grantees who were abortion advocates, and, in many cases, abortion providers: colocation of abortion facilities with title X clinics; literature promoting abortion as a backup form of birth control; and pro-abortion lobbying are just a few examples.

The regulations have corrected abuses of taxpayer dollars and have restored integrity to the program. These regulations reassure parents that their own tax dollars will not be used to undermine their role as guardians of their children in decisions so important as whether or not to carry a child to term. On the other hand, this bill, S. 323, requires that young women be counseled on abortions as a "pregnancy management option," but excludes parents from this discussion.

Mr. Speaker, it is simply unconscionable that the tax dollars of the overwhelming majority of Americans who do not condone abortion as birth control would be used to fund a family planning program that makes no distinction between the two, and that provides no role for parents in the crisis pregnancy decisions of their daughters. The taxpayers pay for the title X program, and their views and convictions should be respected. S. 323 does not respect them and, therefore, does not deserve the support of a representative body such as ours.

□ 1830

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

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

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

Title X is an important source of low cost, primary health care services for many poor women.

The gag rule is offensive to American values, contrary to sound medical practice.

Most Americans oppose the gag rule. Half of Americans who say they are pro-life oppose the gag rule. Most Republicans oppose the gag rule as well.

The American people understand that a system of regulatory controls on factual information, controls on medical professionals, and abrogation of the rights of poor women does great damage to the fabric of our democracy.

The gag rule is about to be implemented. It is an onerous and dangerous proposal. Doctors may not refer those patients to what they deem to be an appropriate service provider. They remain bound by a list of referral organizations many of whom do not provide abortion and this list—provided to the patient without comment—does not differentiate between those that might and those that might not provide abortion. As a result, the professional judgment and professional responsibility of doctors is directly attacked by the regulations.

Allied health professionals, nurses, and nurse practitioners are also still gagged. These personnel are forced to tell pregnant women who ask, that abortion is not an appropriate method of family planning, and to send them away with the confusing and undifferentiated list I mentioned above.

These nurse practitioners are health professionals with 4 years of education, are universally recognized as a critical part of the solution to providing health services in rural and poor underserved areas of the country, and are required by the licensing statutes of most States to educate and inform their patients.

That is why the AMA, the Association of Medical Women, the American College of Obstetricians and Gynecologists, and several nursing organizations all continue to oppose the regulation.

Mr. Speaker, the gag rule forces health care providers to violate their legal and ethical obligation to tell the truth. That means bad medicine and bad medicine means malpractice suits.

The gag rule violates State standards of licensure. State officials have indicated that the gag rule appears in direct conflict with their State laws on civil liability and licensure with respect to the obligation to abide by the dictates of informed consent.

Finally and ultimately, Mr. Speaker, the gag rule is un-American—it destroys the bond of faith that must exist in a democratic society between the governed and their government. The rule imposes systemic damage on our society well beyond its immediate impact on poor women. I urged the Members to support this conference report to reauthorize voluntary family planning and repeal the gag rule.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MFUME). The Chair would advise those members seated in the gallery, members of the public, that any approval or disapproval of House proceedings is not allowed.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I rise in strong opposition to the conference report on S. 323, the Family Planning Amendments of 1992. This name is somewhat misleading—it attempts to make those who don't support this bill look like they are opposed to family planning. Nothing could be farther from the truth. I strongly support responsible family planning, as do the vast majority of Members in this Chamber. The controversy over this bill isn't about family planning. This bill is about abortion, and abortion is not family planning. Planning is something you do before the fact. Abortion is family cancellation. We should not be spending taxpayers dollars on family cancellation.

This conference report will indirectly require grant recipients to provide abortion information and referrals upon request. Despite the presence of the so-called conscience clause, which is largely ineffective, this bill will require family planning providers who have moral objections to abortion to indirectly support abortion by steering clients to other projects which will provide abortion referrals. This bill will allow taxpayer funds to be used to refer minors for abortion without their parents' knowledge or consent—and one-third of title X clients are minors.

From the beginning, pro-abortion forces have obscured this debate. First we heard about the first amendment—that's not an issue here. Then we heard about a lack of complete medical services. Well, that is not true either. Title X physicians are required to provide complete medical information about a woman's condition under the regulations—even if the end result is an abortion. Now we're hearing that opposition to abortion is opposition to family planning. Bear in mind that the Federal Government will spend $461 million this year in direct family planning services and another $164 million in family planning research—even without this particular pro-abortion bill. Family planning is not endangered in this country; unborn children are.

I urge my colleagues to reject this conference report.

ABORTION IS NOT FAMILY PLANNING, VOTE "NO" ON S. 323

S. 323 will overturn pro-life regulations which prevent Title X family planning clinics from using taxpayer money for abortion counseling and referrals.

The American people strongly oppose the use of abortion as a method of birth control. A 1989 Boston Globe poll and a 1990 Gallup survey found overwhelming opposition (89% and 88% respectively) to this practice.

The Title X regulations do not interfere with the doctor-patient relationship. The regulations are consistent with the Nov. 5, 1991 Memorandum from President Bush which states, "Nothing in these regulations is to prevent a woman from receiving complete medical information from a physician."

All Title X clinics are required to refer a woman to a specialist's care, including "emergency care" if her life is in danger, even if it results in an abortion.

One-third of Title X clients are minors. If S. 232 is enacted, taxpayers' funds will be used to refer minors for abortions—without their parents' knowledge or consent. The language in the bill is completely ineffective and does nothing to further the rights of parents.

The Planned Parenthood Federation of America (PPFA) has published a "preliminary report" on the counseling function in their affiliates. Their evaluation is quite revealing: Data from nearly 500 individual counselor profiles gives a clear picture of a counseling staff which is largely young and inexperienced, much of it working unpaid and probably using PPFA employment for training, experience and preparation for other jobs in the future. Counselors' formal training is relatively modest."

Inexperienced "counselors' should not be making decisions that require the medical judgment of a doctor.

S. 323 would still force pro-life Title X family planning grantees to provide abortion information and referrals. Under this bill, family planning providers with conscientious objections to abortion must steer clients to other providers who will give abortion information and referrals. This requirement is a violation of many pro-life providers' moral convictions that abortion is not pregnancy prevention but child killing.

S. 323 is strongly opposed by all of the major pro-life groups. These include the National Right to Life Committee, U.S. Catholic Conference, Family Research Council, Concerned Women for America, Knights of Columbus, Christian Coalition, Southern Baptist Convention, National Association of Evangelicals, Christian Action Council, Eagle Forum, Traditional Values Coalition and Americans United for Life.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of the conference report on S. 323. This bill is not about abortion. It is about all individual's first amendment constitutional right to freedom of speech, plain and simple. If the Bush administration is allowed to go forward in implementing it's gag rule, Big Brother will be censoring the medical advice a physician, nurse or clinician gives his or her patient. But let us make it perfectly clear that President Bush is not trying to stifle all health care providers, only those who serve the poorest and most vulnerable American women. So, in addition to this debate being one of free speech, it is also one of equal opportunity.

Vice President QUAYLE admitted in a recent interview that, should his own daughter be faced with an unintended pregnancy, he would support her in whatever decision she made. Presumably, he would want that decision to be based on the best available medical information and supported by the counsel of her loved ones. Miss Quayle would have all this available to her, from a private physician and a loving family. But what about another young adolescent faced with the exact same problem, but coming from perhaps a broken home with no means of paying for care by a private doctor? The gag rule denies this woman the full care and counsel available to Miss Quayle. Did the authors of our beloved Constitution really intend for freedom of speech to have such discriminating standards?

Let us reaffirm the inviolable first amendment right of all Americans to free speech. Let us vote to pass S. 323 and overturn the gag rule.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like to note that this debate is proceeding now in a different environment than it has in the past. Since the March 1992 regulations were issued by the administration, the administration has made very clear that it is permissible to provide information about the options for those who find themselves pregnant under the title X program. The primary difference between opponents and proponents of this bill now seems to be not whether the information can be distributed under title X but who may distribute it.

□ 1840

The administration wants only physicians to distribute it because they believe that physicians will give less biased, more balanced advice to pregnant women. The problem is that this Nation is suffering a health care crisis of extraordinary proportions. We have more people without health care now than we have ever had in our entire history, and most of those folks are poor women. They are the very folks that use family planning clinics.

Mr. Speaker, I say to my colleagues, there is no way that you can refer a women who uses a family planning clinic to a physician if she has no insurance. There is no way you can refer a women who uses a family planning clinic to a physician if there are no physicians around who accept Medicaid. It's simply an impossibility. It is unfortunate, but it is true, that the doctors' only provision of the administration's regulations effectively was a gag rule that denied critical health information to women.

For that reason, Mr. Speaker, it was absolutely necessary to overturn them, and I am pleased that this bill reiterates that the information provided to women must be balanced and must be about only the alternatives she requests information about. If she wants information about prenatal care and delivery, she get it. If she wants information about foster care or adoption, she gets it. If she wants information about termination services, she gets it.

The SPEAKER pro tempore (Mr. MFUME). The time of the gentlewoman from Connecticut [Mrs. JOHNSON] has expired.

Mr. WAXMAN. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. This is a women's rights bill. It is merely a bill that allows women to have the full information, the knowledge, they need to manage their lives and their futures, and that is the kind of empowerment that democracy depends on. In a free society knowledge is essential to self-government in the political arena and to independence and self-reliance in the personal arena. I urge my colleagues to support this bill.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, today we have the opportunity and an obligation to protect the integrity of our nation's family planning programs. We must overturn the gag rule.

George Bush pretends to moderate the gag rule. But we know better. The health care practitioners of America know that the sacred relationship with their patients is threatened. And the women of America know that the quality of their health care is endangered.

These regulations, which the administration threatens to begin implementing at any time, are onerous and send a message to American women, especially poor women, that they do not matter.

If these regulations are implemented, many title X clinics will choose to forego Federal funds instead of being censored. These clinics will be forced to reduce the critical services they provide. For many women, title X clinics are the only health care to which they have access. They will have nowhere else to go.

For once, let us stop all the posturing and focus on what is really in this bill—sensible and urgently needed family planning programs that aid low-income women. These programs save money by diagnosing and treating health problems in their early stages. These clinics also teach individuals how to prevent unintended pregnancies.

For all my colleagues on both sides of the aisle who believe in quality health care and want to reduce unintended pregnancies, I urge strong support for this important measure.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, this debate is about abortion and family planning, and I think it is important when we discuss this issue that we remember what title X was all about. Title X was a program designed to help woman before they become pregnant. It was designed to decrease the incidence of abortion in America, and yet this conference report mandates the grantees under title X will counsel and will refer women on abortion as a family-planning option. It is about abortion and family planning, and the conference report is wrong when it mandates such counseling and referral.

In particular it is wrong because Americans, whether they believe in

abortion or not for whatever reason, Americans by a large majority, 89 percent, do not approve of abortion as a family planning option, and yet this conference report would put Federal dollars behind a mandate to counsel and refer women who become pregnant on that very option which is opposed again by a majority of Americans.

Second, Mr. Speaker, it is wrong because this bill also would mandate counseling and referral of minor children on this issue when many States, and even the Supreme Court, have recognized that the States have the option of requiring parental consent before a minor receives an abortion.

For these reasons, Mr. Speaker, the conference report ought to be rejected. It is out of touch with title X and out touch with the majority of the American people when it comes to their feelings on this critical and sensitive issue of abortion.

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

Mr. TAUZIN. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, there is language in there that says they only give the information that the woman requests. That was an amendment put in on the floor.

Mr. TAUZIN. I understand.

Reclaiming my time, the point is the mandate is to refer to this as a family planning option when that ought to be the last thing done in a family planning clinic.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, over the past year we have been fighting the administration's attempt to infringe on our fundamental rights. The gag rule is an invasion of our right to free speech and equal treatment under the law. It is an attempt to use the coercive power of Government to gag health professionals and limit the rights of women.

We are now out of time—unless we pass the title X reauthorization conference report today, the gag rule will go into effect. We cannot allow the administration's policy to go forward—it is an offensive and misguided policy that violates the right to free speech and will prevent American women from receiving free access to medical advice—including advice about abortion.

The gag rule will create a two-tier medical system in which poor women are denied access to the same information available to those with private health insurance. Is this what American democracy is about? Is this what family values are about?

The gag rule clearly demonstrates this administration's lack of compassion and respect for women. The gag rule shows that this administration is more concerned about pandering to political pressures than providing equal treatment to women or protecting freedom of speech. I urge my colleagues to put an end to this ill-conceived policy.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Speaker, I rise in support of the family planning reauthorization conference report. It is unfortunate that title X has not been reauthorized since it expired in 1985, and that as a result, appropriations have significantly declined for this important family planning program.

Meanwhile, like Nero, we fiddle as our Nation burns with the crises of unintended pregnancies, sexually transmitted diseases and HIV infection. The title X program helps to prevent these occurrences that are devastating our communities, large and small. Yet, last week's fical year 1993 Labor, Health and Human Services, Education appropriations bill provided $14 million less for title X than we provided 12 years ago. The conference report before us would rectify this shortsightedness and restore adequate funding for title X.

In addition to reauthorizing title X, this bill repeals the 1988 regulations that prohibit medical professionals in federally funded family planning clinics from sharing with patients complete information about all their medical options regarding unintended pregnancy.

The doctor/patient relationship has enjoyed a sacrosanct history in our society. Yet if we fail to repeal the gag rule today, we will assist in the implementation of regulations that instruct the medical community to communicate only information that is acceptable to the Federal government. I ask you, ladies and gentleman of the House, would you be satisfied leaving the medical information you receive at the whim of the federal government? I do not think so.

And who will suffer from this incomplete medical care? About 4 million low-income women who currently rely on the title X program. Paradoxically, before 1988, these same women could learn of all their pregnancy options. So are we now supposed to believe that the Federal Government is better able to provide information than the medical community? So are we now supposed to believe the Federal Government is better able to make these kinds of decisions than the women themselves?

Mr. Speaker, not one of us in this Chamber will ever tolerate being denied complete health care information or have our private relationship with our doctors intruded upon by the Federal government.

Members of the House, if you believe as I do that the gag rule is absolutely unacceptable, you will vote to repeal these regulations and restore integrity and the congressional intent of the title X program. I urge your support of the conference report.

□ 1850

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, I support the title X conference report because title X represents the best chance we have to end the need for abortions and to halt the spread of sexually transmitted diseases.

My amendment, which passed the House by a voice vote, was included in the conference report, and clarifies that title X clinics should provide information about a woman's pregnancy options upon her request. We should provide all of the information the woman wants, but only the information she wants.

Just as speech should not be prohibited, so should it not be required.

While my voting record firmly places me in the ranks of the pro-life, I do not support the restrictions placed on title X. It is wrong to stifle the free exchange of information between a woman and her doctor or nurse. A woman should be absolutely free to ask anything she wants about her pregnancy. But it is also wrong to require the doctor or nurse to speak about abortion when it is neither requested nor wanted. The conference report recognizes this distinction.

Some people claim that women are being pushed into getting an abortion—not true. And the language of the conference report guarantees that the information the woman receives from her doctor or nurse will only be the information the woman asks to receive.

I fully support title X, and I think that providing medical screening and contraceptive information are essential services. For many women this is the only medical care they will seek or receive. More and more pediatricians, neurologists and other medical experts recognize the enormous impact that the first nine months of development have on life. Title X clinics provide basic health and nutrition information to help ensure a healthy pregnancy and delivery. And, as you know, the title X charter specifically prohibits the use of Federal funds for abortion services, and no title X funds are being used to pay for abortions.

The SPEAKER pro tempore (Mr. MFUME). The gentleman from California [Mr. DANNEMEYER] has 16 minutes remaining, and the gentleman from California [Mr. WAXMAN] has 17½ minutes remaining.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Speaker, I rise today in strong support of the conference report on S. 323, the Title X Reauthorization Act, which strikes the Bush administration's gag rule on federally funded family planning clinics.

The urgency of this bill cannot be understated. In just a few short days the

gag rule is scheduled to be implemented, stripping the rights of counselors, nurses, and other trained professionals to inform women about all of their reproductive choices.

Mr. Speaker, the gag rule is a blatant violation of the basic principles of freedom and equity in our Nation. To deny trained professionals from providing comprehensive information to women about choices involving their health and reproductive system is clearly censorship in its worst form.

The women who attend these clinics are poor women, and have no where else to go. If we allow this gag rule to be implemented they will be denied knowledge of all their choices in dealing with their reproductive problems, only because they cannot afford to go elsewhere.

The gag rule and its recent modification allowing only physicians full freedom to discuss all options is simply not enough.

Many men and women who work day in and day out at family planning clinics across this Nation, counseling, working with women who are poor and in desperate need of assistance in knowing what reproductive options are available to them need to have all available support and information. The poor have no choice but to go to federally funded clinics, and should have full access to all their reproductive choices and/or information.

Mr. Speaker, the central issue in this gag rule debate is not about abortion; it is about free speech and equity for all in our society. I urge my colleagues to stand up for these very basic American principles and vote for this conference report.

Mr. DANNEMEYER. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. HOLLOWAY].

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

Mr. Speaker, we have been over this and over this and over this. I think this body should know that the President stands strongly behind supporting the gag rule. I think a poll that was done in 1991 revealed that 88 percent of Americans oppose the use of abortion as a method of birth control and American taxpayers feel very strongly they should not be forced to subsidize abortion of any kind.

If this is not subsidizing abortion, I do not know what it is. I think people in this country oppose it. It has been shown that it is opposed.

I think it is time that we stand up as a body and say there is a great difference between family planning and abortion. Abortion stops a heart from beating. It stops an unborn child's civil rights and right to be born and right to live in a Nation that is free. If this Nation is free, I do not know why we cannot stand up for the rights of a beating heart of an unborn child.

Mr. Speaker, we should vote no on this bill because it is very important that we stand up for the rights of the unborn in this country. If we had faith that these clinics would move forward and do what is right, and we all support family planning, we all want to see families plan for the future. Once a lady is pregnant she is no longer planning for the future. Her plans are set.

Mr. Speaker, I think it is very important that we vote no on this bill and stand for the right of the unborn children in this country and remain strong, as we always have been, as a Nation.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York [Mr. SCHEUER], one of the Members of the House who was an original founder of the legislation to establish the title X program, a gentleman who has been a champion of that program for a number of decades.

Mr. SCHEUER. Mr. Speaker, I thank the chairman for yielding and for his kind remarks.

Mr. Speaker, I stand here and take great pride in the fact that I and George Herbert Walker Bush together sponsored the first family planning bill in 1970. I think we should both take pride in it.

Mr. Speaker, it is absurd that there should be any question about our passing this bill. First of all, the $150 million that we authorized is about the same amount running back through the years as it has been since 1985. In effect, the real dollar value of these appropriations has been cut 40 percent. Really we ought to increase the funding here to $250 million in order to maintain its real dollar value.

Second, we have 1 million out-of-wedlock pregnancies in this country. Does it make any sense in our country for over two-thirds of all births to poor young mothers in some of our central city core neighborhoods to be out of wedlock? Is that good for these young girls? Is it good for the country?

It casts an enormous burden on our society and it threatens the academic career of these young women. It threatens their marital prospects, it threatens their job prospects, and in fact it can threaten their very lives. It is an abomination that we are so niggardly and so mean-spirited that we deny to many of these young women, a very large portion of them minority women, the ability to control their own fertility.

As far as the gag rule is concerned, it is an absurdity as we are ready to carry this baggage with us into the third millenium. There is not another developed country in the world that tells its doctors and its registered nurses that they cannot counsel with young women and explain to them all their reproductive options.

Mr. Speaker, this afternoon I taped a segment for CNN regarding the historic piece of family planning legislation that Congress passed and then President Nixon signed into law in 1970. This legislation, the Family Planning Services and Populations Research Act of 1970, set a precedent for family planning services in this country. It's purpose was to make family planning fully available to the 5 million American women who were lacking such services. No one can question the enormous value and benefits of this program, and I am proud to have been its author along with Senator Joe Tydings, of the other body, and then-Representative George Bush of Texas.

Twenty-two years later we are faced with problems of monumental proportions—runaway teenage pregnancy, high instances of sexually transmitted diseases, and, of course, the AIDS epidemic. I cannot imagine what the statistics would be if there were no family planning clinics to which low income women could go for checkups and family planning counseling.

Twenty-two years later the federal family planning program has been gagged by the discriminatory policies that restrict a woman's access to her constitutional right to an abortion and the denial of physicians', nurses', and counselors' rights to free speech. The administration's regulatory gag rule requires that physicians and nurses treat patients differently depending on their financial status.

The gag rule looms over the heads of the title X doctors, nurses and counselors who are forced to gag themselves and refrain from providing women with information about pregnancy options—women who must be told that, in effect, their options only begin once the child has been carried to full term.

Women with money can receive full and truthful counseling about their options, including abortion; those who are forced to rely on the government for their health care and family planning services are denied truthful and comprehensive pregnancy counseling.

Title X clinics have never provided abortion services. They provide non-directive counseling for those who request that information. Those clinics that oppose abortion on moral or religious grounds are not required to provide this counseling—instead, they must refer their clients to another facility that will provide full counseling.

If passed, the family planning reauthorization bill has the power to restore openness and fairness to family planning services and give women the information necessary to make their own health care decisions. I strongly urge my colleagues to vote in favor of the conference report.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I rise in strong support of the conference report on the Family Planning Reauthorization, S. 323. This bill is critical not only because it reauthorizes title X

family planning programs, but because it overturns the outrageous restrictions of the gag rule.

If Congress does not act to decisively approve this bill, then the gag rule will take effect in the next 6 weeks. The gag rule is a clear violation of the first amendment, will lead to defensive medicine, and will create a class system for women's health. Women who can afford private physician care will have complete information and access to these health services, while low-income women will be denied the same services, even when they are the victims of rape, incest, or life-threatening illnesses.

The gag rule is patronizing to women and it must be repealed. This is a critical vote for women, and I urge my colleagues to support the bill.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. SIKORSKI], a member of the Subcommittee on Health and Safety.

□ 1900

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

We have heard a lot of rhetoric, some high, some not so high. It helps at some point in the debate to focus on what this legislation proposes to do and what it does not do.

Let me make four points. First, this conference report does not change, does not change the legal prohibition against providing abortions with this family planning money. Second, this conference report does require that family planning clinics comply with all State laws on parental notification or parental consent concerning minors having privately funded abortions.

Third, this conference report overturns the gag rule, it restores the language of this family planning program that has been in existence for the 8 years of Ronald Reagan's office, for the 4 years of Richard Nixon's office, for the 2 years of Gerald Ford's office, and for the 4 years of Jimmy Carter's office. The same language that existed then will continue in existence, if this conference report is adopted.

Fourth, this bill reauthorizes the Federal family planning program, the only Government program that prevents unwanted pregnancies and prevents abortions. Over two decades it has done more to prevent abortion than all the antichoice, antiwoman crowd has done for those two decades.

So if Members are against abortion and for family planning, vote for this conference report.

The SPEAKER pro tempore (Mr. MFUME). The Chair wishes to advise Members controlling debate time that the gentleman from California [Mr. DANNEMEYER] has 13 minutes remaining, and the gentleman from California [Mr. WAXMAN] has 12½ minutes remaining.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I hope the gentleman from New York will not leave because I think I wanted to follow him and to say that I doubt that the President is as proud of what he has seen evolve from his sponsorship of his planning bill.

The gentleman from New York points out exactly where we are in this argument. Frankly, if I would have made that speech, I think the Black Caucus would have rushed down here and had my words taken down for being racist.

What we are talking about here, what we are talking here, and the gentleman points it out, what he wants is birth control, using abortion for birth control, because the planning clinics that he is so proud of promote abortion as a pregnancy management option. In other words, a method of birth control.

As the gentleman from New York says, they want to continue this birth control practice because they do not want all these black unwed women to have to have these babies. So we are going to use planning clinics to urge them to have abortions. And they are going to use people other than doctors to urge these people. We know what is going on here.

The Planned Parenthood Federation of America uses untrained people, sometimes volunteers, to promote abortion at their planning clinics as a method of birth control. That is what is happening here. It has nothing to do with the gag rule.

The title X regulations do not interfere with the doctor-patient relationship. What we are saying is, you cannot use taxpayers' money to fund a clinic that uses volunteers, untrained people that are counseling with someone that has been found to be pregnant to go have an abortion as a method of birth control. You can still have doctor-patient relationships.

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

Mr. GREEN of New York. Mr. Speaker, poor women like rich women, when they become pregnant, are entitled to know what their legal options are for medical treatment. Poor women like rich women, when they seek family planning assistance, are entitled to know what their legal medical options are in case of contraceptive failure, because different contraceptive methods, different family planning methods have different failure rates and have different health risks.

And if the woman, the poor woman seeking family planning counseling is to make an intelligent decision based on her health condition as to what form of family planning she may use, she has to know what her options are in cases of contraceptive failure. And one of those is abortion.

That is the reality that this bill addresses. If my colleagues want the poor woman to be able to make an informed decision, she has to know that abortion is possible in case of pregnancy.

Mr. Speaker, I urge a vote for the conference report.

Mr. DANNEMEYER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, our fellow Americans, our constituents all around this country in all 50 States must think that we argue this sensitive issue regularly in the halls, in our offices, with one another, in the restaurants, wherever Congressmen and women come together. They must think we talk about this all the time.

And the truth is, we caucus on both sides of this issue and talk among ourselves on the issue, but rarely do we discuss it off this floor. Most of the passion and the feeling on both sides is ventilated in this well.

One would think we had talked this issue sufficiently over the years till there was nothing left to say. So I will tell my colleagues, I learn something, after 16 years, every single week, sometimes every day of the week to reinforce my belief toward life, the sanctity of life and the pro-life position.

With all due respect to any of my colleagues on both sides of the aisle who disagree with those of us on this issue who want to give life a chance, I wish they could have been with me three times in the last 7 days.

First, when I carefully read a letter from a friend, Mrs. Lee Ezell, who was raped as a virgin teenager by her boss, who beat her also, and went ahead and had the child. Put it up for adoption, and the daughter, in her 20th year, looked up the mom. I have seen them on national television shows. They look like twins, intelligent, beautiful, modern women of this age. That is the nightmare case.

Last Thursday, in a colleague's office, the gentleman from Illinois [Mr. CRANE], I had a chance to spend an hour with a 15-year-old who is as wise as any 45-year-old in this House. Her name is Gianna Jessen. She was the victim of an abortion at 7 months of pregnancy, miraculously survived, has been called the poster girl of the pro-life movement by Kate Michelman, who aborted her fourth child to get even with her husband, who tragically deserted her.

Kate Michelman has also said, "She is a walking freak show for the pro-life movement."

Anybody who could have spent that hour with Gianna Jessen with me last week would see what a courageous young woman is doing, traveling this country, speaking out against abortion in the second and third trimester.

But the most important message I bring to my colleagues today is, I spent

2 days, several hours with Mrs. Shari Richard, an absolute expert in the technology of sonography. I sent everyone of my colleagues a tape, called "Window to the Womb," about what sonography is teaching us about seeing that beating heart in later stages of pregnancy, where they are aborted by the tens of thousands, seeing the child moving, sucking its thumb, and fighting the abortionist's tools as it is tearing them apart.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I want to comment on this issue of counselors. These are free clinics. They give people care, poor women preventative health care primary health care for free, if they cannot pay for it.

Yes; they use volunteers as much as they can. But I think Members are making a terrible mistake, and I must say that I believe, frankly, only a man could make this mistake if they think a trained counselor who has been pregnant herself is going to steer another woman who is pregnant. Being pregnant is an extraordinarily powerful experience. From the moment you have the potential of a life inside you, you carry a burden and a promise that is extraordinary.

□ 1910

To imagine that a woman would sit face to face with another woman and try to persuade her to any specific worse of action is simply nuts. We do not do that. We do not do that. One can argue this issue on a lot of bases, but we cannot argue on that basis. Furthermore these volunteer women are trained to give all information that the client asks for.

Mr. SCHEUER. Mr. Speaker, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from New York.

Mr. SCHEUER. I thank the gentlewoman for yielding to me.

Mr. Speaker, I would like to answer the gentleman from Texas [Mr. DELAY]. I refer to young women in our country who have a very high percentage of our-of-wedlock pregnancies. This is an abomination in our country, the richest country in the world. All young girls should be able to control their reproductive systems and determine for themselves what is a right that has been declared by the United Nations time and time and time again, the right to determine the number and spacing of their children.

All young American women should have this ability, both the knowledge and the services available to them. It is an incredible costly and wasteful thing to society when we have a million or more out-of-wedlock births each year for women who are not prepared for that burden. When they go through an experience in their early teenage years of having a child, that crushes their employment prospects, it crushes their education prospects, it crushes their marriage prospects. They ought to be able to avoid that. Our country ought to make sure that they have the knowledge and the services to avoid that sad and tragic dilemma.

Mr. DANNEMEYER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I voted against this bill when it first came before us, and I intend to oppose it again today. Despite all the impassioned pleas we are hearing, I just submit to the Members, this bill is not reasonable. One-third, approximately, of title X clients are minors. This bill is going to require, should it pass, the provision of referral to abortion providers to these minors without parental knowledge or consent, Mr. Speaker.

Our young people are faced with many serious challenges today. We need that parental input, especially for an important decision like this. I think it is extreme and unreasonable. On that basis alone I think this conference report should be rejected.

Second, this bill, by requiring even conscientiously based providers to provide these abortion referrals, is really an affront to conscience. It is doubly insulting when the Members realize that the title X program was specifically instituted to reduce abortions by providing preconception services to people and providing the information that they need. Now all of a sudden we are going to turn this program into something that was never meant to be.

This is a bad proposal. It is a terrible bill, and it is out of touch with mainstream America. We should reject it on its merits.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, the pro-abortion gentleman from New York [Mr. SCHEUER], made a very candid admission earlier in the debate. He admitted that abortion is a method of birth control. Such a view trivializes the precious life of an unborn child. Such children require nurturing, love, and, at the very least, respect. He also misstated U.N. policy regarding abortion. The 1984 U.N. Mexico City policy statement said clearly, abortion is not a method of birth control.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California [Mr. FAZIO].

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

Mr. Speaker, after all of the discussion we had this morning about the number of abused and neglected children in this country, and by the way, the support for doing something about that problem was bipartisan and very broad in this House, we ought to be talking about what the purpose of this bill really is. That is to provide family planning, to give people options so they do not even get to the point of considering abortion.

Obviously, all of us who would like to avoid abortion as much as possible need to emphasize the passage of this bill so clinics across this country can help people.

What we are really arguing about, and why we cannot get a signature on this bill, is simply this oppressive gag rule which has been imposed by this administration and the last one.

Mr. Speaker, we have to recognize that contraceptives do fail, that women can be raped, they can be the victims of incest, they can be in many ways endangered in their own beings, their own lives endangered by pregnancy.

Women need to have all the information available to them. They ought not to be prevented from getting information from professionals of all kinds who can be helpful in the dissemination of information. This administration has become so focused, so fixated on this one issue that they cannot even see the value of enacting this law. It is tragic. It is tragic for all the many poor women who will be victimized if this bill is not enacted into law. It is tragic because we have lost sight of the real priorities that make it important to pass this in the first place.

Mr. Speaker, I would hope that not only would we have an overwhelming vote today, but that, if necessary, we stand up to the veto habits of this President and override his misguided efforts to direct population policy in this country.

Mr. Speaker, I rise in support of the conference report for S. 323, the Family Planning Amendments of 1992. S. 323, is the same bill that passed here in the House of Representatives back in April. It reauthorizes funding for the Federal family planning—or title X—program.

S. 323 continues to prohibit the use of its funds for abortion and additionally requires that all clinics that receive funding comply with their State laws when it comes to requiring the consent or notification of a parent for minors who are seeking privately funded abortions.

S. 323 also overturns the administration's oppressive gag rule and, by doing so, allows us to return to a policy that permits doctors, nurses and other health care personnel to answer all of a patient's questions about her pregnancy. The gag rule, on the other hand, prevents health care providers in federally supported family planning clinics from simply informing a pregnant woman of all her options. Even if a woman has been raped, is a victim of incest, or her health is seriously threatened by her pregnancy, her

health care provider would not be able to tell her the truth about her choices.

This restraint is even more alarming because it goes beyond interference with a woman's reproductive health care. This burdensome regulation is a direct assault on our first amendment right to freedom of speech. The gag rule is unprecedented government interference with the confidential doctor-patient relationship, and has been denounced by every major medical group. The gag rule dictates to our nation's medical community what they can and cannot talk about with their own patients. The gag rule prevents women from knowing about their legal medical options.

But S. 323 clarifies the authority of family planning clinics to provide information and counseling regarding family planning. It requires them to provide a patient with complete, nondirective information about her pregnancy, if she asks for it. And S. 323 also contains a conscience clause—a provision that says that anyone who has a moral or religious objection to discussing a patient's options regarding her pregnancy does not have to.

However, the scope of S. 323 goes far beyond family planning because the title X program also provides other preventive health care services to approximately 4 million low-income women and teenagers at 4,000 clinics across America. It also provides infertility services, as well as counseling, screening, and referral for basic gynecologic care, breast and cervical cancer, hypertension, diabetes, anemia, kidney dysfunction, diabetes, sexually transmitted diseases, and HIV. Without title X, millions of American women would have no other accessible, affordable source for quality, comprehensive health care services. It is the only source of health care for 83 percent of its clients and for many of them it is the single entry point into the entire health care system.

California has received title X funds since the Public Health Services Act was passed in 1970. Last year, California clinics used these funds to provide services to approximately 450,000 clients. Twenty-six percent of these clients are under 20 years of age, and 58 percent are age 20 to 29. This year, California family planning clinics will receive approximately $11 million in title X funds.

When we support contraceptive services—both care and supplies—we thwart pregnancies and, ultimately, the need for abortion. For example, according to the California Family Planning Council, an estimated 138,000 unintended pregnancies are averted in California every year as a result of publicly funded contraception. Each client seen at a title X funded clinic costs the Federal Government approximately $35 annually. And, every one of these dollars spent on family planning programs in California saves $11.20 in public costs associated with unintended pregnancy—such as Medi-Cal delivery and continuing maternity and infant care, Medi-Cal abortions, Aid to Families with Dependent Children, food stamps, and other social service costs. But the annual costs of unintended pregnancies for clients eligible for Medi-Cal coverage for maternity and infant care, AFDC, WIC, and food stamps average $9,383 for those women who carry their pregnancies to term.

S. 323 provides accessible, high-quality, affordable health care to women who could not otherwise afford to have it. I encourage my colleagues on both sides of the aisle to support passage of this pro-life, pro-health bill.

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

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 3 minutes to my colleague, the gentlewoman from California [Mrs. BOXER], a champion for health care, for women's rights, for all these high priorities that our Nation should be addressing.

Mrs. BOXER. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, it is a privilege to partake in this debate. I hope that we will have an overwhelming vote for this bill, and send a message to this administration that we do not want Big Brother in the middle of our private and personal lives, that we do not want Big Brother telling doctors and telling nurses and health care workers what they can and cannot say.

I think it is important for all Americans to understand that the gag rule may not stop here. It could move forward. We could have a situation where maybe schools or public libraries which receive Federal funds have to remove books from their shelves because perhaps they sharply criticize the administration's position, say, on China.

The point is, this is a President, it is Government telling the people who choose to be in the health care profession that they cannot tell the truth.

It is very hard for me to understand, Mr. Speaker, how conservatives, people who call themselves conservatives, could support the gag rule. This is the land of the free and the home of the brave, and we trust each other. Surely in this year, 1992, we can trust people with the truth. This is not about parental consent. That is not what this is about. This is about the Federal Government, this administration, telling doctors and nurses and health care workers that they must not tell the truth to their patients.

I hope we will pass the bill overwhelmingly. It does so many important things to prevent unwanted pregnancies. Nobody that I know is proabortion. Nobody is proabortion. We want to prevent abortions. Pass this bill in the name of freedom and in the name of democracy and in the name of family planning.

Mr. WAXMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, when we held hearings on this gag rule in our subcommittee, and we asked people who were trying to administer this rule what they would tell the family planning clinics if a woman asked about where she could get an abortion, they told us they would have to tell her, "I am sorry, we cannot answer that question."

□ 1920

I asked whether if a woman had a disease or illness that would cause her perhaps to lose her life if she carried the baby to term, could the doctor advise her that one of the options she might consider would be to terminate the pregnancy in order to save her life, and I was told that would not be permitted. And a doctor could not tell a woman in fact, unless it was an emergency situation.

If a woman asked about abortion as an option, if a woman asked where she should go for an abortion, and the reason that she would have to ask where she could go for an abortion is because these family planning clinics do not perform abortions, they may not perform abortions, they could not give her that information.

This is truly a gag rule, and it must be overturned.

Mrs. BOXER. The gentleman is correct.

Mr. DANNEMEYER. Mr. Speaker, I yield 30 seconds to my colleage, the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I just want to say that I am not surprised, but I am disappointed that the gentleman from California [Mr. WAXMAN] again drew a parallel between aborting a baby and treatment of disease. Unborn children, I say to my colleagues, are not diseases to be eradicated like tumors, like cysts. They are not, and any attempt to equate the two is highly offensive, inhumane, and anti-child.

Mr. Speaker, in like manner, Mr. GREEN talked about abortion as a treatment. Implied in such a misguided notion is the view that the unborn child is a throwaway or something akin to a tumor. This treatment, however, kills, dismembers, and chemically poisons babies. Unborn children are not diseases. Unborn children deserve our compassion and respect.

Mr. WAXMAN. Mr. Speaker, I yield myself 1 minute to answer that mistaken point.

If a woman were pregnant, and as a result of that pregnancy and a disease from which she was suffering she might not survive the pregnancy, she may at that point not even be told by a doctor that she might consider terminating

the pregnancy as an option. I did not, and would not certainly say that a woman's pregnancy was tantamount to a disease, and I cannot understand how the gentleman from New Jersey would even hear such a statement, because no one would make such a statement.

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentlewoman from California.

Mrs. BOXER. I thank the gentleman for yielding.

I would say to the gentleman from New Jersey that it shocks me that he would insinuate that the gentleman from California [Mr. WAXMAN], who is a leader in health care in this country, for children, for families, for everyone, men, women, old and young, would ever say such a thing as he suggested.

Mr. WAXMAN. I am sure the gentleman misunderstood what I had to say. But it is because he thinks that any time you have an abortion it is a terrible thing, and there are times, however, when it is appropriate, certainly to save the life of a mother, and at certain other times when a woman decides it is appropriate under her circumstances.

Mr. DANNEMEYER. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I have listened to the speakers here today, and I think we have been speaking more to ourselves, and perhaps the CONGRESSIONAL RECORD than speaking with one another. But when this whole subject of family planning began, I think we need to focus on what the policy was at the outset of this program of the Federal Government. It is very clear.

"None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning." That was the premise on which family planning started, with the help of the gentleman from New York [Mr. SCHEUER] and Mr. Bush back in 1970.

All this regulation says is that we are going to make the use of Federal taxpayer dollars consistent with what the plan was from the beginning, that abortion was not an alternative.

And I will say in response to the question: What will we say to the lady who seeks information about an abortion, the existing regulations say, "A referral to specialized medical care for medical conditions which may complicate pregnancy must be made, even if the ultimate result may be the termination of her pregnancy." That means that there will not be a specific referral to a place where an abortion can be obtained, but an abortion can be obtained along with a whole variety of other services if that is what the particular woman seeks to have information about. That is the existing regulation, and I think these facts need to be set forth in the RECORD.

Mr. WAXMAN. Mr. Speaker, I reserve the balance of our time.

Mr. DANNEMEYER. Mr. Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore [Mr. MFUME]. The gentleman from California [Mr. DANNEMEYER] has 4 minutes remaining, and the gentleman from California [Mr. WAXMAN] has 3½ minutes remaining and deserves the right to close debate.

Mr. DANNEMEYER. Mr. Speaker, I yield our remaining 4 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, for the information of my colleagues, if you want to know where you can get an abortion, try the Yellow Pages. The District of Columbia Yellow Pages has four pages of abortion services, first and second trimester. Planned Parenthood has eight locations. So the information is readily available, and it is in big print, and it says "Se Habla Espanol" on a lot of them. So the information is available, second trimester abortions they advertise, up to 6 months.

This is not a first amendment issue. The same Court that said Roe versus Wade is ratified, it is the law of the land, that same Court has found that denying authority to personnel in family planning clinics to counsel about abortion under title X is constitutional, perfectly constitutional in Rust versus Sullivan. So this is not a first amendment case at all. There is no impairment of the doctor/patient relationship. We are not talking about that. Doctors can give advice, information to their patients. That is the practice of medicine.

But it is the counselors, it is the receptionists, it is the volunteers who are giving that information that is our concern. It is not a question of censorship. It is subsidization. We are paying for a program of family planning. Family planning is helping you get pregnant or keeping you from getting pregnant. But once you are pregnant, you move out of family planning and you go to a prenatal clinic, or some other facility. But it is not family planning, unless of course you want to use abortion as a method of birth control.

But we never have done that and we should not do it now. The taxpayers should not have to pay for exterminating unborn children in family planning clinics.

I will support title X family planning clinics, but not the extermination of innocent, unborn children.

I heard the phrase from the gentleman from California, "abused children." What is more abusive than a suction machine which is dismembering a preborn baby in the womb? I heard the phrase "potential life." That is not potential life in the womb, that is life, with potential. But you exterminate it, and so there goes the potential.

Now about the gag rule. Who is for the gag rule? Who does not want informed consent? Who does not want that woman to know the possible consequences of an abortion? Who wants that woman not to know the state of development of the unborn child in the womb? The proponents of this legislation, that's who.

Do Members realize that after 3 weeks there is a discernible heartbeat of that little fetus, or as the gentlewoman says, "potential life." I say life with potential. That is within 3 weeks following conception.

Massachusetts had a bill, and I do not know what happened to it, but I am sure its Governor would have vetoed it if it had passed. It was called the heartbeat bill, and it says that a woman wanting an abortion should be given the option, an option to listen to the heartbeat. The doctor says, "Here's a stethoscope. Would you like to hear the heartbeat of your fetus in your womb?" Give her that option. You advocates of this bill would hate that, would you not, just like you hate parental consent, or parental notification, or spousal notification, or informed consent.

Who is gagging who around here? I mean, do not abuse the term, do not kid people. You are for a real gag rule, not us.

Now this is really about counselors, and receptionists, and nurses aids, and volunteers pushing, promoting abortion. Let me just suggest these ladies and gentlemen have been called trained professionals. Do my colleagues know what Planned Parenthood says about their own trained professionals? I quote from a report of the Planned Parenthood Association:

> Data from nearly 500 individual counselor profiles gives a clear picture of a counseling staff which is largely young and inexperienced, much of it working unpaid and probably using PPFA employment for training, experience and preparation for other jobs in the future. Counselors' formal training is relatively modest.

Do you want those inexperienced counselors giving abortion advice to minor-aged women? That is clearly what you want and that is wrong.

Vote "no" on this atrocity.

□ 1930

Mr. WAXMAN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this debate is about the truth. Doctors should be able to tell the truth. Nurses should be able to tell the truth, Counselors should be able to tell the truth.

The gentleman from Illinois [Mr. HYDE] talked about things he thinks ought to be told, that a woman ought to be told, about the development of the fetus, to hear the heartbeat. There is nothing that prevents that. There is no regulation or rule that would keep that information from a woman.

Let me read to you the regulation that was in effect when Reagan was President, and was adopted by the Reagan administration:

Pregnant women should be offered information and counseling regarding their pregnancies. Those requesting information on options for the management of an unintended pregnancy are to be given nondirective, nondirective counseling on the following alternative courses of action, and referral upon request: prenatal care and delivery, infant care, foster care or adoption, and pregnancy termination.

The Bush administration's gag rule would allow discussion of two of those options, but would keep from women the information about pregnancy termination. Now, these family planning clinics cannot terminate the pregnancy. They are not in the business of providing abortions. They are in the business of providing counseling, advice, information, and contraception.

The debate is about freedom. Doctors and nurses should be free to talk to patients, not forced, not forced to commit medical malpractice by not telling their patients everything they need to know for those patients to make their own decisions.

This gag rule would make the decisions for doctors on how to practice medicine and for nurses and counselors. This gag rule would try to make the decision for women by keeping them ignorant about information they may even request and to which they would have to be denied.

This is a debate about families. Families' lives are improved with family planning. Infant mortality rates go down, low-birthweight rates go down, and abortion rates go down with the family planning program, and that is why I call upon my colleagues to vote for this conference report to reauthorize the family planning program, provide it with more funds, and allow it to do the job which is to avoid unintended pregnancies and give people the ability to control their lives and their health.

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

Ms. PELOSI. Mr. Speaker, I rise today in strong support of S. 323, the conference report reauthorizing title X, the Nation's family planning program. The conference report reauthorizes funding for title X clinics through 1997 and overturns the administration's gag rule regulations which prohibit abortion counseling in federally funded clinics. These regulations will soon be implemented if Congress does not act. I would like to commend Chairman WAXMAN for his hard work and commitment to this issue.

There are approximately 4,000 title X clinics in the United States which serve about 4 million women per year. In many cases, these clinics are the only access to health care these women have. Yet with the gag rule regulations, the administration has completely mandated what these women are permitted to hear from the medical personnel and what they can discuss. The issue here is fairness. The Constitution is supposed to guarantee the right to freedom of speech for everyone. But poor women are denied their rights solely because they cannot afford to go to a private doctor. What would be fair is to trust and respect women's ability to think, hear, and decide what medical opinion is best for them.

It is very ironic and telling that the administration head of family planning who oversees these title X clinics is the person who wants to close down these family planning clinics for merely discussing contraceptives.

Mr. Speaker, I urge my colleagues to support this conference report and uphold women's constitutional right to freedom of speech.

Mr. FORD of Michigan. Mr. Speaker, I rise today to express my support for the conference report on S. 323, the family planning reauthorization bill.

We have not reauthorized title X of the Public Health Act since 1985. The result of our failure to reauthorize has caused hardships for title X clients, specifically the 83 percent who receive their only source of primary health care through the family planning clinic. Furthermore, 65 percent of the women currently eligible for family planning services do not receive them. This conference agreement extends the authorization for Federal funding through 1997.

This conference report also overturns the administration's misguided regulations prohibiting abortion counseling at federally funded clinics. Poor women who rely on title X grantees for reproductive health information and services should be able to get a straight answer when they request information on all of their pregnancy options including abortion. Although the administration has stated that "nothing in these regulations is to prevent a woman from receiving complete medical information about her medical condition from a physician," they know that they have not lifted the gag rule. While physicians may be allowed to discuss abortion under certain circumstances, the majority of health care providers in federally funded clinics are not allowed to discuss the issue. The fact is that 95 percent of the care in title X family planning clinics is provided by nurses, nurse practitioners, physicians' assistants, and trained counselors.

The administration's gag rule assumes that if you keep women in the dark by withholding information about all of the legal options available to them, you can control the decisions they will make about their pregnancy. This is a very cynical way to effect policy. As leaders we have an obligation to inform the public, not devise ways to conceal information from them.

I urge my colleagues to support this conference report and reverse the regulations that gag health care providers in order to keep them from informing their patients on all of their legal pregnancy options.

Mr. SMITH of Florida. Mr. Speaker, I rise today to announce my support for S. 323, the family planning reauthorization.

Mr. Speaker this bill will reauthorize the title X program through 1997 and will overturn the administration's gag rule.

The gag rule is a slanted, awful attempt to silence federally funded family planning clinics. Family planning clinics will not be allowed to provide honest, sound medical advice to their clients as they have since the title X program began in 1970. Under the gag rule, medical doctors will be forced to abandon the standard ethical medical policy of telling patients about all medical options and, instead, doctors must tell a pregnant woman only that she may have her child and keep it or give it up for adoption.

Let's face it: Clinics will no longer take Federal funds and in many areas safe abortions will be impossible to find. We owe it to the poor women of this country to pass this bill, thus providing necessary services to the needy, and overturn the gag rule of the Reagan administration.

Mr. LEVINE of California. Mr. Speaker, I rise in full support of this conference report on the family planning reauthorization and urge my colleagues to join me. Not only does this bill overturn the obnoxious gag rule written by the Bush administration, but it provides desperately needed funding for family planning programs in local community health care clinics.

The over 4,000 clinics that receive title X funding provide critical health care services to upwards of 4 million low-income women each year. For many of these women, these clinics are the only link they have to the social service community. They have become cautiously trustful of these well-run clinics and have begun to use them as a resource to find other services they may need: parental training, decent child care, nutritional counseling, and so forth.

Mr. Speaker, these women, who are often members of the hardest to serve community, have put an incredible amount of faith in their relationships with the doctors, nurses, and counselors they see at the clinic. Their trust was not given to the clinic employees easily—it was earned slowly. And I dare say, it is fragile.

What the gag rule promulgated by the administration has done is to force clinics to choose between receiving Federal funds and serving their clients. If this body allows the implementation of the gag rule later next week, some clinics will announce that they will no longer accept Federal funding. Instead, they will turn away poor women because they are not willing to succumb to the Orwellian gag rule.

Even worse, though, will be the chilling effect on health and social service delivery in low-income communities whose clinics choose to continue to accept Federal money and operate under the gag rule. Those fragile, trusting relationships between the clinic employees and the women they see will be shattered.

Women do not make the decision to terminate their pregnancies lightly. Unless doctors and nurses are allowed to provide them with unbiased medical advice, these women will lose faith in the system they have come to trust. Their relationship with their doctor or counselor may be destroyed beyond repair. Their ability to receive the health care they so desperately need will be jeopardized. And the link they have to the other services, for their children and for themselves, could be ruptured.

This gag rule is abominable and repugnant. It must be repealed totally, not simply rewritten in a shallow attempt to limit its devastating impact, and this report does so. I urge my colleagues on both sides of the aisle to support this important legislation.

Mr. ATKINS. Mr. Speaker, I rise today in support of the the conference report on S. 323, reauthorizing Federal funding for title X

family planning programs and especially the provision that would prevent implementation of the administration's gag rule.

Throughout my years in public service, I have struggled with the question of abortion.

Though I strongly support the right to choose, I believe we all share a similar goal: That government should do all it can to reduce the need to resort to an abortion.

Mr. Speaker, this bill is about family planning. It is not about abortion. The fact of the matter is that family planning clinics are not and have not been allowed to provide abortion services. Indeed, in a very real sense, this bill is about preventing abortion.

But by shrouding family planning services and a whole range of other services provided by title X clinics behind the abortion debate, the administration is engaged in a cruel, ideological hoax.

It is attempting to appear moderate while appeasing a right wing fringe that believes health care workers should not be allowed to even advise women on legal medical procedures.

The gag rule is one more attempt by the administration to discriminate against women's health issues so that the President can pay off a political debt to a bunch of extremists.

Let's stop this extremism. Overturn the gag rule and pass this conference report.

The SPEAKER pro tempore (Mr. MFUME). All time for general debate has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there was—yeas 251, nays 144, not voting 39, as follows:

[Roll No. 375]

YEAS—251

Abercrombie
Ackerman
Alexander
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Anthony
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Bellenson
Bentley
Bereuter
Berman
Bilbray
Blackwell
Boehlert
Bonior
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coughlin
Cox (IL)
Coyne
Cramer
Darden
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gradison
Green
Guarini
Hamilton
Harris
Hayes (IL)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Houghton
Hoyer
Huckaby
Hughes
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kennedy
Kennelly
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Machtley
Markey
Martinez
Matsui
McCandless
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Moody
Moran
Morella
Morrison
Mrazek
Nagle
Neal (MA)
Neal (NC)
Nichols
Olin
Olver
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Porter
Price
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (IA)
Smith (TX)
Snowe
Spratt
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Zeliff
Zimmer

NAYS—144

Allard
Applegate
Archer
Armey
Baker
Barrett
Barton
Bateman
Bennett
Bilirakis
Bliley
Boehner
Borski
Broomfield
Bunning
Burton
Callahan
Camp
Coble
Combest
Costello
Cox (CA)
Crane
Cunningham
Dannemeyer
de la Garza
DeLay
Donnelly
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fields
Gallegly
Gekas
Gillmor
Gingrich
Goodling
Goss
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hayes (LA)
Hefley
Henry
Herger
Holloway
Hopkins
Hubbard
Hunter
Hutto
Hyde
Inhofe
James
Johnson (TX)
Kanjorski
Kasich
Kildee
Kyl
LaFalce
Lagomarsino
Laughlin
Lent
Lightfoot
Lipinski
Livingston
Lowery (CA)
Manton
Marlenee
Mavroules
Mazzoli
McCollum
McDade
McGrath
Michel
Miller (OH)
Mollohan
Montgomery
Moorhead
Myers
Natcher
Nowak
Nussle
Oakar
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Perkins
Peterson (MN)
Petri
Poshard
Rahall
Ray
Rhodes
Rinaldo
Ritter
Roberts
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Santorum
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Skelton
Smith (NJ)
Smith (OR)
Solomon
Spence
Staggers
Stearns
Stenholm
Stump
Sundquist
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—39

Andrews (TX)
Annunzio
Barnard
Bevill
Campbell (CA)
Clement
Davis
Dellums
Dickinson
Dwyer
Ford (TN)
Gaydos
Gordon
Hall (OH)
Hastert
Hatcher
Horton
Ireland
Jefferson
Kolter
Lewis (FL)
Luken
Martin
McCrery
McEwen
McMillan (NC)
Murphy
Murtha
Obey
Pursell
Quillen
Riggs
Schulze
Smith (FL)
Solarz
Traxler
Weber
Wilson
Yatron

□ 1954

The Clerk announced the following pairs:

On this vote:

Mr. Solarz for, with Mr. Ireland against.

Mr. Dwyer for, with Mr. Lewis of Florida against.

Mr. Smith of Florida for, with Mr. Quillen against.

Mr. McMilla of North Carolina for, with Mr. Murphy against.

Mr. GEKAS changed his vote from "yea" to "nay."

Mr. LEWIS of California changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, due to circumstances earlier beyond my control, I was unavoidably detained during the last vote, rollcall vote No. 375. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to S. 323 which was just adopted.

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

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE CONFERENCE REPORT ON H.R. 5487, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. DURBIN. I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow, August 7, 1992 to file a conference report on 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.

This request has been cleared with the minority, especially with the gentleman from New Mexico [Mr. SKEEN], and, I am sure, the gentleman from Indiana [Mr. MYERS].

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

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO FILE COMMITTEE REPORTS ON H.R. 5755, JOHN F. KENNEDY CENTER ACT AMENDMENTS OF 1992, H.R. 5754, WATER RESOURCES DEVELOPMENT ACT OF 1992, AND H.R. 5753, INTERMODAL SURFACE TRANSPORTATION TECHNICAL CORRECTIONS ACT

Mr. ROE. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may have until noon, August 10, 1992, to file the committee reports on H.R. 5755, the John F. Kennedy Center Act Amendments of 1992; H.R. 5754, the Water Resources Development Act of 1992; and H.R. 5753, the Intermodal Surface Transportation Technical Corrections Act.

This request has been cleared by both the minority leadership of the House and the Committee on Public Works and Transportation.

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

There was no objection.

RELATION OF TRADE AGREEMENTS TO HEALTH, SAFETY, LABOR AND ENVIRONMENTAL LAWS

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on rules, I call up House Resolution 542 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 542

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the concurrent resolution (H.Con. Res. 246) expressing the sense of Congress with respect to the relation of trade agreements to health, safety, labor, and environmental laws of the United States. Debate on the concurrent resolution shall not exceed one hour with thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

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

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER] for the purpose of debate only, pending which I yield myself such time as I may use. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 542 provides for consideration in the House of a concurrent resolution. House Concurrent Resolution 246 expresses the sense of Congress on how new trade agreements will relate to health, safety, labor, and environmental laws of the United States.

The rule provides 1 hour of debate on the concurrent resolution, equally divided and controlled among the chairmen and ranking minority members of the Ways and Means and Energy and Commerce Committees.

In summary, this is a simple rule calling for a straight up-or-down vote on the concurrent resolution after 1 hour's debate.

Mr. Speaker, House Concurrent Resolution 246 makes clear that Congress will not adopt legislation to implement any trade agreement if it jeopardizes our health, safety, labor, or environmental laws. In particular, the Uruguay round of GATT and the proposed North American Free-Trade Agreement will be carefully examined for their effect on our laws and trade practices.

House Concurrent Resolution 246 also calls on the President to initiate negotiations to make GATT compatible with Federal, State and local laws.

Concerns have been mounting ever since a GATT dispute resolution panel decided, almost exactly 1 year ago today, that U.S. laws banning excessive dolphin kills are nontariff barriers to trade.

The decision was made by a GATT panel but the action was initiated by Mexico, along with others. That is why the decision raises concern about NAFTA as well as any GATT agreement.

The GATT panel went out of its way to make clear the broad implications of its decision.

Mr. Speaker, we have reason to fear this new direction in thinking about trade. We have reason to fear this expansion notion of trade barriers.

Mr. Speaker, we have reason to fear that our efforts to protect the environment will be considered a violation of GATT.

We have reason to fear that health standards will be viewed by others as unfair trade practice.

We have reason to fear the United States will be told not to look at the conditions under which foreign goods are produced or harvested—even if we look to those conditions in order to protect our own health and safety, or workers' rights here and around the world.

Mr. Speaker, this concurrent resolution lets the world know of our stand on these issues.

We will not allow trade negotiations to weaken our commitment to health and safety, workers' rights or environment protection.

Mr. Speaker, this is a good measure that deserves—and has—strong bipartisan support.

In fact, no amendments were offered in the two committees that considered the bill. There were no dissenting views from the Energy and Commerce Committee. The minority views in the Ways and Means Committee report strongly support this bill.

Not a single member sought an amendment at the Rules Committee.

Mr. Speaker, this is a fair rule. The rule calls for a straight up-or-down vote after an hour of debate. I urge adoption of the rule and the concurrent resolution.

□ 2000

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that this rule and the resolution it makes in order were best described by the ranking member of the Trade Subcommittee, the gentleman from Illinois [Mr. CRANE] when he came before the Committee on Rules yesterday and said, "This is redundant, but not objectionable."

I would concur with those remarks and say that I support the rule and, based on the discussions we had with the chairman of the Committee on Ways and Means yesterday in the Committee on Rules, I do not intend to oppose the resolution.

In that discussion, Mr. Speaker, I raised the concern that House Concurrent Resolution 246 is designed to slow the negotiations with Mexico and Canada over a North American Free-Trade Agreement. I received from the gentleman from Illinois [Mr. ROSTENKOWSKI] what seems to me to be an assurance that neither he, nor the Committee on Ways and Means, intend to slow those negotiations at all. It is designed, he said, merely to ensure that Congress will continue to be part of the negotiating process.

Frankly, Mr. Speaker, this resolution from my perspective is much ado about

nothing. Congress has been engaged in the negotiating process from the beginning, as specified in the resolution adopted on May 22, 1991. As of today, 307 meetings have been held between the U.S. Trade Representative and her staff and Members of Congress and their staffs in the House and Senate.

As Ambassador Hills pointed out in a March 6 letter to the majority leader:

* * * The consultations we have conducted on these negotiations are far more extensive and intense than has ever been held with Congress on a major negotiation.

In my view, Mr. Speaker, the language in House Concurrent Resolution 246 with regard to the NAFTA should not be construed to mean anything more than what was contained in the May 1991 resolution with which the USTR has clearly complied.

It is also my hope that this resolution is in no way intended to place another obstacle in the way of successful GATT negotiations. As my colleagues know, a GATT dispute resolution panel has stated that participants in the GATT may not have laws protecting health, safety or the environment beyond their geographic borders.

While we all want to encourage our trading partners to respect U.S. laws regarding the environment and public health and safety, it would be a mistake if these efforts led to a damaging trade war that would harm our economy and harm American consumers.

Mr. Speaker, I think the message needs to be made loud and clear. This is a nonbinding resolution that in no way seeks to undermine negotiations between the United States, Mexico, and Canada on a North American Free-Trade Agreement.

The benefits to the United States of a successful free trade agreement will be substantial. For example, NAFTA will increase United States exports to Mexico and Canada by eliminating tariffs, opening up Mexico's services market, lifting restrictions on investment in Mexico, and removing other trade barriers to United States agricultural and industrial goods.

These changes will help to expand American export industries, which have been responsible for most of our Nation's economic growth over the past year.

It's important to point out, Mr. Speaker, that NAFTA will provide adequate adjustment time for American industries and workers. Environmental safeguards, modeled after existing United States laws, will also be included to protect public health and safety, and to clean up pollution along our border with Mexico.

Given all of this, Mr. Speaker, I would simply say that the resolution is redundant and unnecessary, thus making this rule unnecessary. But I urge support for the rule anyway, and I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in support of this resolution and its stated goals to ensure that trade agreements entered into by the United States do not undermine existing laws on health and safety requirements, labor standards, and environmental protection. I believe it is important to send this message to the Bush administration and our trade negotiators as the proposed North American Free-Trade Agreement [NAFTA] nears completion and as the Uruguay round negotiations of the General Agreement of Tariffs and Trade [GATT] continue.

Most Members of the House know that I am a strong proponent of closer economic ties with Mexico. I believe the North American Free-Trade Agreement [NAFTA] holds tremendous opportunity for the United States to create good-paying jobs here at home, solve environmental and public health problems along the Southwest border in a cooperative manner, and, in the long run, provide a better future for Americans, Mexicans, and Canadians.

The Bush administration needs to understand in clear terms that Congress and the American people want our trade negotiators to fight just as hard for commitments on environmental and public health issues as they will for commitments for U.S. exporters and U.S. investors. It will be extremely difficult to sustain congressional support for NAFTA or for GATT if the American public feels that our trading partners do not play by the same rules and do not share our commitment to health and safety requirements, labor standards, and environmental protection. That is the message the Bush administration should take from today's debate.

Clearly, U.S. labor, environmental, health, and safety laws need to be preserved under future trade agreements, whether in NAFTA or in GATT. Members of Congress should also recognize that we can accomplish these objectives in cooperation with our trading partners and with our neighbors.

As a Congressman who represents a border State, I can tell other Members first hand that progress is made and concrete results are achieved when countries work together on solving shared problems whether they deal with environmental enforcement or with the protection of public health. As the Bush administration completes its negotiations on NAFTA, it is my hope that the United States has a long-term strategy to solve environment, labor, and public health problems in cooperation with other countries.

Mr. DREIER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Lutherville, MD, Mrs. BENTLEY.

Mrs. BENTLEY. Mr. Speaker, I rise in support of the rule and urge support for the Waxman-Gephardt resolution in order to send a message to the negotiators—on all sides of the North American Free-Trade Agreement—that we in the Congress claim our responsibility for the shape of the agreement.

This action has such import to all three of the nations involved that at no point in these negotiations should there ever be a feeling of having given up one nation's interests to a common good without an awareness of the cost to each one of the nations involved.

We, in this country, have already been exposed to an attack on the federal system and the power of the Congress—on the way to forging this agreement—with the usurpation of California State law and the Federal code in the memorandum of understanding signed with Mexico and the Secretary of Transportation in November 1991.

The attempt, by the executive branch, to exempt Mexican commercial drivers from the same laws—in southern California—that United States commercial drivers must adhere to is shocking. The criteria being waived is contained in Federal law—binding all 50 States—and is implemented under State law.

And, Mr. Speaker, November last year was early days in the negotiating process. At that point, one would have anticipated we would not have faced trading away anything as important as the constitutional guarantees under separation of powers.

This action alone—to my mind—is reason enough to remind the negotiators as to the seat of power in this Nation. We are not a parliamentary government. We have not had one party in power for 25–35 years. We are a Republic and a democracy and we are to be responsive to the needs first of our people under our form of government

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time.

Mr. DRIER of California. Mr. Speaker, I have no further requests for time from this side of the aisle, and I urge enthusiastic support for this redundant, but not objectionable, resolution.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2010

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the rule I call up the concurrent resolution (H. Con. Res. 246) expressing the sense of Congress with respect to the relation of trade agreements to health, safety, labor, and environmental laws of the United States, and ask for its immediate consideration in the House.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 246

Whereas a General Agreement on Tariffs and Trade (hereinafter in this resolution referred to as the "GATT") dispute resolution panel decreed on August 16, 1991, that certain provisions of the Marine Mammal Protection Act of 1972 designed to protect dolphins are a barrier to trade and must be eliminated;

Whereas the GATT panel ruling additionally declared that nations may not have laws that protect health, safety, or the environment beyond that nation's geographic borders, or laws that take into account the process or conditions under which a product is produced or harvested;

Whereas the GATT panel may also jeopardize other United States laws and international agreements intended to protect global resources, including provisions that protect the stratospheric ozone layer, provisions to save endangered species, provisions to discourage driftnet fishing, and provisions for the protection of whales; and

Whereas ongoing negotiations for the Uruguay Round of the GATT, reflected in the December 1990 draft agreement and the United States-Mexico Free Trade Agreement, could weaken United States health, safety, labor, and environmental laws, including laws adopted by State and local authorities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring)

SECTION 1. PRESIDENT.

The Congress calls upon the President to initiate and complete negotiations, as part of the current Uruguay Round GATT talk, to make the GATT compatible with the Marine Mammal Protection Act and other United States health, safety, labor, and environmental laws, including those laws that are designed to protect the environment outside the geographic borders of the United States.

SEC. 2. LEGISLATION.

The Congress will not approve legislation to implement any trade agreement (including the Uruguay Round of the GATT and the United States-Mexico Free Trade Agreement) if such agreement jeopardizes United States health, safety, labor, or environmental laws (including the Federal Food, Drug, and Cosmetic Act and the Clean Air Act).

The SPEAKER pro tempore (Mr. TORRES). Pursuant to House Resolution 542, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 15 minutes, the gentleman from Illinois [Mr. CRANE] will be recognized for 15 minutes, the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 15 minutes, and the gentleman from Ohio [Mr. OXLEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on House Concurrent Resolution 246.

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

There was no objection.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 246, which expresses the sense of the Congress on the relation of trade agreements to the health, safety, labor, and environmental laws of the United States.

House Concurrent Resolution 246 was introduced to respond to congressional concerns regarding the effect of international trade agreements on U.S. health, safety, labor, and environmental laws. These concerns arose as a result of a 1991 adverse decision by a GATT panel in a case brought by Mexico against the United States. This case involved an embargo placed on Mexican tuna imports by the United States after Mexico failed to comply with certain provisions of the Marine Mammal Protection Act which were designed to protect dolphins.

Mr. Speaker, this resolution calls upon the President to conclude the Uruguay round negotiations so as to make the GATT compatible with the Marine Mammal Protection Act and other United States health, safety, labor, and environmental laws. The resolution also states that Congress will not approve legislation implementing either a GATT trade agreement or a United States-Mexico Trade Agreement that jeopardizes United States health, safety, labor, or environmental laws.

Consideration of this resolution by the House is particularly timely because of the imminent conclusion of the North American Free-Trade Agreement. Indeed, Ambassador Hills and her counterparts from Mexico and Canada are meeting in Washington this week in an attempt to conclude those negotiations.

Members will recall that, in conjunction with renewal of the President's fast-track negotiating authority last year, the President committed that he would aggressively address environmental, health, safety, and labor rights issues in the NAFTA negotiations. These commitments were embodied in House Resolution 146 that was overwhelmingly passed by the House last year. House Concurrent Resolution 246 reinforces last year's resolution on this subject and sends a clear, strong message to the President that we are counting on him to carry out his commitments in these important areas.

Mr. Speaker, House Concurrent Resolution 246 deserves the support of the House and I urge my colleagues to vote for it.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in strong support of House Concurrent Resolution 246.

After much thought I did vote for fast track although this was a difficult decision for me. Fast track would apply to both the ongoing Uruguay round of GATT talks as well as the proposed Mexican Free-Trade Agreement. And while I have serious concerns about a free-trade agreement with Mexico, a GATT agreement is critical to Connecticut, particularly in the services and intellectual property rights areas.

Despite its relatively small size, Connecticut is the Nation's fifth largest exporting State. We export over 25 percent of our gross State product. For me, a vote for fast track was a vote to give the administration a chance to come back with an agreement that would be in the best interest of both Connecticut and the Nation. By definition, such an agreement must include worker rights, environmental protections, and worker adjustment mechanisms.

Whether the administration can do this remains to be seen. That is precisely why I am a cosponsor of House Concurrent Resolution 246. Exports are important to Connecticut and a pillar of the economy right now but as this resolution says:

No trade agreement with Mexico will be approved if it jeopardizes existing United States health, safety, labor, or environmental laws, * * * or if the agreement limits the ability of the Congress of the United States to adopt such laws in the future.

I urge my colleagues to support this important resolution.

Mrs. COLLINS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 246.

The Subcommittee on Commerce, Consumer Protection and Competitiveness, which I chair, held three hearings on health and environmental issues involved in the trade negotiations now under way. On May 12, the Subcommittee reported House Concurrent Resolution 246 by voice vote to the full Committee on Energy and Commerce, which ordered the resolution reported to the House on June 18. No amendments to the resolution were offered.

This resolution does two things. First, it expresses the sense of the Congress that the President, in the current Uruguay round of GATT talks, should negotiate to make GATT rules consistent with our Nation's health, safety, labor and environmental laws. Second, it says that Congress will not approve legislation implementing any trade agreement, including a North American Free-Trade Agreement, if the agreement jeopardizes United States health, safety, labor or environmental laws.

Recent GATT rulings and new proposals in the Uruguay round and the North American Free-Trade Agreement negotiations have raised concerns that our laws may be subject to challenge by foreign governments. Last year, a GATT dispute panel ruled that sections of our Marine Mammal Protection Act designed to protect dolphins constitute a trade barrier that are in violation of GATT.

In addition, there are concerns that U.S. environmental and health laws may be subject to challenge, because

both the proposed GATT and NAFTA agreements would sanction international standards for pesticide and chemical residues on food that in many cases are weaker than our own.

For example, the international standards in the new GATT and NAFTA texts would allow dangerous contaminants, such as DDT which is banned in the United States, to be used on certain food products. In addition to weak standards, the proposed GATT agreement contains tough new enforcement powers that GATT could use to impose sanctions against the United States or to put pressure on the United States to change its strict health, environmental, labor and other laws.

The proposed GATT and NAFTA texts would also apply to State health and environmental standards that are found to be inconsistent with GATT standards. GATT has recently given us an example of what it expects the Federal Government to do to force the States to comply with GATT rules. Despite our Government's arguments to the contrary, a GATT dispute panel ruled earlier this year that our Constitution does not prohibit the Federal Government from preempting the laws in 41 States and Puerto Rico pertaining to the tax and distribution of beer and wine that discriminate against foreign or out-of-State producers.

And, hearings the Subcommittee on Commerce, Consumer Protection and Competitiveness held last year exposed the fact that the administration has used the Canadian Free-Trade Agreement to justify virtually eliminating inspection of Canadian meat imported into our country. Only after I requested an investigation by the General Accounting Office and I sent three different letters to Agriculture Secretary Madigan, did the Department of Agriculture recently announce that it would reinstate procedures to ensure that all Canadian meat is once again subject to inspection.

Mr. Speaker, trade agreements we enter into must raise environmental, health and labor standards in other countries; not bring us down to a lower level. If not, the quality of our environment, the health of our citizens, and the safety of our labor force will certainly suffer.

But in addition, strong incentives will be created for American firms to relocate to escape stricter regulation in the United States. Instead of free trade, such agreements could easily promote the free flow of American jobs to other countries.

The General Accounting Office testified last year at a hearing of the Subcommittee on Commerce, Consumer Protection and Competitiveness that firms in the Los Angeles area have moved to Mexico because of Mexico's weaker environmental law. GAO found that 78 percent of the furniture firms which relocated to Mexico from Los Angeles cited strict environmental regulation as a reason for their move.

Mr. Speaker, House Concurrent Resolution 246 simply says that trade agreements should accommodate, not undermine, U.S. health, environmental, labor and safety laws. This statement is consistent with the commitment the President made to Congress last year concerning the negotiation of a NAFTA agreement. The administration's support for this resolution means it is now ready to make those same commitments for the negotiation of a GATT agreement.

I sincerely hope that the President succeeds in fulfilling the commitments he has made and achieving the environmental objectives that the American people and most in Congress believe are important. Passage of this resolution will make that process easier, as other nations understand, perhaps more clearly, how important Congress considers these matters to be.

I urge my colleagues to support House Concurrent Resolution 246.

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

Mr. Speaker, this bill is greased. It is going to pass. I think it is superfluous at best and dangerous at worst, but it is going to pass. I hope that this is not some kind of effort to submarine the efforts by the administration to put together what I think will be a very effective NAFTA agreement that will create jobs and provide economic opportunity for our citizens as well as citizens across the border. But I suspect that is maybe what is happening here, and I am concerned about that.

I might add, I am particularly concerned about the gentleman from Massachusetts who had earlier indicated in the debate on the rule about the fears that bring this bill to the floor. We should not legislate because we fear something is going to happen in NAFTA.

Mr. Speaker, we have been consulted, as the gentleman from California [Mr. DREIER] read in his remarks, by Mrs. Hills. I have attended a good number of those sessions and can tell Members that Mrs. Hills is very open in answering questions and making her expertise available to the Members. No one has any excuse on either side of the aisle in saying that they were not consulted properly by this administration. They literally bent over backwards to bring the Congress into these very important negotiations.

Mr. Speaker, I hope that the gentleman from New Mexico [Mr. RICHARDSON] is right when he says that the announcement will be forthcoming tomorrow about this agreement. It means a great deal to our economy.

I hope that this resolution is seen for what it is, and that is merely a vapid exercise in legislating that really does not count for much.

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Mrs. COLLINS of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I rise to urge my colleagues to vote in support of House Concurrent Resolution 246. The resolution makes a very simple statement—namely that the House will not approve any legislation to implement a trade agreement that jeopardizes domestic health, safety, labor or environmental laws.

I understand that the administation and the minority now support the resolution. This is a major shift in their position. Until last week, the resolution had virtually no minority support. Only 11 members of the minority signed on as cosponsors. The minority opposed the resolution in the Energy and Commerce Committee.

Now that the administration senses certain defeat, it has adopted an "if you can't beat them, join them" strategy. If this reversal is accompanied by a shift in policy where the Administration is finally committed to support our health, safety, labor and environmental laws in trade negotiations, then I welcome the Administration's newfound commitment to the environment and the public health.

Currently there are two major trade agreements being negotiated. The North American Free-Trade Agreement is close to being finalized. Earlier drafts would have undercut our domestic laws. We have been assured that the final text will not do so, but we will not know until it is made public.

The General Agreement on Trade and Tariffs is not as close to completion. But the draft GATT text, if implemented, would seriously jeopardize domestic health, safety, labor and environmental laws.

Therefore, if the House adopts this resolution, the Administration will be required to engage in a substantial renegotiation of the GATT agreement. For example—

The GATT draft would allow a GATT panel to decide whether our health, safety and environmental laws have a sufficient scientific justification. It would allow other countries to challenge our laws regulating pesticides and food additives, including the Delaney clause. But under Resolution 246, these domestic laws could not be subject to challenge.

The GATT draft would prohibit a country from adopting measures to protect the global environment, including laws that protect endangered species, the oceans, dolphins and the stratospheric ozone layer, as well as future efforts to stop global warming. But under House Concurrent Resolution 246, countries will be able to continue to adopt extraterritorial environmental measures.

The GATT draft would place pressure on the United States to preempt State

and local health and environmental laws. But under House Concurrent Resolution 246, State and local governments could adopt health and environmental laws as long as they did not discriminate against imports.

This resolution goes beyond the House Resolution 146 and the commitments made in the President's May 1, 1991 action plan on trade. It was in the context of NAFTA that the resolution was adopted and those commitments were made. In contrast, the resolution before us explicitly applies to both NAFTA and GATT.

Because of its importance, I am pleased that this resolution has gained bipartisan support. But the administration should understand that we will fight any trade agreement that does comply with House Concurrent Resolution 246.

I consider myself to be a free trader and I will vote for GATT and NAFTA if they do not undercut our health, safety, labor, and environmental laws. The purpose of House Concurrent Resolution 246 is to establish the standard by which NAFTA and GATT will be measured if legislative text to implement either agreement is submitted to the House.

A vote for House Concurrent Resolution 246 is obviously not a vote against free trade. Instead a vote for House Concurrent Resolution 246 is a vote to preserve our sovereign right to protect our citizens and the environment.

I urge all my colleagues to vote to adopt the resolution.

Mr. CRANE. Mr. Speaker, I yield 30 seconds to my good friend and colleague, the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I rise in support of this, as I said earlier, redundant but not objectionable resolution. I hope very much that we are on the eve of this.

A number of Members, Mr. Speaker, have argued that there has not been enough consultation with Members of Congress on this NAFTA.

I include for the RECORD at this point a list of the meetings which have taken place between representatives of the USTR and Members of Congress.

LIST OF MEETINGS

In addition to the following compilation of staff consultations, Ambassador Hills and others have held over 40 consultations with Members of the House and Senate.

NAFTA CONSULTATIONS 1991

House Agriculture Committee, Issue: Overview, June 24.

Senate Energy and Natural Resources Committee, Issue: Overview, July 26.

Senate Commerce Committee, Issue: Overview, June 26.

Senate Agriculture Committee, Issue: Overview, June 27.

Senate Banking Committee, Issue: Overview, June 28.

Senate Foreign Relations Committee, Issue: Overview, July 2.

House Energy and Commerce Committee, Issue: Overview, July 8.

House Foreign Affairs Committee, Issue: Overview, July 9.

Senate Finance Committee, Issues: Environment and Labor, July 11.

House Ways and Means Committee, Issue: Energy, July 12.

House Energy and Commerce Committee, Issues: Energy, Standards, Environment, July 15.

House Ways and Means Committee, Issues: Agriculture, Standards, Textiles, July 30.

House Automobile Caucus, Issue: Autos, July 30.

Senate Environment and Public Works Committee, Issues: Environment and Standards, July 31.

House Energy and Commerce Committee, Issues: Environment and Standards, Aug. 1.

Senate Agriculture Committee, Issues: Standards and Environment, Aug. 1.

Senate Finance Committee, Issues: Agriculture and Tariff/Non-Tariff Measures, Aug. 1.

House Foreign Affairs Committee, Subcommittee on Western Hemisphere, Issue: Overview, Aug. 1.

House Agriculture Committee, Issues: Standards and Environment, Aug. 1.

Senate Judiciary Committee, Issue: Intellectual Property Rights, Sep. 6.

Senate Banking Committee, Issue: Insurance, Sep. 9.

House Textile Caucus Staff, Issue: Textiles, Sep. 10.

Senate Textile Group staff, Issue: Textiles, Sep. 10.

House Ways and Means Committee/Chairman's Group, Issue: Overview, Sep. 11.

Senate Agriculture Committee, Issue: Tariff/NTBs, Sep. 12.

House Agriculture Committee, Issue: Tariff/NTBs, Sep. 13.

Senate Finance Committee, Issue: Tariff/NTBs, Sep. 13.

House Ways and Means Committee/Chairman's Group, Issues: Dispute Settlement, IPR and Rules of Origin, Sep. 16.

Senate Finance Committee, Issues: Dispute settlement, IPR and Rules of Origin, Sep. 16.

House Judiciary Committee, Issue: IPR, Sep. 19.

Senate Finance Committee, Issues: Investment, Financial Services, Government Procurement, Sep. 24.

House Ways and Means Committee/Chairman's Group, Issues: Financial Services and IPR, Sep. 27.

House Education and Labor Committee, Issue: Labor, Sep. 27.

Senate Finance Committee, Issue: Telecommunications, Oct. 4.

House Ways and Means Committee/Chairman's Group, Issue: Rules of Origin, Oct. 11.

House Energy and Commerce Committee, Issue: Environmental Review, Oct. 11.

House Ways and Means Committee/Chairman's Group, Issues: Telecommunications and Government Procurement, Oct. 18.

Senate Finance Committee, Issue: Textiles, Oct. 21.

Northwest/Midwest Coalition, Issue: Autos, Oct. 22.

House Agriculture Committee, Issue: Textiles, Oct. 22.

House Agriculture Committee, Issue: Investment, Oct. 22.

House Ways and Means Committee, Issue: Textiles, Oct. 22.

Senate Banking Committee, Issue: Financial Services, Oct. 24.

Hearing, House Energy and Commerce Committee, Issue: NAFTA and Environment, Oct. 31.

House Ways and Means Committee/Chairman's Group, Issue: Environment, Nov. 1.

House Energy and Commerce Committee, Issue: Energy, Nov. 4.

GOP Task Force/NAFTA, Issue: Overview, Nov. 4.

House Ways and Means Committee, Issue: Autos and Rules of Origin, Nov. 4.

House Foreign Affairs Committee, Issue: Environment, Nov. 5.

Senate Finance Committee, Issue: Safeguards, Nov. 5.

Senate Finance Committee, Issue: Financial Services and Insurance, Nov. 7.

House Ways and Means Committee, Issue: Rules of Origin and Tariffs/NTBs, Nov. 13.

House Ways and Means/Judiciary Committees, Issue: IPR, Nov. 13.

House Ways and Means/Energy and Commerce/Banking Committees, Issue: Investment, Nov. 14.

Senate Finance/Foreign Relations/Banking Committees, Issue: Investment, Nov. 14.

House Ways and Means Committee, Issue: Services, Nov. 15.

Senate Finance Committee, Issue: Services, Nov. 15.

Senate Finance Committee, Issue: Labor and Environment, Nov. 19.

Northeast/Midwest Coalition, Issues: Autos and Rules of Origin, Nov. 20

Senate Finance Committee, Issue: Financial Service, Dec. 3.

House Ways and Means Committee, Issue: Safeguards, Dec. 4.

Senate Finance Committee, Issue: Safeguards, Dec. 4.

House Ways and Means/House Agriculture/House Energy and Commerce Committees, Issue: Standards, Dec. 5.

House Ways and Means/House Public Works Committees, Issue: Land Transport, Dec. 5.

Senate Finance/Senate Agriculture Committees, Issue: Standards, Dec. 5.

Senate Finance/Senate Environment and Public Works Committees, Issue: Land Transport, Dec. 5.

House Ways and Means Committee/Chairman's Group, Issue: Temporary Entry, Dec. 6.

Senate Finance/Senate Commerce Committees, Issue: Telecommunications/Services, Dec. 6.

House Ways and Means/House Energy and Commerce Committees, Issue: Telecommunications/Services, Dec. 6.

House Foreign Affairs Committee, Hearing, Issue: NAFTA & Environment, Dec. 9.

Senate NAFTA Agriculture Group, Issue: Agriculture, Dec. 11.

Environmental and Energy Study Conference, Issues: Environment and Energy, Dec. 17.

House Ways and Means Committee, Issue: Dispute Settlement, Dec. 18.

Senate Finance Committee, Issue: Dispute Settlement, Dec. 18.

Senate Finance/Senate Governmental Affairs Committees, Issue: Government Procurement, Dec. 20.

House Ways & Means/House Government Operations Committees, Issue: Government Procurement, Dec. 20.

NAFTA CONSULTATIONS 1992

Senate Finance Committee/Chairman's Group, Issue: NAFTA Overview, Jan. 14.

House Ways & Means Committee/Chairman's Group, Issue: NAFTA Overview, Jan. 15.

Senate Finance/Senate Energy Committees, Issue: Energy, Jan. 16.

House Ways and Means/House Energy and Commerce Committees, Issue: Energy, Jan. 16.

House Ways and Means Committee/Chairman's Group, Issues: Safeguards and Autos, Jan. 21.

Senate Finance Committee, Issue: Textiles, Jan. 21.

Senate Textile Group, Issue: Textiles, Jan. 22.

House Ways and Means Committee, Issue: Textiles, Jan. 22.

Senate Finance/Senate Labor/Senate Judiciary Committees, Issue: Temporary Entry, Jan. 24.

House Education & Labor/House Judiciary Committees, Issue: Temporary Entry, Jan. 24.

House Ways & Means Committee/Chairman's Group, Issues: Financial Services, Insurance, Investment, Jan. 24.

Senate Finance/Senate Commerce Committees, Issue: Autos, Jan. 28.

Senate Finance Committee/Chairman's Group, Issue: Autos, Jan. 28.

Senate Finance Committee/Chairman's Group, Issues: Tariffs, Agriculture, Financial Services, Jan. 29.

House Ways and Means Committee/Chairman's Group, Issues: Agriculture and Tariffs, Jan. 29.

Senate Finance/Senate Agriculture Committees, Issue: Agriculture, Jan. 30.

House Ways and Means/House Agriculture Committees, Issue: Agriculture, Jan. 30.

House Ways and Means Committee/Chairman's Group, Issues: Services, Telecommunications and Textiles, Jan. 30.

Senate Chairman's Group, Issues: IPR, Land Transport and Safeguards, Feb. 4.

House Chairman's Group, Issues: IPR, Land Transport, Feb. 4.

House Chairman's Group, Issue: Rules of Origin, Feb. 6.

Senate Chairman's Group, Issues: Government Procurement, Standards, and Investment, Feb. 11.

House Chairman's Group, Issues: Government Procurement and Standards, Feb. 11.

Senate Chairman's Group, Issues: Rules of Origin and Textiles, Feb. 13.

House Judiciary/House Education & Labor Committees, Issue: Temporary entry, Feb. 21.

House and Senate Chairman's Groups, Issue: NAFTA, Feb. 24.

Senate Finance/Senate Commerce Committees, Issues: Services and Telecommunications, Feb. 28.

Senate Energy Committee, Issue: Energy, Feb. 28.

Senate Finance Committee, Issue: NAFTA, March 4.

House Ways and Means/House Energy and Commerce/House Agriculture Committees, Issue: Standards, March 5.

House Agriculture Committee, Issue: Agriculture, March 5.

Senate Agriculture Committee, Issue: Agriculture, March 5.

Senate Finance/Senate Agriculture/Senate Environment and Public Works Committees, Issue: Standards, March 6.

Senate Finance Committee, Issue: Dispute settlement, March 6.

House Ways and Means Committee, Issue: Dispute settlement, March 6.

Senate Labor/Senate Finance/Senate Judiciary Committees, Issue: Temporary Entry, March 6.

House Ways and Means Committee, Issue: Safeguards, March 6.

Senate Finance Committee, Issue: Safeguards, March 6.

Senate Judiciary Committee, Issue: IPR, March 9.

Northeast-Midwest Coalition, Issue: Autos and Rules of Origin, March 12.

House Ways and Means Committee, Issue: NAFTA, March 13.

House Judiciary, Education and Labor, Ways and Means Committees, Issue: Temporary Entry Text, March 13.

Senate Banking Committee, Issue: Financial Services, March 16.

Senate Finance Committee, Issue: Land Transport, March 17.

Senate Border State Staff, Issue: Land Transport, March 17.

House Education and Labor Committee, Issue: Temporary Entry, March 18.

House Banking, Ways and Means, Issue: Investment, March 19.

Senate Chairman's Group, Issue: Investment, March 19.

House Ways and Means Committee, Issue: Safeguards, March 19.

Senate Finance Committee, Issue: Safeguards, March 19.

House Chairman's Group, Issue: Labor, March 20.

House Border Offices, Issue: Land Transport, March 20.

Senate Finance and Agriculture, Issue: Agriculture, March 25.

Ways and Means and Agriculture, Issue: Agriculture, March 25.

Environmental Study Conference, Issue: Border Plan/Environmental Review, March 27.

Ways and Means, Government Operations and Small Business Committees, Issue: Government Procurement, March 30.

Senate Finance, Governmental Affairs, Issue: Government Procurement, March 31.

Senate Finance Committee, Issue: NAFTA Overview, April 1.

House Chairman's Group, Issue: NAFTA Overview, April 1.

Ways and Means, Energy and Commerce, Issue: Autos, April 10.

Senate Finance and Commerce Committees, Issue: Autos, April 10.

Energy and Commerce, Levin and Gephardt's staff, Issue: Autos, April 14.

House Foreign Affairs Committee staff, Issue: Energy, May 4.

House Foreign Affairs Committee Hearing/Exec. Ses, Issue: NAFTA and energy, May 5.

House Agriculture Committee, Issue: MTO and IPR, May 6.

House Judiciary Committee, Issue: Temporary Entry, May 7.

Finance, Judiciary, and Labor Committees, Issue: Temporary Entry, May 8.

Senate Finance Committee, Issue: Energy, May 8.

Senate Chairman's Group, Issues: Rules of Origin, Investment, Telecom and Services, May 8.

Ways and Means, Energy and Commerce, Issue: Investment, May 8.

Northeast-Midwest Coalition, Issues: Autos and Rules of Origin, May 11.

House Chairman's Group, Issue: Autos, overview, dispute settlement, telecom and services, May 11.

Senate Chairman's Group, Issues: Ag, S&P, Standards, Autos, Dispute Settlement, May 11.

Senate Chairman's Group, Issues: Safeguards, Land Transport, May 12.

House Banking, Ways and Means, Energy and Commerce, Issue: Insurance, May 13.

Education and Labor, Issue: Temporary Entry, May 15.

House Chairman's Group, Issues: Rules of Origin, Safeguards, IPR, May 15.

House Chairman's Group, Issues: Rules of Origin, Duty Drawback, Ag, S&P, Standards, Land Transport, May 18.

Ways and Means Committee, Issue: Worker Adjustment, May 18.

House Judiciary Committee, Issue: IPR, May 19.

Senate Energy Committee, Issue: Energy, May 20.

Senate Chairman's Group, Issue: Energy, May 20.

Ways and Means LAs, Issue: Worker Adjustment, May 21.

Trade Subcommittee Staff, Issue: NAFTA, May 22.

Senate Finance LAs, Issue: Worker Adjustment, May 22.

Senate Banking Committee, Issue: Financial Services, May 22.

Senate Chairman's Group, Issues: Tariffs and Government Procurement, May 22.

Trade Subcommittee Staff, Ways and Means and SFC, Issue: Overview, May 29.

Senate Banking, Issue: Financial Services/Insurance, May 29.

Energy and Commerce Committee, Issue: Financial Service/Insurance, May 29.

Northeast-Midwest Coalition, Issues: Autos, June 1.

House Chairman's Group, Issues: Financial Services/Insurance/Trade Remedies, June 1.

Senate Chairman's Group, Issues: Financial Services/Insurance/Trade Remedies, Textiles, June 1.

Senate Finance Committee LAs, Issue: Dispute Settlement, June 2.

Ways and Means LAs, Issue: Worker Adjustment, June 4.

Senate Finance Committee Staff, Issue: Temporary Entry, June 5.

Northeast-Midwest Coalition, Issue: Rules of Origin, June 9.

Senate Finance/Senate Agriculture Committees, Issue: Agriculture, June 11.

House Agriculture/Ways and Means Committees, Issue: Agriculture, June 11.

Trade Staff, Issue: Overview on NAFTA, June 12.

Great Lakes Coalition, Issue: NAFTA and Standards, June 16.

House/Senate Soybean Caucus, Issue: Agriculture, June 18.

Senate Finance Committee Trade Staff, Issue: Environment and NAFTA, June 18.

House/Senate Trade Staff, Issue: NAFTA Overview, June 26.

Senate Chairman's Group, Issue: Environment, July 1.

House Chairman's Group, Issue: Environment, July 1.

Ways and Means, Issue: Chapter 19, July 6.

Senate Finance LAs, Issue: Chapter 19, July 7.

Senate Chairman's Group, Issue: Overview of issues, July 9.

House/Senate Trade Staff, Issue: Overview of issues, July 10.

House/Senate Trade Staff, Issue: Overview of issues, July 13.

House Chairman's Group, Issue: Overview of issues, July 14.

Senate Chairman's Group, Issue: Investment, July 16.

House Chairman's Group, Issue: Investment, July 16.

Ways and Means staff, Issue: Rules or origin/duty drawback, July 16.

Ways and Means/House Agriculture, Issue: Agriculture, July 22.

Senate Finance/Agriculture Committees, Issue: Agriculture, July 22.

Senate Energy, Issue: Energy, July 24.

Senate Finance, Issue: Financial Services, July 24.

House Chairman's Group, Issue: Overview of all negotiating groups, July 28.

Senate Agricultural Trade Oversight Group, Issue: Agriculture, Sanitary and Phytosanitary, Environment, July 28.

Senate Chairman's Group, Issue: Overview of all negotiating groups, July 29.

House Agriculture Committee, Issue: Agriculture, Sanitary and Phytosantary, July 30.
House Energy and Commerce, Issue: Energy, August 6.
Senate Energy Committee, Issue: Energy, August 6.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in support of House Concurrent Resolution 246—a restatement of the partnership between Congress and the administration in conducting negotiations for a North American Free-Trade Agreement [NAFTA]. As the President and Ambassador Hills proceed to conclude the NAFTA—perhaps as early as this week—I want to congratulate them on a negotiation which is historic in its scope.

This is an agreement which will help lead the United States into a more prosperous and economically dynamic 21st century.

The President's idea for a North American community which is free of investment barriers and trade barriers generated vigorous debate when he first proposed it to the Congress 3 years ago. That debate culminated in the decision to extend fast track negotiating authority for purposes of reaching a NAFTA, as well as an Uruguay round pact.

In cooperation with Congress, the administration developed a detailed action plan which listed the President's commitments to seek certain results in the talks. These goals were reaffirmed by House Resolution 146, and they are in the bill before us today, House Concurrent Resolution 246.

Pledging bipartisan cooperation, the President promised: First, the development and implementation of an expanded program of environmental cooperation parallel with the free trade talks; second, new initiatives to expand United States-Mexico labor cooperation and; third, an effective worker adjustment program—to be developed with the Congress—for workers dislocated by the free trade agreement.

Mr. Speaker, the President has fulfilled and, in many cases, exceeded his promises.

For the first time in any trade negotiation, environmental concerns were pushed to the forefront of policy development. Understandings have been reached with the Mexicans to improve conditions on the border and throughout Mexico.

Presidents Bush and Salinas jointly issued the integrated border plan, which comprehensively addresses air and water pollution, waste disposal, pollution prevention, chemical emergency response, and enforcement.

President Salinas has committed $460 million over 3 years to implement this understanding. On the U.S. side, President Bush requested $241 million in his budget for fiscal year 1993. As it turns out, the House Appropriations Committee failed to approve the full amount of the President's request.

Parallel talks have focused on refining and expanding enforcement activities and training, and encouraging public reporting of potential violations of environmental laws.

The Mexicans appear anxious to pursue environmentally sound policies, and they remain eager students of our methods. Also, during the NAFTA talks, the Government of Mexico signed the Convention of International Trade in Endangered Species [CITES], which aims to stop trade in endangered species.

On labor issues, too, the administration has made significant headway. The NAFTA negotiations have succeeded in shedding unprecedented light on Mexican labor standards and practices and their enforcement.

Mexican leaders have invited us to work with them to improve the conditions for workers on both sides of the border.

Most importantly, the NAFTA promises to create high wage, high skill jobs in the United States. The Institute for International Economics has predicted 175,000 new jobs will be created in the United States as a result of NAFTA and the economic and political reforms in Mexico that it will help support.

Expanding the Canada Free-Trade Agreement to include Mexico will create a market of over 360 million people with a combined annual economic output of $6 trillion. The easing of trade and investment barriers will provide U.S. corporations with opportunities they need to grow and prosper in an increasingly competitive global marketplace.

When the final text of the agreement is transmitted to Congress, we must not judge it in terms of one or two industries, or from the viewpoint of a specific political agenda. Rather we must look at the balance of concessions and what has been achieved for the economy and the future of the country as a whole. Now that the negotiations are wrapping up and the period of congressional consultations on negotiating positions is coming to a close, it is our responsibility to assess the agreement on its merits.

If they prove sound, and I feel confident they will, I urge my colleagues to move forward in good faith to implement the deal struck by the President.

I look forward to realizing the President's goal of turning all of North America into a vibrant region of free trade. I support House Concurrent Resolution 246 as a positive step in that direction.

□ 2030

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

Mrs. COLLINS of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], the majority whip.

Mr. BONIOR. Mr. Speaker, we meet tonight to consider this resolution—but the real issue before the country is what a free-trade agreement with Mexico will do to America.

Listen to these facts.

Studies say the so-called free-trade agreement will cost the United States as many as 1 million jobs.

An administration study says 40 percent of textile, apparel, steel, and auto jobs will head across the border.

How can American workers compete with people forced to accept 50 cents an hour?

How can we compete with companies that offer no health insurance and don't meet adequate safety standards?

Just today the wires came out, 60,000 new unemployed in the last week in July, the highest unemployment rate in over a decade. Mr. Speaker, how can we let this happen?

This resolution states that Congress will not approve legislation implementing trade agreements like the Mexico FTA if they jeopardize United States health, safety, labor, or environmental laws.

But I believe a trade agreement with Mexico cannot meet these standards.

I voted against fast track.

I would oppose any agreement now. We've already lost nearly 1.8 million manufacturing jobs since the Reagan-Bush team went to work in 1981.

We shouldn't let the White House send American jobs on a fast track to Mexico.

We shouldn't let them give others a free ride in the name of free trade.

We can't let jobs be our No. 1 export.

Mrs. COLLINS of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, what is in debate now is whether or not we can compromise our national sovereignty concerning the health of the citizens of this country, and the Congress, trying to again teach the Secretary of Trade, the Secretary of Commerce, the Secretary of State, that if we do not use markets to change unacceptable behavior, the only other recourse is war.

If this were the law, the sanctions that we put in place against South Africa would be prohibited. Do the Members know why? Because the action complained of did not take place on our shores.

Please, Mr. Secretary of State, please, Madam Secretary of Trade, please, Madam Secretary of Commerce, wake up.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, as others added their comments, I just wanted to add mine. In this resolution and other discussions there has been much reference to worker adjustment, to environmental issues in Mexico.

I hope as we proceed these next hours and the next days we will ask ourselves this question: What will be the long-

term impact on key industries of any agreement? We have to ask ourselves the question not only are we providing for a transition, but a transition to what? What will key industries look like after an agreement in negotiated?

We have asked for some impact analyses of these issues. They have never been forthcoming. Until they are, the American public will not know their import, nor will this Congress.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, if America enters into a free trade agreement with Mexico, we will not even have Ma Bell any more. We will get our phone bill from Taco Bell, so help me God. We won't make a typewriter, a television, a VCR, a telephone.

Let me make this prediction. The only reason Japan is investing in America is, they know that we are going to wise up some day and stop the joy ride. If we pass this free trade agreement, they will build in Mexico and ship the damned stuff up from Mexico at $1 an hour.

I am against this free trade agreement. I think Congress better really think about it before we sign the death warrant for this economy in the next 10 years.

Mrs. COLLINS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota.

Mr. SIKORSKI. Mr. Speaker, I rise in support of the concurrent resolution.

Mr. Speaker, I rise to urge my colleagues to vote in support of House Concurrent Resolution 246.

This nonbinding resolution simply states that the Congress will not tolerate any trade agreements that jeopardize American labor, environmental, health, or safety laws.

The only issue that legitimately should be decided by an international trade body is whether the law discriminates against imports. If it does not discriminate against imports, then the international body has no business striking it down—no matter how arbitrary some other country thinks the law may be.

The issue of whether a law is scientifically justified is an issue to be decided by Congress. We—and not some international body—have the right to decide what laws are scientifically justified to protect the citizens of our country.

Let me back up a bit and tell you how the GATT process really works:

Only countries may participate in the case. There are no briefs filed by interveners or friends of the court. The entire process is highly secretive.

Briefs are secret. Even the decisions are kept secret from the public, until they are final and it is too late to change them in any way.

Where a U.S. health and safety law is being challenged, the administration will be responsible for defending our law. Under the draft GATT agreement, it will have the burden of demonstrating that the U.S. law is scientifically justified. Yet, in many cases, the administration has opposed these very laws in Congress, on the grounds that they are not justified by science.

Obviously, GATT cannot overrule domestic health and safety laws. But an adverse GATT decision can result in fines on a country for continuing to enforce any law that has been declared GATT-illegal. This will place enormous pressure on our country to repeal these important safety, health, and environmental laws.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I rise in strong support of House Concurrent Resolution 246, and thank the chairman for bringing it up.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 246 which expresses the sense of the Congress that trade agreements should not jeopardize U.S. health, safety, labor, and environmental laws.

Passage of House Concurrent Resolution 246 is also important because it states that Congress will not approve legislation to implement NAFTA if the agreement jeopardizes U.S. health, safety, labor, and environmental laws.

Mr. Speaker, our colleagues are reading everyday in the newspapers that negotiations for a proposed North American Free-Trade Agreement [NAFTA] are wrapping up and an agreement may be before Congress in the coming months. I see no reason to rush a NAFTA when the issues to be resolved are so vital to American interests.

Last May, I supported the President's request for "fast track" authority which allows the administration latitude in negotiating a NAFTA. However, I supported the President, as did many of our colleagues in the House, with the provisos that the final agreement have safeguards for our fragile environment, a retraining program for United States workers who may be displaced, and rules of origin which ensure the United States, Mexico, and Canada will solely benefit from a NAFTA.

I wish to commend Majority Leader GEPHARDT and the gentleman from California [Mr. WAXMAN] for their leadership in bringing House Concurrent Resolution 246 before us today. In particular, Majority Leader GEPHARDT has spoken eloquently over the past year regarding these protections for an acceptable NAFTA draft agreement.

Mr. Speaker, House Concurrent Resolution 246 provides American businesses and American workers with deserved protection. I urge our colleagues to support it and support it enthusiastically.

Mrs. COLLINS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. WYDEN].

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

Mr. WYDEN. Mr. Speaker, I rise in support of the concurrent resolution.

Mr. Speaker, as one of the Democrats who voted for fast track, I can say that free traders should support this resolution.

Expanded trade through the NAFTA and GATT agreements can help grow the economy in the 1990's. But trade that undermines the environment, public health, and worker safety will kill long-term growth. And trade agreements that ignore the health and safety of Americans won't be approved by Congress.

Technology has changed the important issues in trade negotiations. Twenty years ago, the costs of transportation, communications, and tariffs were key factors of competitive advantage. Today, labor quality, capital costs, health care and regulation are far more important.

Unfortunately, trade negotiations are still stuck in the old days, narrowly focused on tariffs and quotas. They ignore the fact that in a global economy, environmental protection, public health, and worker safety are directly affected by the terms on which we trade with other countries.

I am for more trade, not less, and I will not support efforts to throw up protectionist barriers disguised as environmentalism. But neither will I support an outdated agreement that ignores the health of the environment and our workers.

As one who would like to see trade agreements approved, I believe this resolution gives the administration fair notice about what the trade negotiators need to do to win congressional approval.

Ms. PELOSI. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 246, which expresses the sense of the Congress that we will not approve legislation to implement any trade agreement that jeopardizes U.S. health, safety, labor or environmental laws. I am proud to be a cosponsor of this important bill. It sends a clear message to the administration and to the parties with which it is negotiating trade agreements that the United States stands firm to its commitment to lead the world in health, safety, labor and environmental laws.

Trade agreements can be useful instruments. We must ensure, however, that trade agreements are not used as a way to loosen our health, safety, labor or environmental standards. The administration should show leadership and use trade negotiations not only as a way to promote trade, but also as a way to improve the lives of workers and the environment around the world. We cannot allow any trade agreement to be negotiated to the lowest common denominator. we have an obligation to maintain the standards that we have in this country and other countries should try to meet similar standards.

Our workers and industries have suffered from a variety of unfair trade practices condoned and promoted by some of our trading partners. Included in these unfair trade practices are exploitation of their work forces and a lax approach to worker health and safety. In some of these countries, even if laws are on the books to protect workers and the environment, the laws are not enforced. As our workers struggle to compete today, they should not have to return to the abysmal work conditions of last century. If we are not careful, that is where the administration's negotiations will lead.

The ruling by the General Agreement on Tariffs and Trade [GATT] that the U.S. Marine Mammal Protection Act was GATT-illegal has raised the spectre of an empty U.S. global en-

vironmental policy. For the past 12 years, we have had to fight the administration every step of the way to implement environmental protection laws. When we have succeeded, too often the administration has, through the regulatory process, undermined the intent of the laws. Now, through trade agreements and negotiations, the administration could circumvent these laws completely.

As my colleagues know, there are two imminent trade agreements we are likely to have before us, the North American Free-Trade Agreement [NAFTA] and the Uruguay round of the General Agreement on Tariffs and Trade [GATT]. The administration and the U.S. Trade Representative must understand that they should be primarily representing the American people in these negotiations, not the American business community. The American people are speaking in ever louder voices that environmental protection must be a priority. Their voices must be heard.

Mr. Speaker, when this House considered the request for fast-track negotiating authority, I joined by colleagues in emphasizing how seriously we take our health, safety, labor and environmental laws. At that time, the President promised to take our concerns into the trade negotiations and make them a priority. Like most of his promises over the past 4 years, this one, too, seems to have been broken. The U.S. Trade Representative talked about parallel negotiations on environmental and labor issues for NAFTA. These negotiations have either not taken place or they have been meaningless, so far.

I believe that the United States should be a world leader in setting standards. That means upholding our own laws, as well as encouraging some of our goals globally. These negotiations should be an opportunity to improve the lives of people not only in the countries that are our trading partners, but also in our own country. Ultimately, loosening our standards only brings down the quality of life world-wide. That is not what I believe leadership should be.

This House should go firmly on the record in setting the course of our trade negotiations and goals. We know what the American people want, we should insist that the administration respect their concerns in the trade negotiation process. I urge my colleagues to support this important resolution.

Mr. GEPHARDT. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 246 and want to commend Representatives COLLINS, DINGELL, GIBBONS, and ROSTENKOWSKI for their support in moving this legislation. I also want to recognize the efforts of HENRY WAXMAN, the bill's sponsor, the Citizen Trade Watch/Fair Trade Campaign and especially Public Citizen for their tireless effort at getting this legislation before us today.

This legislation sends an important message to President Bush: Congress will not accept trade agreements, and I quote, "if such agreement jeopardizes United States health, safety, labor, or environmental laws." Its message is simple: we want trade agreements that put people first.

The Bush administration has been negotiating for 6 years at the GATT and for more than a year with Mexico and Canada to reach new, far-reaching trade agreements.

Although the GATT has failed to bear fruit, we can learn an important lesson from where the negotiations have been leading and what decisions panels have made.

A GATT panel ruled that our law to protect dolphins—which is applied here at home and on imports—is an illegal restriction on free trade. Essentially, the GATT has told us that we can't protect the world's environment—even if we apply the law equally to United States and foreign fisherman. Similar efforts to protect endangered species, the oceans and the ozone layer would be in jeopardy. That's just plain wrong.

Additionally, our laws on health, safety, labor and other important areas could come under attack—attack from countries whose standards are lower than ours and who wish to sell their products no matter what the cost to our planet and our people. The United States must be a catalyst for change, not its victim.

We have fought too long, and too hard for the standard of living and quality of life that we have. We must not let President Bush compromise our future—that's what this legislation says today.

The President, as I've said, has also been engaged in negotiating with the Mexican and Canadian Governments to reach a North American Free-Trade Agreement.

Although the veil of secrecy will soon be lifted as the negotiations near conclusion on this agreement, it's vital that we tell the President and his people that in the rush to conclude an agreement before the election, we will not jeopardize our laws. We will not sacrifice our laws and standards on the altar of free trade. Rather, as in the GATT, we should use the power of our economy to get others to change, to raise their standards to ours.

It seems we may have some new converts to supporting this legislation, and I welcome their support. The message they send here today by supporting this bill will guide our analysis and votes on the agreements the President may sign. This bill draws a line in the sand and says, don't cross it, because Congress won't let our people down.

Mr. ARCHER. Mr. Speaker, completing and implementing a solid North American Free-Trade Agreement is an issue which will require us to set aside partisan differences and take bold action on behalf of the American people.

The Governments of the United States, Canada, and Mexico are very near completing a historic negotiation that will link three of the largest and most dynamic economies in the world. This negotiation has nearly the breadth of the Uruguay round, and covers an exhaustive range of issues. These include familiar trade barriers, such as tariffs and quotas, as well as newer issues such as services trade, protection of intellectual property rights, and guarantees of trade-related investment opportunities.

In addition, the NAFTA negotiations have given unprecedented attention to the protection and enhancement of each country's laws on environmental, health and safety, and labor standards. These goals and objectives have been developed and pursued jointly by Congress and the administration.

Business, environmental and consumer groups also have been closely consulted. Congress has reviewed and reaffirmed the course of the negotiations on numerous occasions along the way.

There should be no doubt that the President is committed to reaching an agreement which will not weaken our environmental laws, or diminish our rights to protect the health and safety of Americans.

The resolution before us today is but another statement expressing the sense of the Congress about the importance of the NAFTA in protecting U.S. health, safety, labor and environmental laws.

Trade agreements should not weaken these laws, but enhance them. In fact, NAFTA is essential if such laws are to be guaranteed on both sides of the border.

House Concurrent Resolution 246 is consistent with the commitments made by the President to the Congress on May 1 of last year and reflects the importance he places on seeing a good NAFTA agreement achieved in which our country can take pride.

In his letter of May 1, among other commitments, the President pledged to work with President Salinas of Mexico to strengthen environmental protection on both sides of the border and to expand United States-Mexico cooperation on labor standards and worker rights. These goals are to be achieved both within the agreement and in parallel talks.

The roles of the Congress and the President in trade negotiations are inexorably tied.

It is a partnership uniquely provided for under our Constitution. This is what gives our country strength at the negotiating table and the leading role among all nations in constructing and enforcing international trade disciplines.

Now we are nearing the end of the negotiations and we must review the results and decide whether the completed NAFTA agreement can lead us into the 21st century as a vibrant and competitive nation. I believe the answer is clearly "yes".

Some will continue to exploit the process for selfish gain. Some will want to try frantically to move the goal post so that the touchdown will never be made. Some will want to bemoan that the glass is half empty and look with fear toward the future.

However, those that know the responsibilities of governance will clearly see the great successes in the NAFTA negotiations and the tremendous potential for the United States of entering into such an agreement.

Mr. Speaker, a good NAFTA agreement can bring the contents of the glass to overflowing for the American economy and all our citizens. I look forward to continuing to work with the President on these important negotiations and to the implementing process once the talks are concluded.

Ms. LONG. Mr. Speaker, I rise in strong support of the Waxman-Gephardt resolution. Those of us in support of Waxman-Gephardt are not opposed to trade agreements. In fact, we want to support trade agreements that provide jobs for American men and women, that open markets and that strengthen our economy.

But, we will not support trade agreements that undermine the very laws we in this body have enacted to affect health and safety, the environment, agriculture and manufacturing policy.

Specifically, many of us are concerned that the NAFTA and the GATT will grant immense power to international trade panels who will meet in secret to settle disputes and oversee enforcement provisions. According to CRS, such procedures as currently exist in the GATT text would make it virtually impossible for the United States to stop a trade panel ruling calling for a change to one of our laws. It is also my understanding that NAFTA, too, would permit a party to a dispute to choose this flawed GATT dispute settlement mechanism.

We are elected to represent the views of the people of our districts. Mexico, Canada, and Switzerland may be nice places to visit, but when we need input on domestic policy, we should be most concerned with what the people from our districts want, and the laws for our people should be made by those of us whom they elected.

I urge support of the Waxman-Gephardt resolution.

Mr. McMILLAN of North Carolina. Mr. Speaker, while I spoke against this resolution in committee as unnecessary, I will not oppose it.

House Concurrent Resolution 246 passed the Energy and Commerce Committee with our absence of zeal for or against it. It apparently passed the Ways and Means Committee in a gesture of bipartisanship, and the administration now accepts legislative support for what it has repeatedly promised to do.

During the Energy and Commerce Committee's consideration of House Concurrent Resolution 246, I expressed my concern that this resolution would be used not as a means of furthering our interest in environmental protection, but for trade protectionism. I remain somewhat concerned with the possibility that support of this resolution will be exploited by those opposed to fair trade to defeat future trade agreements regardless of their merits.

However, I also understand the need to firmly state that fair trade does not have to adversely impact U.S. health, safety, labor, and environmental laws. During the consideration of fast-track legislation, I supported House Resolution 146, which states that the NAFTA must maintain strict health and safety standards and must be accompanied by a joint program to address environmental conditions on the border.

During the House's consideration of the Clean Air Act in 1990, I, in conjunction with Representative SWIFT, was successful in attaching a provision which requires the President to submit to Congress a report examining the differences in environmental standards maintained by parties to international trade agreements and to evaluate the effect of those differences on economic competitiveness. The provision also requires the administration to develop a strategy for addressing these differences. A preliminary report has been made. However, I have been anxiously awaiting the final report which was due May 15, 1992. I have been waiting for over 2 months. I urge the administration to complete this report at once.

The administration has repeatedly stated that it would send to Congress no trade agreements which jeopardizes U.S. environmental, safety, labor, or health laws. Specifically, the President promised on May 1, 1991, that the United States will not agree to weaken U.S. environmental and health laws as part of the free-trade agreement and that enforcement of our laws will be maintained.

I hope the administration will take this opportunity not only to restate its commitment to environmental issues as an essential part of trade negotiations, but also reinvigorate its consideration of the effect of varying environmental standards on competitiveness and how it proposes to deal with them.

Mr. REED. Mr. Speaker, I rise in strong support of House Concurrent Resolution 246.

I cosponsored this resolution for a number of reasons. But first and foremost, I believe that any expansion of the international sector of our economy should not come at the expense of America's workers, environment, or consumers.

Congress has an obligation to ensure that the American ideals of a clean environment, a safe workplace, honest wages for an honest day's work, and consumer protection are not swept aside during the rush to create a worldwide trade network.

House Concurrent Resolution 246 urges the President to negotiate a General Agreement of Tariffs and Trade [GATT] that does not jeopardize the health, safety labor, and environmental laws America has enacted to protect these ideals.

The case of the United States ban on tuna imports from Mexico, Venezuela, and Vanuatu demonstrates what happens when America laws and ideals come into conflict with international trade rules. In an effort to protect Dolphins from needless slaughter and in accordance with the Marine Mammal Protection Act, the United States banned tuna exports from these nations. However, a GATT panel ruled that our ban violated GATT rules. Today, the case remains unresolved, but it demonstrates what can happen if trade agreements do not permit one nation to maintain its high-level of concern for the environment.

House Concurrent Resolution 246 also touches on the current North American Free-trade Agreement negotiations and lets the President know that NAFTA will not receive our support unless it respects American environmental, labor, consumer, health, and safety concerns. As many know, the current drafts of NAFTA fall short in a number of these areas.

Trade agreements should mean a chance for decent jobs at home, not an invitation to export jobs to countries that ignore their responsibilities to workers, consumes, and the environment.

Mr. Speaker, I urge by colleagues to join me in supporting House Concurrent Resolution 246 and in sending a strong signal to the President that we will not jeopardize America's existing laws.

Mr. MATSUI. Mr. Speaker, I rise today in support of the Gephardt-Waxman resolution to reject any trade agreement that jeopardizes U.S. health, safety, labor, or environmental laws. I feel it is imperative, particularly in light of the almost completed North American Free-Trade Agreement, that we maintain our commitment to providing adequate protection for U.S. workers, farmers, and the environment. Without such protections, trade agreements will only serve to aid our trading partners at substantial U.S. cost—and that is unacceptable.

I have long been a believer in free trade, Mr. Speaker. The international market is developing in leaps and bounds, and the United States cannot afford not to be a part of that market. Protectionist proposals threaten to isolate this country and further decrease our already waning competitiveness. For that reason, I supported continuing fast track procedures last year. I felt that we should empower our negotiators to formulate the best agreement possible with our trading partners to secure strong U.S. participation and cooperation in the international market.

At the time that I supported fast track, the administration committed to Congress that it would pursue parallel negotiations regarding worker retraining, environmental cleanup, increased environmental and labor standards. Yet, I keep hearing that these issues are falling from the administration's priority list. Likewise, it is my understanding that the GATT text fails to uphold U.S. food, technical, and environmental standards.

I must reiterate that, while I believe in the importance of free trade and U.S. participation in the world market, trade agreements must not be achieved at the expense of decreased U.S. standards. The United States has long been internationally respected as a world leader and an economic powerhouse—we did not achieve that status through weak standards or by ignoring our workers and our environment. We must make it a priority to retain our standards and our status as a world leader—and not succumb to lower standards and the role of a follower.

Mr. HAYES of Illinois. Mr. Speaker, I rise in support of House Concurrent Resolution 246. This trade resolution declares that Congress will not support or accept any trade agreements which would jeopardize U.S. health, safety, labor, or environmental laws. Under the administration's most recent North American Free-Trade Agreement draft no attention has been paid to environmental pollutions, infrastructure, worker adjustment programs, human and labor rights. In fact, it is my understanding that U.S. trade negotiators have decided to leave those issues in the hands of the private sector. Without certain worker and environmental safeguards this corporate trade dream will turn into a social and economic nightmare for our increasingly vulnerable American workers, who not only pay taxes to this Nation, but also contribute to the consumption of goods in this country.

Mr. Speaker, in the face of a stagnant economy, and declining wages, our President is knowingly dealing a horrible hand to the workers of America. He has no interest in protecting the environment, worker health and safety matters, communities, nor family adhesiveness or preservation for either American or Mexican workers. It is evident that he wants to further the financial greed of corporations and businesses at the expense of American workers and their families. The President seeks to implement a NAFTA which would ultimately put American workers out on the streets with no job and no health care benefits.

My colleagues, I urge you to support this resolution which would provide Congress a voice to help protect American citizens from

environmental destructions, safety and health problems, and labor and human rights violations. Mr. Speaker, this is a necessary measure. In the name of the American family and society, I ask that Congress adopt this resolution.

Mr. SERRANO. Mr. Speaker, last year I stated in this House that free trade could be the next best thing for this country's economy, but only if the agreement is balanced. I recognize the importance of promoting economic recovery which will serve to strengthen our own position in the global economy, but at what cost?

With unemployment at a 10-year high of 7.8 percent, it is understandable that American workers are anxious about the possible effects of expanded trade with our neighbors without protective guidelines. According to leading economists more than 10 million American jobs could be lost in the 1990's under an unrestricted agreement.

How much more can we ask the American people to sacrifice? Companies in search of high profits and low wages are only too willing to abandon cities and towns across this Nation. My home State, New York, has been hit hard. The nationwide recession that began in the Northeast continues to demolish communities and families. We have been losing manufacturing jobs at an alarming rate, as businesses close down and relocate. Smith Corona is the latest company to leave upstate New York and move to Mexico, eliminating 700 jobs.

What American dislocated workers need are trade adjustment assistance, retraining programs, and replacement jobs. We in Congress must act upon these concerns.

Mr. Speaker, I always find it ironic how we find resources to send our highly skilled professionals to rebuild the infrastructure of Kuwait and bail out the former Soviet Union. However, when we develop programs to bail out our cities, educate our youth, insure the elderly and the working, the response is a deafening silence.

I urge my colleagues to vote for the Gephardt-Waxman resolution, which will only confirm our commitment to American workers.

Mr. CONYERS. Mr. Speaker, the debate on House Concurrent Resolution 246 is whether or not we can allow our national sovereignty to be compromised and the welfare of the citizens of this country to be threatened.

I support House Concurrent Resolution 246 because of my heartfelt conviction that the Congress must reject any trade agreement that guts important United States and international health, safety, labor, and environmental laws in the interest of expanded trade. This resolution expresses the sense of Congress that we will not approve the Uruguay round of the General Agreement on Tariffs and Trade [GATT], the North American Free Trade Agreement [NAFTA], or any other trade agreement unless U.S. laws protecting human rights, global resources, and plant, animal, and human health and safety are upheld.

House Concurrent Resolution 246 is in response to last year's GATT dispute resolution panel ruling that declared a critical U.S. environmental law protecting several threatened species of dolphin an illegal barrier to trade, and undercut every nation's right and responsibility to conserve and protect global resources beyond its borders.

The Marine Mammal Protection Act of 1972 banned the importation into the United States of tuna caught using a technique that was also responsible for the deaths of large numbers of dolphins. Mexico, one of three countries whose tuna exports were restricted under this law, filed a challenge before the GATT in February 1991 arguing that it limited free trade of Mexican tuna.

In August 1991, the dispute resolution panel of the GATT announced that the restrictive provisions of Marine Mammal Protection Act of 1972 were illegal under the GATT. The panel also determined that no nation had the right to consider how the products it imports are produced, manufactured, or harvested; and that no nation may have any law to protect health, safety, the environment, or a species outside of its own geographic territory if that law could also impact trade.

If this panel opinion is adopted by the full GATT Council, we, the Congress, will be required to eliminate certain provisions of the Marine Mammal Protection Act to come into compliance with the GATT. In fact, we will likely be required to gut several of our environmental laws including provisions that protect the ozone layer and provisions that protect endangered plants, animals, and marine life. We will also have to gut health, safety, and labor laws that protect human life.

The sanctions that we put in place against South Africa would be in violation of international trade law and therefore prohibited. Do the Members know why? Because their egregious human rights abuses did not take place on our shores. The GATT would supersede any and all U.S. laws that seek to protect and improve the human condition and the condition of our planet if they conflict with the expansion of trade.

If we refuse to change our laws the United States will be in violation of the GATT and could face international sanctions as a punishment. This is unconscionable. Please Mr. Secretary of State, please Madam Ambassador, please Madam Secretary of Commerce, wake up. If we do not use our markets to change unacceptable behavior, what other recourse is there but a trade war?

House Concurrent Resolution 246 calls for the President to initiate and complete negotiations to make the GATT compatible with U.S. health, safety, labor, and environmental standards that serve to protect global interests, both within and without our geographic borders. In addition, this resolution expresses our commitment to reject any trade agreement that undermines existing U.S. health, safety, labor, and environmental protections simply to reduce barriers to trade.

I urge my colleagues to support the passage of this resolution and communicate our resolve to our President and to the international community.

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

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

The SPEAKER pro tempore (Mr. TORRES). Pursuant to House Resolution 542, the previous question is ordered.

The question is on the concurrent resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 362, nays 0, not voting 72, as follows:

[Roll No. 376]

YEAS—362

Abercrombie	DeLay	Hunter
Alexander	Derrick	Hutto
Allard	Dicks	Hyde
Allen	Dingell	Inhofe
Anderson	Dixon	Jacobs
Andrews (ME)	Donnelly	James
Andrews (NJ)	Dooley	Jenkins
Andrews (TX)	Doolittle	Johnson (CT)
Applegate	Dornan (CA)	Johnson (SD)
Archer	Downey	Johnson (TX)
Armey	Dreier	Johnston
Aspin	Duncan	Jontz
Atkins	Durbin	Kanjorski
AuCoin	Dymally	Kaptur
Bacchus	Eckart	Kasich
Baker	Edwards (CA)	Kennedy
Ballenger	Edwards (TX)	Kennelly
Barrett	Emerson	Kildee
Barton	Engel	Kleczka
Bateman	English	Klug
Bellenson	Erdreich	Kolbe
Bennett	Espy	Kopetski
Bentley	Evans	Kostmayer
Bereuter	Fascell	Kyl
Berman	Fawell	LaFalce
Bilbray	Fazio	Lagomarsino
Bilirakis	Feighan	Lancaster
Blackwell	Fields	Lantos
Bliley	Fish	LaRocco
Boehlert	Flake	Laughlin
Boehner	Foglietta	Leach
Bonior	Ford (MI)	Lehman (CA)
Borski	Franks (CT)	Lent
Boucher	Frost	Levin (MI)
Brewster	Gallo	Lewis (CA)
Brooks	Gekas	Lewis (GA)
Browder	Gephardt	Lightfoot
Brown	Geren	Lipinski
Bruce	Gibbons	Livingston
Bunning	Gilchrest	Lloyd
Burton	Gillmor	Long
Bustamante	Gilman	Lowery (CA)
Byron	Gingrich	Lowey (NY)
Callahan	Glickman	Machtley
Camp	Gonzalez	Manton
Campbell (CO)	Goodling	Markey
Cardin	Goss	Marlenee
Carper	Gradison	Martinez
Carr	Grandy	Matsui
Chandler	Gunderson	Mavroules
Chapman	Hall (TX)	Mazzoli
Clay	Hamilton	McCandless
Clinger	Hammerschmidt	McCloskey
Coble	Hancock	McCollum
Coleman (MO)	Hansen	McCurdy
Coleman (TX)	Harris	McDermott
Collins (IL)	Hayes (IL)	McGrath
Collins (MI)	Hayes (LA)	McHugh
Combest	Hefley	McMillen (MD)
Condit	Hefner	Meyers
Conyers	Henry	Mfume
Cooper	Herger	Michel
Costello	Hoagland	Miller (CA)
Cox (IL)	Hobson	Miller (OH)
Coyne	Hochbrueckner	Miller (WA)
Cramer	Holloway	Mineta
Crane	Hopkins	Mink
Cunningham	Horn	Moakley
Dannemeyer	Houghton	Molinari
Darden	Hoyer	Mollohan
de la Garza	Hubbard	Montgomery
DeFazio	Huckaby	Moody
DeLauro	Hughes	Moorhead

Moran
Morella
Mrazek
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nussle
Oakar
Oberstar
Olin
Olver
Ortiz
Orton
Owens (NY)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Sikorski
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walker
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—72

Ackerman
Annunzio
Anthony
Barnard
Bevill
Boxer
Broomfield
Bryant
Campbell (CA)
Clement
Coughlin
Cox (CA)
Davis
Dellums
Dickinson
Dorgan (ND)
Dwyer
Early
Edwards (OK)
Ewing
Ford (TN)
Frank (MA)
Gallegly
Gaydos
Gejdenson
Gordon
Green
Guarini
Hall (OH)
Hastert
Hatcher
Hertel
Horton
Ireland
Jefferson
Jones (GA)
Jones (NC)
Kolter
Lehman (FL)
Levine (CA)
Lewis (FL)
Luken
Martin
McCrery
McDade
McEwen
McMillan (NC)
McNulty
Morrison
Murphy
Murtha
Nowak
Obey
Owens (UT)
Pursell
Quillen
Rangel
Rohrabacher
Schulze
Shuster
Sisisky
Smith (FL)
Solarz
Stark
Towns
Traxler
Vander Jagt
Vucanovich
Weber
Wilson
Yates
Yatron

□ 2103

So the current resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. HASTERT. Mr. Speaker, I had to miss two rollcall votes last Thursday evening because I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall vote No. 375 and I would have voted "aye" on rollcall vote No. 376.

MAKING IN ORDER ON TUESDAY, AUGUST 11, 1992, CONSIDERATION OF CONFERENCE REPORT AND AMENDMENTS IN DISAGREEMENT ON H.R. 5487, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that it be in order on Tuesday, August 11, 1992, to consider a conference report and amendments reported from conference in disagreement on 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, and that the conference report, amendments in disagreement, and motions printed in the joint explanatory statement of the committee of conference to dispose of disagreements reported from conference be considered as read.

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

There was no objection.

ESTABLISHING A JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H.Con.Res. 192) to establish a Joint Committee on the Organization of Congress, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert:

SECTION 1. ESTABLISHMENT OF COMMITTEE.

(a) ESTABLISHMENT AND MEMBERSHIP.—There is established an ad hoc Joint Committee on the Organization of the Congress (referred to as the "Committee") to be composed of—

(1) 12 members of the Senate—

(B) 6 to be appointed by the Minority Leader; and

(2) 12 members of the House of Representatives—

(A) 6 to be appointed by the Speaker; and

(b) 6 to be appointed by the Minority Leader.

(b) EX OFFICIO MEMBERS.—The Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives shall be ex officio members of the Committee, to serve as voting members of the Committee. Ex officio members shall not be counted for the purpose of ascertaining the presence of a quorum of the Committee.

(c) ORGANIZATION OF COMMITTEE.—(1) A chairman from each House shall be designated from among the members of the Committee by the Majority Leader of the Senate and the Speaker of the House of Representatives.

(2) A vice chairman from each House shall be designated from among the members of the Committee by the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(3) The Committee may establish subcommittee comprised of only members from one House. A subcommittee comprised of members from one House may consider only matters related solely to that House.

(4)(A) No recommendation shall be made by the Committee except upon a majority vote of the members representing each House, respectively.

(B) Notwithstanding subparagraph (A), any recommendation with respect to the rules and procedures of on House which only affects matters related solely to that House may only be made and voted on by the members of the committee from that House, and, upon its adoption by a majority of such members, shall be considered to have been adopted by the full committee as a recommendation of the committee. Once such recommendation is adopted, the full committee may vote to make an interim or final report containing such recommendation.

SEC. 2. STUDY OF ORGANIZATION AND OPERATION OF THE CONGRESS.

(a) IN GENERAL.—The Committee shall—

(1) make a full a complete study of the organization and operation of the Congress of the United States; and

(2) recommend improvements in such organization and operation with a view toward strengthening the effectiveness of the Congress, simplifying its operations, improving its relationships with and oversight of other branches of the United States Government, and improving the orderly consideration of legislation.

(b) FOCUS OF STUDY.—The study shall include an examination of—

(1) the organization and operation of each House of the Congress, and the structure of, and the relationships between, the various standing, special, and select committees of the Congress;

(2) the relationship between the two Houses of Congress;

(3) the relationship between the Congress and the executive branch of the Government;

(4) the resources and working tools available to the legislative branch as compared to those available to the executive branch; and

(5) the responsibilities of the leadership, their ability to fulfill those responsibilities, and how that relates to the ability of the Senate and the House of Representatives to perform their legislative functions.

SEC. 3 AUTHORITY AND EMPLOYMENT AND COMPENSATION OF STAFF.

(a) AUTHORITY OF COMMITTEE.—The Committee, or any duly authorized subcommittee thereof, may—

(1) sit and act at such places and times as the Committee, or any duly authorized subcommittee thereof, determines are appropriate during the sessions, recesses, and adjourned periods of Congress; and

(2) require the attendance of witnesses and the production of books, papers, and documents, administer oaths, take testimony, and procure printing and binding.

(b) APPOINTMENT AND COMPENSATION OF STAFF.—(1) The Committee may appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable, but shall utilize existing staff to the extent possible.

(2) The Committee may utilize such voluntary and uncompensated services as it deems necessary and may utilize the services, information, facilities, and personnel of the General Accounting Office, the Office of

Technology Assessment, the Congressional Research Service of the Library of Congress, and other agencies of the legislative branch.

(3) The members and staff of the Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Committee, other than expenses in connection with meetings of the Committee held in the District of Columbia during such times as the Congress is in session.

(c) WITNESSES.—Witnesses requested to appear before the Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in traveling to and from the places at which they are to appear.

(d) EXPENSES.—

(1) SENATE.—(A) The Senate members of the Committee shall submit a budget of expenses allocable to the Senate to the Committee on Rules and Administration of the Senate. The Committee may expend for expenses allocable to the Senate not to exceed $250,000 from the Contingent Fund of the Senate subject to approval by the Committee on Rules and Administration until a Committee funding resolution is approved by the Senate or, if no funding resolution is approved, until March 1, 1993.

(B) The expenses of the Committee allocable to the Senate shall be paid from the contingent fund of the Senate, upon vouchers signed by the Senate chairman.

(2) HOUSE OR REPRESENTATIVES.—Notwithstanding any law, rule, or other authority, there shall be paid from the contingent fund of the House of Representatives such sums as may be necessary for one-half of the expenses of the committee, with not more than $250,000 to paid with respect to the second session of the One Hundred Second Congress. Such payments shall be made on vouchers signed by the House of Representatives cochairman of the committee and approved by the Committee on House Administration of the House of Representatives. Amounts made available under this paragraph shall be expended in accordance with regulations prescribed by the Committee on House Administration of the House of Representatives.

SEC. 4 COMMITTEE REPORT.

(a) REPORT.—The Committee shall report to the Senate and the House of Representatives the result of its study, together with its recommendations, not later than December 31, 1993.

(b) RECESS OR ADJOURNMENT.—If the Senate, the House of Representatives, or both, are in recess or have adjourned, the report shall be made to the Secretary of the Senate or the Clerk of the House or Representatives, or both, as the case may be.

(c) REFERRAL.—All reports and findings of the Committee shall, when received, be referred tot he appropriate committees of the Senate and the appropriate committees of the House of Representatives.

SEC. 5. CONDUCT OF COMMITTEE BUSINESS.

The Committee shall not conduct any business prior to November 15, 1992.

Attest:

Secretary.

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

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

There was no objection.

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

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, I do not intend to object, but I take this reservation for the purpose of allowing the distinguished chairman of the Committee On Rules to explain the request and the amendment in which the gentleman would have the House concur.

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

Mr. SOLOMON. I am happy to yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, as the gentleman knows, the House passed House Concurrent Resolution 192 on June 18, 1992. On July 30, the Senate passed the measure with an amendment in the nature of a substitute. The amendment struck section 5 of the House-passed version. Section 5 would have permitted the House membership of the joint committee to report recommendations to our respective caucuses by November 6 of this year for changes in the Rules of the House for the 103d Congress. In its place, the Senate inserted a new section 5 that prohibits the joint committee from conducting "any business prior to November 15th" of this year. It is my understanding that this amendment is acceptable to both sides as the joint committee would still be free to commence organizing activities immediately upon passage of this resolution.

Mr. SOLOMON. Mr. Speaker, further reserving the right to object, I want to take this time to explain my support for the gentleman's request subject to his response and that of the author of the resolution to a couple of questions.

Mr. Speaker, the creation of this joint committee to recommend changes in the operation of Congress is long overdue, as we all know. This resolution was first introduced by the gentleman from Indiana [Mr. HAMILTON], and the gentleman from Ohio [Mr. GRADISON] back on July 31, of last year.

It was finally reported from the Rules Committee on June 5, of this year with a bipartisan amendment in the nature of a substitute and went on to pass the House on June 18, by a vote of 412 to just 4 nay votes. Over a month later, on July 30, to be precise, it was finally passed by the other body by voice vote with one significant change.

The other body struck my amendment, which was section 5 as adopted by the House—a provision that would permit the House membership of the joint committee to report recommendations to our respective caucuses by November 6, of this year for changes in the Rules of the House for the 103d Congress.

In its place, the other body inserted a new section 5 that prohibits the joint committee from conducting "any business prior to November 15 of this year."

I have taken this reservation to express my deep disappointment that a provision that only applied to the House, our body, was excised arbitrarily by the other body. But I am willing to support this resolution under certain understandings in response to two questions which I invite Chairman MOAKLEY and/or Mr. HAMILTON and Mr. GRADISON to answer. Perhaps it would be better for the original sponsors of the bill, the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Ohio [Mr. GRADISON] to answer.

First, is it your understanding, given the legislative history made in the other body by the author of the substitute, that nothing in section 5 will prevent the joint committee from organizing prior to November 15, provided that it conducts no other business prior to that date?

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

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

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding to me. I especially want to thank him for the cooperation he has shown throughout consideration of this matter.

The answer to the gentleman's question is yes. According to Senator BOREN's statement on the Senate floor during consideration of the substitute for House Concurrent Resolution 192, and I quote that statement now:

> In order to avoid being politicized by the election season, the joint committee will begin official business, including voting and the holding of hearings, after November 15; but I am assured by the Rules Committee staff that the language of the resolution would allow for organizing activities, including the hiring of staff, to commence immediately upon passage of the resolution.

□ 2110

So the answer to the question asked by the gentleman from New York [Mr. SOLOMON] is "yes." Given this legislative history, there is nothing in section 5 that would prevent the joint committee from organizing prior to Novem ber 15.

Mr. SOLOMON. I thank the gentleman. That is the kind of answer I think we all wanted.

May I ask, if I could, the ranking member, the gentleman from Ohio [Mr. GRADISON], the vice chairman of the committee, if he agrees with that response?

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

Mr. SOLOMON. I yield to the gentleman from Ohio.

Mr. GRADISON. I thank the gentleman for yielding to me.

Mr. Speaker, I concur fully with the explanation given by the distinguished gentleman from Indiana.

Mr. SOLOMON. I thank the gentleman.

I would ask both gentlemen again: Is it your understanding that nothing in this resolution would prevent the House membership, that is our side

over here in the House of Representatives, the membership of the joint committee from making recommendations for changes in House rules to our respective party caucuses prior to their organizational meetings in early December, if there was some kind of agreement? I yield to the gentleman for that purpose.

Mr. HAMILTON. The answer to the gentleman's question is "yes," as long as no hearing or votes are held before November 15.

Mr. SOLOMON. Does the gentleman concur?

Mr. GRADISON. The gentleman is entirely correct.

Mr. SOLOMON. Finally, is it the intention of the authors of this resolution, should they be appointed as chairman and vice chairman of the joint committee—and I certainly hope they are—to at least consider possible recommendations for changes in the House rules on our side here only prior to the December caucus meetings? I yield to the distinguished gentleman from Indiana.

Mr. HAMILTON. Like the gentleman from New York, I hope the joint committee can begin consideration of possible reform recommendations as soon as possible, ideally before the caucus meetings in December, with two caveats: First, the reform process should be open and inclusive, with a maximum level of participation.

The joint committee's timetable should be a collective decision with all members of the joint committee participating. After all, included among the membership will be the majority and minority leaders of each Chamber as well as other distinguished Members of Congress. Thus, I want to avoid exact predictions about the timetable of reform, if it should be that I was selected as the cochairman. That matter will be settled by the joint committee as a whole and the members have not, as you know, been selected.

The second caveat: I hope that the reform process will be careful and systematic. Only 2 weeks' time will be available for committee consideration after November 15 and before the caucus meetings at the beginning of December. I do not know if that is sufficient time to get the members of the joint committee together and conduct the deliberations necessary to produce recommendations.

Mr. SOLOMON. I certainly want to thank the gentleman. I again ask the gentleman from Ohio if he concurs in that statement.

Mr. GRADISON. I do concur. I think we have to recognize that when we initially introduced this proposal in July of last year, we had hoped we would be much farther along by the time the House organizes for the next session. We may turn out to be, so I do not want to raise any false hopes; the reality is there is not a lot of time between now and then to allow us to focus on these issues. Certainly, it would be my hope that we would move as far ahead as we can. It would also be my hope, I would say to the gentleman from New York, that if it did not prove possible—I stress if it did not prove possible—for the new group to give a comprehensive set of recommendations to the House of Representatives, it would certainly be desirable in my mind when rules are adopted for the next Congress that they either be for, say, a year so there is a requirement that they be reexamined, or if they are for 2 years, that it be done with the clear understanding and expression that there is an awareness that this group may be coming in with some recommendations and that nothing that would be involved in the adoption of the rules for, let us say, the 2 years, would stand in the way of reexamining them in light of our recommendations.

Mr. SOLOMON. Well, let me just say to both of you gentlemen I most certainly hope that the Speaker and minority leader do see fit to appoint the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Ohio [Mr. GRADISON] as chairman and cochairman of this commission. It is badly needed. We all have a great deal of respect for both of you, and I would hope that the gentleman from Massachusetts [Mr. MOAKLEY], the chairman of the Committee on Rules, with a great deal of expertise in this area, and myself as ranking Republican, could also serve with you. We hope something good will come out of this. I have a lot of faith in both of you gentleman that it will.

Having said that, with those assurances, Mr. Speaker, I withdraw my reservation of objection and urge support of the request of our chairman.

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

There was no objection.

A motion to reconsider was laid on the table.

TIMETABLE FOR AMENDMENTS TO CHILD SAFETY PROTECTION AND CONSUMER PRODUCTS COMMISSION IMPROVEMENT ACT

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

Mr. MOAKLEY. Mr. Speaker, the Committee on Rules plans to meet during the week of August 10, 1992, to take testimony on the Child Safety Protection and Consumer Products Commission Improvement Act. A request will be made for a rule that would require amendments be printed in the CONGRESSIONAL RECORD prior to consideration of H.R. 4706. It is anticipated that the House will proceed to consideration of the bill during the week of September 7. Therefore, to fully protect their rights, Members should have their amendments printed in the CONGRESSIONAL RECORD prior to beginning debate on H.R. 4706 during that week. This should allow Members ample time to prepare and file their amendments.

COMMERCIAL SPACE COMPETITIVENESS ACT OF 1991

Mr. HALL of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the bill (H.R. 3848) to encourage the growth and development of commercial space activities in the United States, and for other purposes, and ask for its immediate consideration in the House of the bill, as reported by the Committee on Science, Space, and Technology.

The Clerk read the title of the bill.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so so that the gentleman from Texas may explain the bill that he is bringing to the floor by unanimous consent.

Mr. Speaker, I yield to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. I thank the gentleman from Pennsylvania. I also thank the gentleman from Pennsylvania for his input into the bill. Many parts of this bill were written, encouraged, and passed by the gentleman from Pennsylvania and others of the committee.

Actually, H.R. 3848 is designed simply to encourage the growth of commercial space business by taking advantage of the tremendous purchasing power of the U.S. Government. I think since the Government buys about 90 percent of the space goods, it is logical we encourage the use of commercial space products. That is basically what this bill does, it removes impediments for such purposes.

I offer a letter from the Committee on Armed Services signed by the gentleman from Wisconsin [Mr. ASPIN].

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, July 29, 1992.

Hon. GEORGE E. BROWN, Jr.,
Chairman, Committee on Science, Space, and Technology, U.S. House of Representatives, Washington, DC.

DEAR GEORGE: It is our understanding that you would like to consider on the House floor prior to the August recess, H.R. 3848, the Commercial Space Competitiveness Act, which was ordered reported by your committee on July 1, 1992.

Although the Armed Services Committee, to which the bill was referred jointly, has not had an opportunity to hold hearings on this bill or report it, we have reviewed the provisions of the bill as reported from your committee which fall within the jurisdiction of this committee. We appreciate the changes you made in full committee to re-

flect discussions between our staffs. However, we are still concerned over the inclusion of Title III, Use of Missile Assets for Space Launch, and believe that it should be dropped from the bill in order to allow our committee the opportunity to fully explore the ramifications of using missiles that are excess to military requirements.

In the interest of expediting consideration of H.R. 3848, we would have no objection to your bringing this bill up under suspension of the rules if Title III is dropped.

In allowing consideration of this bill without it being formally considered by the committee, we are in no way waiving any subsequent jurisdiction over this issue nor our right to be conferees on H.R. 3848.

We would also appreciate your including a copy of this letter in any report you intend to file, or if it that is not possible, in the Congressional Record during consideration of this bill.

Sincerely,

LES ASPIN,
Chairman.

WILLIAM L. DICKINSON,
Ranking Minority Member.

RONALD V. DELLUMS,
Chairman, Subcommittee on Research and Development.

ROBERT W. DAVIS,
Ranking Minority Member, Subcommittee on Research and Development.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I rise in support of H.R. 3848, the Commercial Space Competitiveness Act of 1992. Developed on a bipartisan basis with Chairman HALL and Chairman BROWN, this bill will take incremental, but nonetheless important, steps toward ensuring that the United States be competitive in the one area that has the unlimited potential—space.

Throughout our history as man has expanded his horizons through the natural instinct to explore, economic activity has followed his curiosity.

The United States must start to look to the future to position itself to meet the global competition that is already fierce in the space transportation industry.

The bill before us will continue the launch insurance program that enables the U.S. commercial space transportation industry to continue to function.

It will require that all areas of the Government procure when practicable launches from the commercial sector.

The bill will also encourage the development of a new infrastructure needed to support a modern and safe American space launch industry.

This legislation also provides incentives to small entrepreneurs to provide launch and launch-support services to the Federal Government, although the needed termination liability to guarantee that these entrepreneurs will have a safety net in case the Government for fiscal reasons cannot meet its contractual obligations.

Again, I appreciate the majority's willingness to work with us on this measure and urge the adoption of this bill.

Mr. BROWN. Mr. Speaker, H.R. 3848, the Commercial Space Competitiveness Act of 1992, represents a bipartisan set of proposals to encourage commercial space activities in the United States.

Commercial space activities have been an important part of our Nation's civil space program since the 1960's. The first commercial space business, communications satellites, now accounts for over $4 billion in revenues and provides vital services such as distribution of broadcast and cable television programming, international telecommunications to areas not served by undersea cables, and networks for business telecommunications.

While the communications satellite business prospers without a significant U.S. Government market or close involvement with Government space programs, the other main areas of space business activity—launch vehicles and remote sensing—both depend much more strongly on Government markets and Government policies. Although the Department of Commerce estimates that these areas will account for only about $700 million in revenues in 1992, they have experienced healthy growth rates in recent years. In addition, microgravity research, which could yield new insights useful for ground-based materials processing or biomedical applications, remains almost entirely dependent on Government-funded projects.

H.R. 3848 contains a set of initiatives designed to encourage the growth and development of those areas of commercial space business that remain heavily influenced by the U.S. Government as a customer. H.R. 3848 seeks to use the power of the Government's procurement purse to both promote the development of commercial space products and save the Government money on space goods and services that it needs.

One modification has been made to the bill reported by the committee. By mutual agreement with the Armed Services Committee, to whom the bill was also referred, we have eliminated two sections dealing with the use of missile assets for space launch.

In spite of this decision, it is clear that a governmentwide policy on the use or sale of missile assets is needed to prevent undue disruption to the commercial launch industry. I would also like to note that the language in the bill reported by the committee on July 1, was acceptable to the Defense Department and the Air Force. I hope that we can revisit this issue and that we will be successful in enacting this portion of the reported bill in the near future.

I would like to commend the chairman of the Subcommittee on Space, Mr. HALL of Texas, and the ranking Republican of the Committee on Science, Space, and Technology, Mr. WALKER, for their constructive work on this bill. I believe it is an important step forward in expanding the scale and scope of commercial space activities and taking maximum advantage of commercial capabilities to reduce the cost of the civil space program. I urge the adoption of the bill.

Mr. PACKARD. Mr. Speaker, H.R. 3848, the Commercial Space Competitiveness Act of 1992 is intended to encourage the growth and development of commercial space activities, including the purchase of commercial space goods and services by the Federal Government. In the Space Subcommittee of the Science, Space, and Technology Committee, I offered an amendment to H.R. 3848 which extended the provisions of the Launch Services Purchase Act of 1990 beyond NASA to the entire Federal Government.

One of the main goals of the Launch Services Purchase Act was to encourage the safe and successful launch of Government and private payloads into orbit at the lowest possible cost. NASA and the commercial launch industry are continually striving for this goal and it is now time that the rest of the Federal agencies be required to purchase their launch services commercially.

By enacting this portion of the Commercial Space Competitiveness Act, we intend to further the development of the private launch industry in this Nation by putting the private sector in charge of the production and operation of most expendable launch systems. By pursuing this course of action, we can show the world that we stand behind our commercial launch industry and that we have confidence that this industry will be able to provide competitively priced launch services without excessive oversight by the Federal Government.

I would like to take this opportunity to thank the ranking Republican of the Science Committee, Mr. WALKER, who has shown outstanding leadership in the commercialization of space and who was a tremendous help to me in developing title II of the bill. I would also like to thank the chairman and ranking Republican of the Space Subcommittee, Mr. HALL and Mr. SENSENBRENNER, for their support as well as the chairman of the full committee, Mr. BROWN.

My thanks are also extended to these gentlemen for their cooperation and support of report language that provides for a study by the Department of Commerce in consultation with the Department of Transportation on a problem that currently exists for U.S. launch service suppliers and is only going to intensify in the future.

The problem is that the Export-Import Bank [Eximbank] does not consider a launch of a U.S. satellite by a U.S. launch supplier to be an export. Therefore, U.S. launch service suppliers are at a distinct disadvantage in competing with foreign suppliers for U.S. payloads. This is because our foreign competitors are able to offer government-backed financing whereas the U.S. suppliers are not able to do so because launch of a U.S. satellite is not considered to be an export.

This situation needs immediate attention so that we can find ways to level the competitive playing field.

In closing, I am strongly supportive of H.R. 3848 and I am dedicated to its eventual enactment.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3848

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 "Commercial Space Competitiveness Act of 1991".

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS.

The Congress finds that—

(1) commercial activities of the private sector have substantially contributed to the strength of both the United States space program and the national economy;

(2) a robust United States space transportation capability remains a vital cornerstone of the United States space program;

(3) the availability of commercial launch services is essential for the continued growth of the United States commercial space sector;

(4) a timely extension of the excess third party claims payment provisions of the Commercial Space Launch Act is appropriate and necessary to enable the private sector to continue covering maximum probable liability risks while protecting the private sector from uninsurable levels of liability which could hinder international competitiveness;

(5) greater Federal use of commercial launch services for suborbital launches would increase the efficiency of the United States space science program and improve the capabilities of the United States commercial launch industry;

(6) a program to demonstrate how the space science community can purchase launch services directly from the private sector has the potential to increase the efficiency of the United States space science program and improve the capabilities of the United States commercial launch industry;

(7) improvements and additions to the Nation's space transportation infrastructure contribute to a robust and cost effective space transportation capability for both public sector and private sector users;

(8) private sector use of available Government facilities on a reimbursable basis contributes to a stronger commercial space sector;

(9) the appropriate use by the Government, or the sale to the private sector, of decommissioned missile assets for the purpose of space launch could contribute to United States space launch capabilities;

(10) the Federal Government should purchase space goods and services which are commercially available, or could be made available commercially in response to a Government procurement request, whenever such goods or services meet Government mission requirements in a cost effective manner;

(11) it is appropriate for the Government to act as an anchor tenant for commercial space development projects which have a reasonable potential to develop non-Federal markets and which meet Federal needs in a cost effective manner; and

(12) the provision of compensation to commercial providers of space goods and services for termination of contracts at the convenience of the Government assists in enabling the private sector to invest in space activities which are initially dependent on Government purchases.

SEC. 102. DEFINITIONS.

For the purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "agency" means an executive agency as defined by section 105 of title 5, United States Code;

(3) the term "anchor tenancy" means an arrangement in which the United States Government agrees to procure sufficient quantities of a commercial space product or service needed to meet Government mission requirements so that a commercial venture is made viable;

(4) the term "commercial" means having—

(A) private capital at risk; and

(B) primary financial and management responsibility for the activity reside with the private sector;

(5) the term "cost effective" means costing no more than the available alternatives, taking into account all related costs including, in the case of Government costs, applicable Government labor and overhead costs as well as contractor charges;

(6) the term "launch" means to place, or attempt to place, a launch vehicle and payload, if any, in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space;

(7) the term "launch services" means activities involved in the preparation of a launch vehicle and its payload for launch and the conduct of a launch;

(8) the term "launch support facilities" means facilities required to support launch activities, including launch vehicle assembly, launch vehicle operations and control, communications, flight safety functions, and payload operations, control, and processing;

(9) the term "launch vehicle" means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space or in suborbital trajectories, and includes components of that vehicle;

(10) the term "missile assets" means any missile systems or components of any missile systems decommissioned from the military arsenal, including rocket motors and engines, propellants, structural elements, electrical and electronic equipment, and associated flight and ground support equipment;

(11) the term "payload" means an object which a person undertakes to launch, and includes subcomponents of the launch vehicle specifically designed or adapted for that object;

(12) the term "payload integration services" means activities involved in integrating multiple payloads into a single payload for launch or integrating a payload with a launch vehicle;

(13) the term "space recovery support facilities" means facilities required to support activities related to the recovery of payloads returned from space to a space recovery site, including operations and control, communications, flight safety functions, and payload processing;

(14) the term "space transportation infrastructure" means facilities, associated equipment, and real property, including launch sites, launch support facilities, space recovery sites, and space recovery support facilities, required to perform launch or space recovery activities;

(15) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(16) the term "United States" means the States, collectively.

TITLE II—SPACE TRANSPORTATION

SEC. 201. EXTENSION OF GOVERNMENT PAYMENT OF EXCESS THIRD PARTY CLAIMS.

Section 16 of the Commercial Space Launch Act (49 U.S.C. App. 2615) is amended in subsection (b)(5) by striking "the date that is 5 years following the date of enactment of the Commercial Space Launch Act Amendments of 1988" and inserting in lieu thereof "January 1, 2000".

SEC. 202. REQUIREMENT TO PROCURE COMMERCIAL LAUNCH SERVICES.

(a) PROCUREMENT OF LAUNCH SERVICES FOR SUBORBITAL PAYLOADS.—(1) Section 204(a) of the Launch Services Purchase Act of 1990 (42 U.S.C. 2465d(a)) is amended by inserting ", including suborbital payloads," after "its primary payloads".

(2) The amendment made by paragraph (1) shall apply only to payloads scheduled for launch after September 30, 1993.

(b) AVAILABILITY OF COMMERCIAL LAUNCH SERVICES.—Section 204(b)(2) of the Launch Services Purchase Act of 1990 (49 U.S.C. 2465d(b)(2)) is amended to read as follows:

"(2) cost effective commercial launch services to meet specific mission requirements are not reasonably available, would not be available when required, and could not be made available in response to a procurement request;".

(c) REPORT ON SUBORBITAL PROGRAMS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report providing a plan for the National Aeronautics and Space Administration to make greater use of commercial launch services for its suborbital launch programs. Such plan shall identify planned or potential suborbital payloads which cannot utilize commercial launch services, and describe in detail why commercial launch services cannot meet the mission requirements or be made available in a reasonable and cost effective manner for such payloads.

SEC. 203. LAUNCH VOUCHER DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a demonstration program to award vouchers for the payment of commercial launch services and payload integration services for the purpose of launching small scientific payloads.

(b) AWARD OF VOUCHERS.—The Administrator shall award vouchers under subsection (a) to scientific researchers, research teams, and research institutes as part of grants administered by the National Aeronautics and Space Administration for the development and construction of—

(1) scientific payloads to be placed in suborbital trajectories; and

(2) small scientific payloads to be placed in orbit.

(c) ASSISTANCE.—The Administrator may provide awardees with such assistance, including contract formulation and technical support during proposal evaluation, as may be necessary to ensure the purchase of cost effective and reasonably reliable commercial launch services and payload integration services.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report providing a plan for carrying out this section, identifying which planned or potential payloads will be included in the launch voucher demonstration program, and listing which commercially available launch vehicles will be included in the program.

SEC. 204. SPACE TRANSPORTATION INFRASTRUCTURE MATCHING GRANTS.

(a) FEDERAL GRANT PROGRAM.—The Secretary of Transportation may make grants for projects recommended pursuant to subsection (b) to assist the United States space transportation industry and the States in financing—

(1) the improvement or development of space transportation infrastructure within the United States;

(2) the engineering and designing of such space transportation infrastructure projects; and

(3) technical studies to define how new or improved space transportation infrastructure can best meet Federal space transportation needs and the needs of the United States commercial space transportation industry.

(b) SELECTION OF PROJECTS.—(1) There is established a Selection Committee which shall include 1 representative each from the Department of Transportation, the Department of Defense, and the National Aeronautics and Space Administration. The Selection Committee shall be chaired by the representative from the Department of Transportation.

(2) The Selection Committee shall review grant applications under this section and shall make recommendations to the Secretary of Transportation for awarding such grants.

(3) The Selection Committee shall take into account the following factors in its review of grant applications:

(A) The contribution of the proposed grant activity to Federal space transportation needs.

(B) The extent of industry's financial contribution to the proposed grant activity.

(C) The extent of industry participation in the proposed grant activity.

(D) The positive impact of the proposed grant activity on the international competitiveness of the United States space transportation industry.

(E) The extent of State contributions to the proposed grant activity.

(F) The impact of the proposed grant activity on launch operations and other activities at Federal launch ranges.

(4) The Secretary of Transportation shall give preference to those applications with greater levels of industry financial contributions, all other factors being equal.

(c) LIMITATIONS AND CONDITIONS.—(1) The Federal grant for any project under this section shall not exceed 50 percent of the cost of such project.

(2) No grant shall be awarded under this section for projects for which less than 10 percent of the cost of such projects will be borne by the private sector.

(3) No grant shall be awarded under this section unless the Selection Committee determines that the applicant has or will have the legal, financial, and technical capacity to carry out the proposed project.

(4) For grants which do not utilize Federal Government property, no grant shall be awarded under this section unless the Secretary of Transportation, in consultation with the Administrator and the Secretary of Defense, determines that the applicant—

(A) has or will have satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and the equipment for which the grant is provided; and

(B) has or will have sufficient capability to maintain the facilities and equipment, and will maintain such facilities and equipment.

SEC. 205. COMMERCIAL SPACE TRANSPORTATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Commercial Space Transportation Trust Fund (hereafter in this section referred to as the "Trust Fund"). The Trust Fund shall consist of all revenues from any fees assessed by the Department of Transportation for the licensing of commercial launch activities.

(b) PURPOSE.—Subject to the availability of appropriations, revenues deposited in the Trust Fund shall be used only to fund projects that directly benefit the United States space transportation industry.

(c) SELECTION OF PROJECTS.—The Secretary of Transportation shall select projects recommended by an Industry Selection Committee composed of 1 representative from each of the companies which have paid, or will have paid, fees described in subsection (a) within a period, not to exceed 2 years, to be determined by the Secretary of Transportation. Voting of such Industry Selection Committee shall be weighted according to the dollar amount of each company's fee payments within such period.

(d) LIMITATION.—Trust Fund revenues shall not be used to pay the operating or other expenses of the Department of Transportation.

SEC. 206. IDENTIFICATION OF EXCESS FACILITIES.

(a) IDENTIFICATION.—The Administrator, in coordination with the Secretary of Defense and the Secretary of Transportation, shall conduct an inventory and identify all launch support facilities owned by the United States Government that are excess or are otherwise not needed for public use. To the extent practicable, the Administrator shall also identify any launch support facilities which, due to their capacity and their utility to non-Federal entities, could be made available for use by non-Federal entities on a reimbursable basis without interfering with Federal activities.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the identification required under subsection (a). Portions of such report may be classified and protected from public disclosure if such classification is necessary to protect national security.

TITLE III—USE OF MISSILE ASSETS FOR SPACE LAUNCH

SEC. 301. USE OF MISSILE ASSETS BY FEDERAL AGENCIES.

(a) IN GENERAL.—(1) Federal agencies, including the National Aeronautics and Space Administration and the Department of Defense, may make use of missile assets only when the use of the missile assets, alone or in combination with other Federal assets or commercially purchased components, is a more cost effective means to launch a payload or conduct an experiment than commercial launch services.

(2) When using missile assets for space launch, an agency shall make the missile assets available as Government furnished equipment and shall purchase commercial launch services from the private sector, unless the agency determines that—

(A) cost effective commercial launch services to meet specific mission requirements are not reasonably available, would not be available when required, and could not be made available in response to a procurement request; or

(B) national security requirements preclude the use of commercial launch services.

(b) COST ESTIMATION.—(1) When determining whether the use of missile assets is cost effective, an agency shall—

(A) evaluate the cost of using missile assets on the basis of all direct and indirect costs attributable to the storage, refurbishment, and use of the missile assets, compliance with verification provisions of international treaties, and arrangements necessary for release of technical and cost data, including applicable Government labor and overhead costs; and

(B) estimate the reliability of launch vehicles constructed from missile assets, alone or in combination with other components, and of commercially procured vehicles, and include an estimated cost for expected launch failures over the expected number of launches in the computation of costs.

(2) When it cannot be determined whether the cost of using missile assets for a specific space launch application is less than the cost of commercial launch services, an agency shall purchase commercial launch services unless the agency determines that—

(A) cost effective commercial launch services to meet specific mission requirements are not reasonably available, would not be available when required, and could not be made available in response to a procurement request; or

(B) the development or launch of launch vehicles constructed from missile assets will substantially benefit the commercial space sector and will not substantially damage existing United States launch services and launch systems providers.

(c) IMPACT ON COMMERCIAL SECTOR.—In considering whether to use missile assets for space launch, an agency shall give due consideration to the impact of such use on the competitiveness of the United States commercial space sector in international markets, private investment in launch vehicles, and the future availability of commercial launch services to the Federal Government and the private sector, and shall take all feasible actions to mitigate harm to United States commercial space corporations and maximize the potential benefits of the missile assets to the United States commercial space sector.

(d) FULL AND OPEN COMPETITION.—(1) An agency using missile assets for space launch shall—

(A) conduct a full and open competition for any contract to provide launch services or payload integration services for vehicles constructed from the missile assets; and

(B) make available, to the extent practicable, all relevant technical and cost data concerning the missile assets to all prospective bidders who are qualified to be awarded such contracts, including arranging for the release or licensing by any valid owner, on an equitable basis, of such data which are the property of a private sector entity.

(2) In carrying out this subsection, an agency may limit the availability of data described in paragraph (1)(B) to domestic entities.

SEC. 302. SALE OF MISSILE ASSETS TO PRIVATE SECTOR.

(a) IN GENERAL.—Federal agencies may provide for the acquisition by the private sector of missile assets of the United States which are excess or are otherwise not needed for public use if the agency which owns the missile assets determines that—

(1) United States private sector entities will not be substantially harmed by such acquisition; or

(2) the acquisition of such assets by the private sector will significantly increase United States space launch capabilities.

(b) FAIR MARKET VALUE.—Section 15(b)(1) of the Commercial Space Launch Act (49 U.S.C. App. 2614(b)(1)) is amended by adding at the end the following: "For the purposes of this paragraph, an agency providing launch property may define 'fair market value' as the most beneficial price offered to the Government at auction.".

(c) FAIR AND OPEN COMPETITION.—Section 15 of the Commercial Space Launch Act (49 U.S.C. App. 2614) is amended by adding at the end the following new subsection:

"(e)(1) In order to promote fair and open competition, an agency providing launch property shall, to the extent practicable, make available all relevant technical and cost data concerning the launch property to all prospective bidders who are qualified to acquire the launch property, including arranging for the release or licensing by any valid owner, on an equitable basis, of such data which are the property of a private sector entity.

"(2) In carrying out this subsection, an agency may limit the availability of such data to domestic entities.".

(d) FAIR TRADE NEGOTIATIONS.—It is the sense of Congress that the potential release of missile assets by foreign governments, or the offer of launch services by foreign entities using such missile assets, should be addressed in fair trade negotiations on space goods and services.

(e) FOREIGN MISSILE ASSET SALES.—Federal agencies shall consider the potential release of missile assets by foreign governments, and the offer of launch services by foreign entities using such missile assets, in decisions regarding the sale of United States missile assets.

TITLE IV—MISCELLANEOUS

SEC. 401. ANCHOR TENANCY AND TERMINATION LIABILITY.

(a) ANCHOR TENANCY CONTRACTS.—The Administrator may enter into anchor tenancy contracts for the purchase of a good or service in order to increase the viability of a commercial space venture if the Administrator determines that—

(1) the good or service meets the mission requirements of the National Aeronautics and Space Administration;

(2) the commercially procured good or service is cost effective;

(3) the good or service is procured through a competitive process;

(4) existing or potential customers for the good or service other than the United States Government have been specifically identified;

(5) the long-term viability of the venture is not dependent upon a continued Government market or other nonreimbursable Government support; and

(6) private capital is at risk in the venture.

(b) TERMINATION LIABILITY.—Section 203(c) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(c)) is amended—

(1) by redesignating paragraphs (7) through (13) as paragraphs (8) through (14) respectively;

(2) by inserting after paragraph (6) the following new paragraph:

"(7) to enter into contracts for commercially provided goods and services for periods that are in excess of the period for which funds are available for obligation; and to provide for the payment of contingent liability which may accrue in excess of available appropriations, in the event the Government for its convenience terminates such contracts, from appropriations originally available for the performance of the contract, or from other unobligated appropriations currently available for the procurement of related goods and services;";

(3) by inserting "and" at the end of paragraph (13), as so redesignated by paragraph (1) of this section; and

(4) by striking "; and" at the end of paragraph (14), as so redesignated by paragraph (1) of this section, and inserting in lieu thereof a period.

SEC. 402. USE OF GOVERNMENT FACILITIES.

(a) AUTHORITY.—Federal agencies, including the National Aeronautics and Space Administration and the Department of Defense, may allow non-Federal entities to use their space-related facilities on a reimbursable basis if the Administrator, the Secretary of Defense, or the appropriate agency head determines that—

(1) the facilities will be used to support commercial space activities;

(2) such use can be supported by existing or planned Federal resources;

(3) such use is compatible with Federal activities;

(4) equivalent commercial services are not available on reasonable terms; and

(5) such use is consistent with public safety, national security, and international treaty obligations.

In carrying out paragraph (5), each agency head shall consult with appropriate Federal officials.

(b) REIMBURSEMENT PAYMENT.—(1) The reimbursement referred to in subsection (a) shall be an amount equal to the direct costs (including salaries of United States civilian and contractor personnel) incurred by the United States as a result of the use of such facilities by the private sector. For the purposes of this paragraph, the term "direct costs" means the actual costs that can be unambiguously associated with such use, and would not be borne by the United States Government in the absence of such use.

(2) The amount of any payment received by the United States for use of facilities under this subsection shall be credited to the appropriation from which the cost of providing such facilities was paid.

SEC. 403. PROTECTION OF INFORMATION DEVELOPED UNDER SPACE ACT AGREEMENTS.

Section 303 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2454) is amended—

(1) by inserting "(a)" after "SEC. 303.";

(2) by striking "and (B)" and inserting in lieu thereof "(B)";

(3) by inserting ", and (C) information described in subsection (b)" after "national security"; and

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

"(b) The Administrator, for a period of up to 5 years after the development of information that results from activities conducted under an agreement entered into under section 203(c) (5) and (6) of this Act, and that would be a trade secret or commercial or financial information that is privileged or confidential under the meaning of section 552(b)(4) of title 5, United States Code, if the information had been obtained from a non-Federal party participating in such an agreement, may provide appropriate protections against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United States Code.".

SEC. 404. COMMERCIAL SPACE ACHIEVEMENT AWARD.

(a) ESTABLISHMENT.—There is established a Commercial Space Achievement Award. The award shall consist of a medal, which shall be of such design and materials and bear inscriptions as determined by the Secretary of Commerce. A cash prize may also be awarded if funding for the prize is available under subsection (d).

(b) CRITERIA FOR AWARD.—The Secretary of Commerce shall periodically make, and the Chairman of the National Space Council shall present, awards under this section to individuals, corporations, corporate divisions, or corporate subsidiaries substantially engaged in commercial space activities who in the opinion of the Secretary of Commerce best meet the following criteria:

(1) For corporate entities, at least one-half of the revenues from the space-related activities of the corporation, division, or subsidiary is derived from sources other than the United States Government.

(2) The activities and achievements of the individual, corporation, division, or subsidiary have substantially contributed to the United States gross national product and the stature of United States industry in international markets, with due consideration for both the economic magnitude and the technical quality of the activities and achievements.

(3) The individual, corporation, division, or subsidiary has substantially advanced space technology and space applications directly related to commercial space activities.

(c) LIMITATIONS.—No individual or corporate entity may receive an award under this section more than once every 5 years.

(d) FUNDING FOR AWARD.—The Secretary of Commerce may seek and accept gifts of money from public and private sources for the purpose of making cash prize awards under this section. Such money may be used only for that purpose, only such money may be used for that purpose, and the Secretary of Commerce shall make publicly available an itemized list of the sources of such funding.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HALL OF TEXAS

Mr. HALL of Texas. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HALL of Texas.

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Space Competitiveness Act of 1992".

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS.

The Congress finds that—

(1) commercial activities of the private sector have substantially contributed to the strength of both the United States space program and the national economy;

(2) a robust United States space transportation capability remains a vital cornerstone of the United States space program;

(3) the availability of commercial launch services is essential for the continued growth of the United States commercial space sector;

(4) a timely extension of the excess third party claims payment provisions of the Commercial Space Launch Act is appropriate and necessary to enable the private sector to continue covering maximum probable liability risks while protecting the private sector from uninsurable levels of liability which could hinder international competitiveness;

(5) greater Federal use of commercial launch services for suborbital launches would increase the efficiency of the United States space science program and improve the capabilities of the United States commercial launch industry;

(6) a program to demonstrate how the space science community can purchase launch services directly from the private sector has the potential to increase the efficiency of the United States space science program and improve the capabilities of the United States commercial launch industry;

(7) improvements and additions to the Nation's space transportation infrastructure contribute to a robust and cost effective

space transportation capability for both public sector and private sector users;

(8) private sector use of available Government facilities on a reimbursable basis contributes to a stronger commercial space sector;

(9) the Federal Government should purchase space goods and services which are commercially available, or could be made available commercially in response to a Government procurement request, whenever such goods or services meet Government mission requirements in a cost effective manner;

(10) it is appropriate for the Government to act as an anchor tenant for commercial space development projects which have a reasonable potential to develop non-Federal markets and which meet Federal needs in a cost effective manner; and

(11) the provision of compensation to commercial providers of space goods and services for termination of contracts at the convenience of the Government assists in enabling the private sector to invest in space activities which are initially dependent on Government purchases.

SEC. 102. DEFINITIONS.

For the purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "agency" means an executive agency as defined by section 105 of title 5, United States Code;

(3) the term "anchor tenancy" means an arrangement in which the United States Government agrees to procure sufficient quantities of a commercial space product or service needed to meet Government mission requirements so that a commercial venture is made viable;

(4) the term "commercial" means having—

(A) private capital at risk; and

(B) primary financial and management responsibility for the activity reside with the private sector;

(5) the term "cost effective" means costing no more than the available alternatives, determined by a comparison of all related direct and indirect costs including, in the case of Government costs, applicable Government labor and overhead costs as well as contractor charges, and taking into account the ability of each alternative to accommodate mission requirements as well as the related factors of risk, reliability, schedule, and technical performance;

(6) the term "launch" means to place, or attempt to place, a launch vehicle and payload, if any, in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space;

(7) the term "launch services" means activities involved in the preparation of a launch vehicle and its payload for launch and the conduct of a launch;

(8) the term "launch support facilities" means facilities located at launch sites or launch ranges that are required to support launch activities, including launch vehicle assembly, launch vehicle operations and control, communications, flight safety functions, and payload operations, control, and processing;

(9) the term "launch vehicle" means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space or in suborbital trajectories, and includes components of that vehicle;

(10) the term "payload" means an object which a person undertakes to launch, and includes subcomponents of the launch vehicle specifically designed or adapted for that object;

(11) the term "payload integration services" means activities involved in integrating multiple payloads into a single payload for launch or integrating a payload with a launch vehicle;

(12) the term "space recovery support facilities" means facilities required to support activities related to the recovery of payloads returned from space to a space recovery site, including operations and control, communications, flight safety functions, and payload processing;

(13) the term "space transportation infrastructure" means facilities, associated equipment, and real property, including launch sites, launch support facilities, space recovery sites, and space recovery support facilities, required to perform launch or space recovery activities;

(14) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(15) the term "United States" means the States, collectively.

TITLE II—SPACE TRANSPORTATION

SEC. 201. EXTENSION OF GOVERNMENT PAYMENT OF EXCESS THIRD PARTY CLAIMS.

Section 16 of the Commercial Space Launch Act (49 U.S.C. App. 2615) is amended in subsection (b)(5) by striking "the date that is 5 years following the date of enactment of the Commercial Space Launch Act Amendments of 1988" and inserting in lieu thereof "January 1, 2000".

SEC. 202. REQUIREMENT TO PROCURE COMMERCIAL LAUNCH SERVICES.

(a) AMENDMENT.—Section 204 of the Launch Services Purchase Act of 1990 (42 U.S.C. 2465d) is amended to read as follows:

"SEC. 204. REQUIREMENT TO PROCURE COMMERCIAL LAUNCH SERVICES.

"(a) IN GENERAL.—Except as otherwise provided in this section, the Federal Government shall purchase launch services for its primary payloads, including suborbital payloads, from commercial providers whenever such services are required in the course of its activities.

"(b) EXCEPTIONS.—The Federal Government shall not be required to purchase launch services as provided in subsection (a) if the appropriate agency determines that—

"(1) the payload requires the unique capabilities of the space shuttle;

"(2) cost effective commercial launch services to meet mission requirements are not reasonably available, would not be reasonably available when required, and could not be made available in response to a procurement request;

"(3) the use of commercial launch services poses an unacceptable risk of loss of a unique scientific opportunity; or

"(4) the payload serves national security or foreign policy purposes.

Within 30 days after any such determination by the National Aeronautics and Space Administration, the Administrator shall notify the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate in writing of the determination and its rationale.

"(c) REPORT ON SUBORBITAL PROGRAMS.—Not later than 1 year after the date of enactment of the Commercial Space Competitiveness Act of 1992, the Administrator of the National Aeronautics and Space Administration shall submit to Congress a report providing a plan for the National Aeronautics and Space Administration to make greater use of commercial launch services for its suborbital launch programs. Such plan shall identify planned or potential suborbital payloads which cannot utilize commercial launch services, and describe in detail why commercial launch services cannot meet the mission requirements or be made available in a reasonable and cost effective manner for such payloads.

"(d) FEDERAL GOVERNMENT LAUNCH VEHICLES.—Launch vehicles shall be acquired or owned by the Federal Government only—

"(1) as required under circumstances described in subsection (b); or

"(2) for conducting research and development on, and testing of, launch technology.

"(e) PHASE-IN PERIOD.—Subsections (a) and (d) shall not apply to launch services and launch vehicles for which a purchase contract has been signed before the date that is 180 days after the date of enactment of the Commercial Space Competitiveness Act of 1992.

"(f) HISTORICAL PURPOSES.—This title shall not be interpreted to prohibit the Federal Government from acquiring, owning, or maintaining launch vehicles solely for historical display purposes.".

(b) EFFECTIVE DATE.—The application of such section 204 to suborbital payloads shall begin with respect to payloads scheduled for launch after December 31, 1993.

SEC. 203. PURCHASE OF LAUNCH SERVICES.

Section 205 of the Launch Services Purchase Act of 1990 (42 U.S.C. 2465e) is amended by striking "National Aeronautics and Space Administration" each place it appears and inserting in lieu thereof "Federal Government".

SEC. 204. LAUNCH VOUCHER DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a demonstration program to award vouchers for the payment of commercial launch services and payload integration services for the purpose of launching small payloads.

(b) AWARD OF VOUCHERS.—The Administrator shall award vouchers under subsection (a) to researchers, research teams, and research institutes as part of grants administered by the National Aeronautics and Space Administration for the development and construction of—

(1) payloads to be placed in suborbital trajectories; and

(2) small payloads to be placed in orbit.

(c) ASSISTANCE.—The Administrator may provide awardees with such assistance, including contract formulation and technical support during proposal evaluation, as may be necessary to ensure the purchase of cost effective and reasonably reliable commercial launch services and payload integration services.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report providing a plan for carrying out this section, identifying which planned or potential payloads will be included in the launch voucher demonstration program, and listing which commercially available launch vehicles will be included in the program.

SEC. 205. SPACE TRANSPORTATION INFRASTRUCTURE MATCHING GRANTS.

(a) FEDERAL GRANT PROGRAM.—The Secretary of Transportation may make grants for projects recommended pursuant to subsection (b) to assist the United States com-

mercial space transportation industry and the States in financing—

(1) the improvement or development of space transportation infrastructure within the United States;

(2) the engineering and designing of such space transportation infrastructure projects; and

(3) technical studies to define how new or improved space transportation infrastructure can best meet the needs of the United States commercial space transportation industry.

(b) SELECTION OF PROJECTS.—(1) There is established a Selection Committee which shall include 1 representative each from the Department of Transportation, the Department of Defense, and the National Aeronautics and Space Administration. The Selection Committee shall be chaired by the representative from the Department of Transportation.

(2) The Selection Committee shall review grant applications under this section and shall make recommendations to the Secretary of Transportation for awarding such grants.

(3) The Selection Committee shall take into account the following factors in its review of grant applications:

(A) The contribution of the proposed grant activity to industry capabilities which serve Federal space transportation needs.

(B) The extent of industry's financial contribution to the proposed grant activity.

(C) The extent of industry participation in the proposed grant activity.

(D) The positive impact of the proposed grant activity on the international competitiveness of the United States space transportation industry.

(E) The extent of State contributions to the proposed grant activity.

(F) The impact of the proposed grant activity on launch operations and other activities at Federal launch ranges.

(4) The Secretary of Transportation shall give preference to those applications with greater levels of industry financial contributions, all other factors being equal.

(c) LIMITATIONS AND CONDITIONS.—(1) The Federal grant for any project under this section shall not exceed 50 percent of the cost of such project.

(2) No grant shall be awarded under this section for projects for which less than 10 percent of the cost of such projects will be borne by the private sector.

(3) No grant shall be awarded under this section unless the Selection Committee determines that the applicant has or will have the legal, financial, and technical capacity to carry out the proposed project.

(4) For grant applications which propose to utilize Federal Government property, no grant shall be awarded without obtaining the specific consent of the appropriate agency head.

(5) For grant applications which do not propose to utilize Federal Government property, no grant shall be awarded under this section unless the Secretary of Transportation determines that the applicant—

(A) has or will have satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and the equipment for which the grant is provided; and

(B) has or will have sufficient capability to maintain the facilities and equipment, and will maintain such facilities and equipment.

SEC. 206. COMMERCIAL SPACE TRANSPORTATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Commercial Space Transportation Trust Fund (hereafter in this section referred to as the "Trust Fund"). The Trust Fund shall consist of all revenues from any fees assessed by the Department of Transportation for the licensing of commercial launch activities.

(b) PURPOSE.—Subject to the availability of appropriations, revenues deposited in the Trust Fund shall be used only to fund projects that directly benefit the United States space transportation industry.

(c) SELECTION OF PROJECTS.—The Secretary of Transportation shall select projects recommended by an Industry Selection Committee composed of 1 representative from each of the companies which have paid, or will have paid, fees described in subsection (a) within a period, not to exceed 2 years, to be determined by the Secretary of Transportation. Voting of such Industry Selection Committee shall be weighted according to the dollar amount of each company's fee payments within such period.

(d) LIMITATION.—Trust Fund revenues shall not be used to pay the operating or other expenses of the Department of Transportation.

SEC. 207. IDENTIFICATION OF LAUNCH SUPPORT FACILITIES.

(a) IDENTIFICATION.—The Administrator and the Secretary of Defense, as appropriate, in coordination with the Secretary of Transportation, shall conduct an inventory and identify all launch support facilities owned by the United States Government. To the extent practicable, the Administrator and the Secretary of Defense shall also identify any launch support facilities which could be made available for use by non-Federal entities on a reimbursable basis without interfering with Federal activities.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Secretary of Defense each shall submit to Congress a report containing the results of the identification required under subsection (a). Portions of such report may be classified and protected from public disclosure if such classification is necessary to protect national security.

TITLE III—MISCELLANEOUS

SEC. 301. ANCHOR TENANCY AND TERMINATION LIABILITY.

(a) ANCHOR TENANCY CONTRACTS.—Subject to appropriations, the Administrator may enter into multiyear anchor tenancy contracts for the purchase of a good or service in order to increase the viability of a commercial space venture if the Administrator determines that—

(1) the good or service meets the mission requirements of the National Aeronautics and Space Administration;

(2) the commercially procured good or service is cost effective;

(3) the good or service is procured through a competitive process;

(4) existing or potential customers for the good or service other than the United States Government have been specifically identified;

(5) the long-term viability of the venture is not dependent upon a continued Government market or other nonreimbursable Government support; and

(6) private capital is at risk in the venture.

(b) TERMINATION LIABILITY.—(1) Contracts entered into under subsection (a) may provide for the payment of termination liability in the event that the Government terminates such contracts for its convenience.

(2) Contracts that provide for the payment of termination liability, as described in paragraph (1), shall include a fixed schedule of such termination liability payments. Liability under such contracts shall not exceed the total payments which the Government would have made after the date of termination to purchase the good or service if the contract were not terminated.

(3) Subject to appropriations, funds available for such termination liability payments may be used for purchase of the good or service upon successful delivery of the good or service pursuant to the contract.

(c) LIMITATIONS.—(1) Contracts entered into under this section shall not exceed 10 years in duration.

(2) Such contracts shall provide for delivery of the good or service on a firm, fixed-price basis.

(3) Such contracts shall provide for no payments to the contractor before successful delivery of the good or service, except to the extent that the Administrator considers such payments to be in the best interest of the United States.

(4) To the extent practicable, reasonable performance specifications shall be used to define technical requirements in such contracts.

(5) In any such contract, the Administrator shall reserve the right to terminate the contract for cause without payment of termination liability in the event of a lack of adequate technical progress or the failure of the good or service to meet performance specifications of the contract.

SEC. 302. USE OF GOVERNMENT FACILITIES.

(a) AUTHORITY.—Federal agencies, including the National Aeronautics and Space Administration and the Department of Defense, may allow non-Federal entities to use their space-related facilities on a reimbursable basis if the Administrator, the Secretary of Defense, or the appropriate agency head determines that—

(1) the facilities will be used to support commercial space activities;

(2) such use can be supported by existing or planned Federal resources;

(3) such use is compatible with Federal activities;

(4) equivalent commercial services are not available on reasonable terms; and

(5) such use is consistent with public safety, national security, and international treaty obligations.

In carrying out paragraph (5), each agency head shall consult with appropriate Federal officials.

(b) REIMBURSEMENT PAYMENT.—(1) The reimbursement referred to in subsection (a) may be an amount equal to the direct costs (including salaries of United States civilian and contractor personnel) incurred by the United States as a result of the use of such facilities by the private sector. For the purposes of this paragraph, the term "direct costs" means the actual costs that can be unambiguously associated with such use, and would not be borne by the United States Government in the absence of such use.

(2) The amount of any payment received by the United States for use of facilities under this subsection shall be credited to the appropriation from which the cost of providing such facilities was paid.

SEC. 303. PROTECTION OF INFORMATION DEVELOPED UNDER SPACE ACT AGREEMENTS.

Section 303 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2454) is amended—

(1) by inserting "(a)" after "SEC. 303.";

(2) by striking "and (B)" and inserting in lieu thereof "(B)";

(3) by inserting ", and (C) information described in subsection (b)" after "national security"; and

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

"(b) The Administrator, for a period of up to 5 years after the development of information that results from activities conducted under an agreement entered into under section 203(c) (5) and (6) of this Act, and that would be a trade secret or commercial or financial information that is privileged or confidential under the meaning of section 552(b)(4) of title 5, United States Code, if the information had been obtained from a non-Federal party participating in such an agreement, may provide appropriate protections against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United States Code.".

SEC. 304. COMMERCIAL SPACE ACHIEVEMENT AWARD.

(a) ESTABLISHMENT.—There is established a Commercial Space Achievement Award. The award shall consist of a medal, which shall be of such design and materials and bear inscriptions as determined by the Secretary of Commerce. A cash prize may also be awarded if funding for the prize is available under subsection (d).

(b) CRITERIA FOR AWARD.—The Secretary of Commerce shall periodically make, and the Chairman of the National Space Council shall present, awards under this section to individuals, corporations, corporate divisions, or corporate subsidiaries substantially engaged in commercial space activities who in the opinion of the Secretary of Commerce best meet the following criteria:

(1) For corporate entities, at least one-half of the revenues from the space-related activities of the corporation, division, or subsidiary is derived from sources other than the United States Government.

(2) The activities and achievements of the individual, corporation, division, or subsidiary have substantially contributed to the United States gross national product and the stature of United States industry in international markets, with due consideration for both the economic magnitude and the technical quality of the activities and achievements.

(3) The individual, corporation, division, or subsidiary has substantially advanced space technology and space applications directly related to commercial space activities.

(c) LIMITATIONS.—No individual or corporate entity may receive an award under this section more than once every 5 years.

(d) FUNDING FOR AWARD.—The Secretary of Commerce may seek and accept gifts of money from public and private sources for the purpose of making cash prize awards under this section. Such money may be used only for that purpose, only such money may be used for that purpose, and the Secretary of Commerce shall make publicly available an itemized list of the sources of such funding.

SEC. 305. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this Act, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Administrator, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

Mr. HALL of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. HALL].

The amendment in the nature of a substitute was agreed to.

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

□ 2120

GENERAL LEAVE

Mr. HALL of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3848, the bill just passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1079

Mr. JONTZ. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1079.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. SOLOMON. Mr. Speaker, I ask for this 1-minute for the purpose of engaging the deputy majority whip, the gentleman from Georgia [Mr. LEWIS] in a colloquy about the schedule for the remainder of the week and for next week.

Mr. LEWIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Mr. Speaker, I yield to the gentleman from Georgia [Mr. LEWIS] for that purpose.

Mr. LEWIS of Georgia. Mr. Speaker, the program for the House of Representatives for the week of August 10 is as follows:

On Monday the House will meet at noon for 30 suspensions. There will not be rollcall votes. the votes will occur on Tuesday. The first vote shall not occur until after 1:30.

On Tuesday, Mr. Speaker, the House will meet at noon, and the House will also meet at 10 Wednesday.

The bills that will be considered will be:

H.R. 5487, the Agriculture and related agencies appropriations of fiscal year 1993, the conference report; House Resolution 5466, the Airline Competitiveness Enhancement Act, and I that will be subject to a rule; H.R. 4323, the Neighborhood Schools Improvement Act, which is also subject to a rule; House Resolution 4394, Merchant Mariners' Document legislation, which is also subject to a rule; and House Resolution 5754, Water Resources Development Act of 1992, which is also subject to a rule.

At the close of the week's business, Mr. Speaker, the House will adjourn until noon on Wednesday, September 9, for the August/Labor Day district work period and also for the Republican National Convention.

As my friend, the gentleman from New York [Mr. SOLOMON], my friend, well knows, conference reports may be brought up at any time.

Mr. SOLOMON. Mr. Speaker, would the gentleman inform us if tomorrow, August 7, Friday, is a pro forma day or not?

Mr. LEWIS of Georgia. We will not be in at all on tomorrow.

Mr. SOLOMON. All right.

And just to clarify, there are no votes on Monday, and the earliest possible votes would be around 1:30 on Tuesday?

Mr. LEWIS of Georgia. The gentleman from New York [Mr. SOLOMON] is correct. There will not be any recorded votes on Monday. The earliest recorded vote will occur on Tuesday around 1:30.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Georgia [Mr. LEWIS].

I would just remind the Speaker and the Democrat leadership that it is the Republican Convention this coming week for a 2-week period. There are many Members who are members of the platform committee who are delegates to that convention, and we on this side

were promised the same courtesy that was given when the Democrat Convention was taking place, that there would be a very light schedule as far as votes on Tuesday and Wednesday of this coming week go, and we just want to remind them of that because there will be many of our Members missing, and we would like to have as few votes as possible.

In other words, no heavy lifting.

Mr. LEWIS of Georgia. Mr. Speaker, this side of the aisle and the leadership will be very considerate.

Mr. SOLOMON. I thank the gentlemena from Georgia [Mr. LEWIS] for his courtesies, and I wish him a happy weekend.

Mr. LEWIS of Georgia. I say to the gentlemen, "Same to you, sir."

ADJOURNMENT FROM THURSDAY, AUGUST 6, 1992, TO MONDAY, AUGUST 10, 1992

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

CHILDHOOD CANCER MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 492) designating September 1992 as "Childhood Cancer Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. RIDGE. Mr. Speaker, reserving the right to object, I certainly do not object to this piece of legislation, but I take my reservation to yield such time as he may consume to my colleague and friend, the chief sponsor of the resolution, the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I rise in strong support of House Joint Resolution 492, a resolution which would designate the month of September 1992, as "Childhood Cancer Month."

I would like to thank the distinguished gentleman from Ohio [Mr. SAWYER], chairman of the Subcommittee on Census and Population, for his support for this resolution and his efforts in expediting its consideration.

I would like to also thank my good friend and colleague, JOHN PAUL HAMMERSCHMIDT, who worked so energetically in gathering support for this effort.

According to the Department of Health and Human Services, dramatic progress has been made in the early diagnosis and treatment of cancer. As a result, the number of child deaths from cancer in the United States declined by 36 percent between 1973 and 1987. Despite such encouraging progress, cancer deaths are the leading cause of death by disease among children between the ages of 3 and 14.

This resolution will recognize and applaud the overwhelming love, devotion and courage of the families and friends, the volunteers who give so generously of themselves, the private and governmental agencies whose staffs work so hard to provide timely and effective services, the scientists and health care professionals so essential for their medical and emotional support, and the children who must struggle with this disease—especially the children.

Sadly, too many of us have been touched by the heartbreak and devastating realities of cancer—the enormous physical, emotional, and financial challenges to be dealt with on a daily basis. That children should have to face these realities is all the more heartbreaking.

Former chief counsel of our committee, Public Works and Transportation, Dick Sullivan, and his lovely wife, Julie, lost their 8-year-old daughter, Teresa Marie, to cancer. For a parent, there is no greater loss. But out of their despair, Dick and Julie were determined to make a difference, to ease the way for those who would follow—thus, their lifetime commitment to the work of the Candlelighters Childhood Cancer Foundation.

Also, a current member of my committee staff, Maureen Dubia, and her family are constantly in our prayers as they cope with the challenges of her son John's leukemia. God willing, young John will win his fight.

There is a strength and commitment within this community of people that we as a Nation would truly find inspiring. It is important that we have an opportunity to understand the daily challenges they must face and to honor their outstanding loving response to those challenges.

House Joint Resolution 492 does that and I urge its adoption.

Mr. RIDGE. Mr. Speaker, I thank the gentleman from New Jersey [Mr. ROE] for his remarks.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 492

Whereas dramatic progress has been made in the early diagnosis and treatment of cancer and, as a result, young cancer victims and their families no longer need to relinquish their dreams for the future;

Whereas according to the Department of Health and Human Services, the number of child deaths from cancer in the United States declined by 36 percent between 1973 and 1987;

Whereas despite such encouraging progress, cancer deaths continue to be the leading cause of death by disease among children between the ages of 3 and 14;

Whereas families facing the specter of childhood cancer need the best possible medical care and emotional support that can be provided;

Whereas brothers and sisters of young cancer victims need special consideration both at home and at school;

Whereas young cancer victims need financial help, understanding and compassion, and the opportunity to express and pursue the fresh, unjaded dreams that are the hallmark of childhood;

Whereas many private organizations (including the National Cancer Institute) and government agencies throughout the United States are working to meet the needs of children with cancer and hundreds of private volunteer organizations at both the national and international level (including the American Cancer Society, the Leukemia Society of America, the Candlelighters Childhood Cancer Foundation, and the Ronald McDonald Foundation) are helping parents and children to cope with this tremendous problem; and

Whereas recognition should be given to the dedication and hard work of scientists, health care professionals, and volunteers who are working to overcome childhood cancer, to assist its victims, and to express admiration and support for the courageous youngsters and parents who struggle with this disease: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 1992 is designated as "Childhood Cancer Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

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

82D AIRBORNE DIVISION 50TH ANNIVERSARY RECOGNITION DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 270) to designate August 15, 1992, as 82d Airborne Division 50th Anniver-

sary Recognition Day, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. RIDGE. Reserving the right to object, Mr. Speaker, under my reservation I yield to my friend and colleague, the chairman of the subcommittee, the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I rise at this point only to recognize the work of our friend and colleague, the gentleman from North Carolina [Mr. ROSE].

Mr. RIDGE. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. HUNTER] who was Airborne, although perhaps not with that division.

Mr. HUNTER. Mr. Speaker, I just want to remark that there is another Airborne unit, the 173d Airborne Brigade, the first conventional unit in Vietnam in 1965, which lost 200 sky soldiers on Thanksgiving Day at Dak To; in 1967 it had a celebrated history, with a number of legendary fighters in their ranks.

Mr. Speaker, I would hope that very shortly we will have a commemorative up here to celebrate the 173d Airborne Brigade and the sky soldiers.

□ 2130

Mr. RIDGE. Mr. Speaker, in the meantime we will encourage Members to celebrate this commemorative.

Mr. ROSE. Mr. Speaker, I am pleased to rise today and provide the House with an opportunity to recognize one of the greatest fighting units in the history of our military. Next Saturday, August 15, the 82d Airborne Division will celebrate its 50th anniversary. During my 20 years of service in the House, I have been fortunate to represent the men and women at Fort Bragg, NC, where the 82d is stationed. I ask that my colleagues join me today in thanking the 82d Airborne Division for 50 outstanding years of service to this Nation. Your support for this humble effort to recognize a tradition of excellence is greatly appreciated.

The 82d Division was formed on August 25, 1917, as a conventional infantry division. The 82d distinguished itself in World War I by seeing more continuous combat than any other U.S. division. With the belief that World War I was the war to end all wars, the 82d Division was deactivated for over 20 years.

World War II ushered in new technologies which completely changed the dynamics of combat. The battlefields of World War II would not be mazed with the trenches that had dominated wars since the American Civil War. The battles of World War II would be fought with highly mobile divisions. With advances in aircraft design, the need arose for a new soldier, the paratrooper.

The 82d was reactivated on March 25, 1942, as an infantry division. It was redesignated on August 15, 1942, as the 82d Airborne Division.

In 1943, the 82d Airborne Division was deployed to the European theater, fighting in the campaigns of North Africa, Sicily, and Salerno, Italy. During the Normandy invasion the 82d was one of the first combat elements to land in France. The 82d continued to distinguished itself in combat until the surrender of Germany in May 1945.

The 82d Airborne served for 5 months in Berlin after World War II as occupational force. It was during this time that General Patton, while viewing the 82d's honor guard, made the comment, "In all my years in the Army and all the honor guards I've seen, the 82d's honor guard is undoubtedly the best." Since that time the 82d has been known as America's Guard of Honor and 82d Airborne All-American Division.

After the 82d Airborne's tour of duty in Berlin it was assigned to Fort Bragg, in my hometown of Fayetteville, NC. It is now part of the U.S. Army's rapid deployment force, capable of deploying its forces around the world within 18 hours of notification.

The 82d Airborne Division is recognized around the world as an elite fighting unit that remains on the cutting-edge of our Armed Forces.

The 82d has exemplified its speed and courage by being some of the first combat forces to be committed in our most recent conflicts, Grenada, Panama, and the Persian Gulf. In fact, it was the lightly armed 82d Airborne Division which was the first ground force in Saudi Arabia during the Persian Gulf conflict. It was the men and women of the 82d who drew the line in the sand, that Saddam Hussein did not cross.

I think that it is very proper to honor the fine men and women, both past and present, who have served in the 82d Airborne by designating August 15, 1992, as 82d Airborne Division 50th Anniversary Recognition Day. I ask the support of my colleagues in the passage of House Joint Resolution 453.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 270

Whereas 50 years ago, brave men and women of the United States made tremendous sacrifices to defend freedom and to save the world from tyranny and aggression during World War II;

Whereas, during World War II, the American paratrooper became a new type of fighting soldier;

Whereas, from the drop zones of Sicily and Normandy to the desert sands of Iraq, the paratroopers of the 82d Airborne Division of the United States Army have distinguished themselves as being among those who were the first to answer the call to go in harm's way;

Whereas the 82d Airborne Division is recognized as an elite fighting force that continues to be on the cutting-edge of our Armed Forces;

Whereas today, as for the past 50 years, the 82d Airborne Division's ranks are filled with some of our Nation's best soldiers; and

Whereas it is appropriate that we recognize the 82d Airborne Division on the 50th anniversary of its formation and pay tribute to the gallant paratroopers, past and present, who wear the maroon beret: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 15, 1992, is designated as "82d Airborne Division 50th Anniversary Recognition Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities acknowledging the many important contributions of the 82d Airborne Division of the United States Army over the past 50 years.

The Senate joint resolution was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on House Joint Resolution 492 and Senate Joint Resolution 270.

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

There was no objection.

COMMUNICATION FROM HON. DAN ROSTENKOWSKI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Hon. DAN ROSTENKOWSKI, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 1992.

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

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L of the Rules of the House, that the Custodian of Records of my office has been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely yours,

DAN ROSTENKOWSKI.

COMMUNICATION FROM HON. JOE KOLTER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Hon. JOE KOLTER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 1992.

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

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L of the Rules of the House, that the Custodian of Records of my office has been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely,

JOE KOLTER.

THE RUSSIAN SINKHOLE

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

Mr. DUNCAN. Mr. Speaker, today we will take up a multi-billion-dollar aid package for the former Soviet Union. In a recent column in the New York Times, that paper's foreign affairs specialist, Leslie Gelb, said this: "Various forms of Western aid to the ex-Soviet state totaled about $50 billion in the last 20 months, and the money has virtually disappeared without a trace or a dent on the economic picture."

He then wrote that American political leaders should "think again and hard about rescue plans. The danger is that we will waste billions, and, even more tragically, fail to zero in on what can be realistically accomplished by outside aid."

Now, Mr. Gelb works for the New York Times. He is almost always in favor of foreign aid. Yet he also wrote this in his column: "For now, Western governments should not throw away their aid on saving governments that can only save themselves."

The title of his column is "The Russian Sinkhole." I am sure that this package of billions in aid will pass, but I really believe it is a mistake for us to pour more money down this Russian sinkhole.

The article referred to is as follows:

THE RUSSIAN SINKHOLE

(By Leslie H. Gelb)

As the U.S. foreign policy establishment stampedes toward a megabillion-dollar comprehensive "aid" program for the ex-Soviet Union, consider the following facts:

These states have 44 nuclear power plants, including 15 of the Chernobyl style, many of which are in terrible shape and could spring radioactive leaks. One near St. Petersburg leaked two weeks ago.

Ukraine and Kazakhstan now threaten to take control of intercontinental-range missiles on their territory. If they do, they would instantly become the third- and fourth-largest nuclear powers after the U.S. and Russia.

The debt of Russia is running at 25 percent of its total Government expenditures for the first quarter of this year. There is massive underpayment of taxes by business enterprises and local governments.

Wages have dropped so low relative to freed prices that some 90 percent of Russians now live below subsistence levels. Subsistence is about 1,500 rubles monthly, while per capita income now totals about 900 rubles monthly or $8.25. Life will get much worse if, as expected, production in key sectors falls an additional 50 percent this year.

The ex-Soviet states are now meeting only 30 percent of their interest payments (and almost no principal) on debts to the West of $70 billion. Most of this is owed to or guaranteed by Western governments.

Various forms of Western aid to the ex-Soviet states totaled about $50 billion in the last 20 months, and the money has virtually disappeared without a trace or a dent on the economic picture. Tens of billions in hard currency controlled by Communist Party officials also vanished in the last two years.

These sad facts—plus civil and ethnic wars and the lack of cooperation among the ex-Soviet republics—suggest that the new states are nearing military, economic and political anarchy.

Such considerations should cause American political leaders to think again, and hard, about rescue plans. The danger is that we will waste billions and, even more tragically, fail to zero in on what can be realistically accomplished by outside aid.

My particular concern is Richard Nixon's recent proposal for a comprehensive aid plan. He argued that anything less would ignite a "Who lost Russia?" debate. He accused President Bush of playing "a penny-ante game" where the stakes were geopolitical survival. He called for tens of billions of dollars to stabilize the ruble and more tens of billions in other help. He made more modest and practical proposals as well. But the practical ideas have gotten lost in the political scramble he triggered.

Mr. Bush, stung by the Nixon charges, is now under the gun to present a big-bucks plan to salvage his reputation as a "foreign policy" President. Governor Clinton, the leading Democratic Presidential contender, could try to pre-empt and outbid him in a major world affairs address Wednesday. Congressional leaders and foreign policy gurus are also jumping on the now fashionable big-bucks, big-plan bandwagon.

The West should be working on plans for big aid programs—currency stabilization, import and export credits and the like. But these plans have to be for later, when and if the threat of anarchy subsides and some stability returns. Any cash given now would simply vanish down a vast sink drain.

For now, Western governments should not throw away their aid on saving governments that can only save themselves. Instead, they should focus on specific, pressing and solvable problems and on seeding the future of democracy.

First priority must go to the nukes. This means immediate help to repair or shut down unsafe nuclear reactors. It means talking very tough with Ukraine and others about their nuclear weapons aspirations and putting experts on the ground now to help them dismantle weapons.

The second priority should be agriculture and food aid. Without bread, the return of dictatorships will be inevitable.

The third priority has to be sending experts and technical aid directly to groups committed to running businesses and making democracy work.

The stakes could not be higher. All the more reason for substantial, practical and immediate aid—not for grand illusions.

MAINTAINING AND CREATING JOBS, THE MOST IMPORTANT ISSUE FACING THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, earlier this evening the House unanimously passed House Concurrent Resolution 246 stating that Congress will not accept any trade agreement, including the potential North American Free-Trade Agreement being rushed to completion by the Bush administration which jeopardizes U.S. health, safety, labor, or environmental laws.

Mr. Speaker, I rise tonight to speak about the most important issue that faces our Nation today—jobs—maintaining and creating a range of jobs—from minimum wage to high-paying jobs—with fair benefits for our citizens. As I speak to you this evening, the Bush administration is rushing to put the final touches on a North American Free Trade-Agreement [NAFTA] with Mexico and Canada. As currently negotiated, it will help accelerate the loss of United States jobs to low-wage Mexico. As we know only too well, the process of job migration to Mexico has already widely begun.

Mr. Speaker, I am going to be reading into the RECORD over the next several weeks testimony presented by American workers at field hearings held across this country on job losses that have already occurred to Mexico.

This statement comes from Henry James Laird, a former employee of Eaton Corp. in Bellevue, OH.

BELLEVUE, OH,
March 30, 1992.

The EDUCATION AND LABOR COMMITTEE,
House of Representatives,
Washington, DC.

My dislocation from the Eaton Corporation is only one of the four plant closures or downsizings that have been my misfortune to experience. I was employed there for over five years as a maintenance mechanic plantwide doing everything from air conditioning to plumbing, line maintenance and facility care and repair. Part of the time I did repair on the line that was shipped to Mexico. My last wage was $12.38 plus overtime.

The plant manager called a plant meeting to announce the line was being moved to Mexico around early to mid 1989. I assisted with the breakdown and shipment of the automotive controls line to Mexico which included 4 and 5 ton presses and other related equipment. The last line to be sent there left after the plant closing was announced, displacing 75–100 workers and was gone by the end of 1990. This left a very large floor area which was used for the storage of other finished goods. When the plant closure was announced they said the reason was that there was too much floor space in the plant so this was the beginning of the end of the Eaton plant in Fremont. It became too expensive to keep the plant open when it was under capacity. Several engineers and maintenance men went to Mexico to help set up the machinery to help get them started.

I am currently looking for work again from another partial closure. I am a veteran of 3 tours in Vietnam as a Navy Machinist Mate. As a single head of household with 2 kids at home I am finding it tough to make my house payments. Right now I am behind 1 month on my mortgage and my health insurance expires March 31, 1992. I am basically a hard working guy who believes in going out and finding work, not waiting for the job to come to me. Today's job market is really challenging.

In closing I would like to ask you Congressmen to bring our jobs back home to America where they belong. God Bless America.

Yours truly,

HENRY JAMES LAIRD.

Mr. Speaker, the administration has claimed that by simply reducing tariffs

between the United States, Mexico, and Canada, prosperity will be created in all three countries. Yet the NAFTA negotiations continue to engender significant opposition because they ignore critical social, economic, and political divergences that a trade agreement cannot address and, more likely, will exacerbate. Nothing in the central body of the agreement to date addresses the need for free elections, political freedoms, human rights, individual and labor rights, decent standards of living, environmentally safe working and living conditions—these should be fundamental enforceable precepts underpinning any workable economic negotiation.

Tonight I want to bring your attention to an important new study that sheds light on the realities of a poorly and hastily negotiated NAFTA. The Economic Policy Institute has just released a study entitled "The Effect of George Bush's NAFTA On American Workers: Ladder Up or Ladder Down." The alarming findings of this report are that the agreement proposed by President Bush will remove rapidly all remaining barriers to the flow of capital, goods, and services across North American borders, leaving the fate of U.S. incomes, working conditions, and environmental and social regulation entirely to economic and political chance.

The report finds that, as presently designed, the proposed NAFTA agreement will harm the United States' long-term economic competitiveness and put in jeopardy the jobs of hundreds of thousands of American workers. It will also put downward pressure on the wages of millions more Americans working in sectors not directly affected by the agreement.

It doesn't take much common sense to recognize that corporations seeking to maximize profits will locate production where costs are lower. This includes labor costs, corporate taxes, and the costs related to complying with environmental or workplace safety regulations. Quite simply, why wouldn't a company relocate in order to pay $1.50 an hour wages with no benefits rather than $10 an hour wages with benefits? Sixty-eight percent of all investment in Mexico already is United States investment.

There is ample evidence that this is exactly what is happening in the Mexican maquiladoras. The real advantage of producing in the maquiladora sector does not lie in avoiding tariffs, but rather in taking advantage of ultracheap wages and lax environmental and labor standards. Wages in the maquiladora sector are approximately one-tenth to one-fourteenth of United States manufacturing wages, and the Mexican government has lacked both the resources and the will to enforce even basic worker-safety provisions or environmental regulations.

We all know about the painful examples of plant relocation to Mexico—Smith Corona, Dura, Delco, Green Giant, General Motors, and Zenith—to name only a few. Over the next several weeks I will be sharing more personal testimony from American workers who have lost their jobs to Mexico. I will be sharing these compelling stories of how workers in these plants went from being taxpaying citizens supporting themselves and their families with good paying jobs with benefits to the long-term unemployment lines, with little hope of finding new or equivalent employment.

The Economic Policy Institute reinforces what we've already known for some time. That is that nothing in the Bush administration's NAFTA strategy suggests that workers dislocated as a result of this new trade agreement will fare any better than dislocated workers have fared in the past. Moreover, the consensus of long-range public and private forecasters is that growth in the U.S. economy will be considerably slower over the next decade than in the last, suggesting that the fortunes of trade-dislocated workers in the United States will suffer more. I will also be reminding listeners that this agreement is being negotiated by an administration that has continually zeroed-out funding for trade adjustment assistance programs, has vetoed the minimum wage, and has waited 2 years before signing unemployment compensation legislation to deal with America's millions of jobless. We all know that the fundamental economic purpose of NAFTA is to facilitate the shift in investment to Mexico so Mexico can pay its debts to money center banks. The Bush administration has made a conscious decision to promote such a strategy. High United States Government officials have encouraged United States producers to shift to Mexico in order to take advantage of low wages. Former United States Secretary of Commerce Mosbacher even distributed materials at a meeting of business investors interested in Mexico encouraging them to move south of the border. He forecast even more cheap labor in the future because of a prospective increase in the gap between the U.S. minimum wage and the Mexican direct wage. These are Bush administration officials blatantly and clearly promoting low-wage strategies for American companies.

Many U.S. companies are trying to cut costs in the short term by heading south of the border—even without the help and encouragement of the administration's trade policy. We have seen firsthand how this pattern has already been established in the maquiladora program—the existing Mexican free-trade initiative—which has drawn thousands of United States companies to relocate part or all of their operations in Mexico. It is estimated 1,700 United States companies have located in Mexico and employ 500,000 workers. Those workers have not improved their standards of living, but the corporations that exploit their labor have made millions.

In my judgment, many U.S. firms caught in a competitive battle internationally, are opting for cheap labor rather than investing here at home in research and development, and education and training that could lead to long-term productivity and quality gains in the United States. The Bush administration is actively promoting this flawed strategy in its earnest pursuit of the NAFTA. U.S. companies cannot ultimately be globally pre-eminent by relying solely on short-term, low wage strategies to bring down U.S. cost structures. Any potential NAFTA should not permit United States companies to turn their backs on the plight of either United States or Mexican workers' well-being.

Mr. Speaker, I ask you, is this the kind of continent we want? A continent of declining wages and increasing unemployment in entire sectors of the U.S. work force? A continent where United States consumers benefit from American workers who don't earn a fair wage. Is this the kind of future we want to leave our children? I say absolutely not. Unless there is a dramatic shift in the content of what is currently being negotiated by the Bush administration, his agreement will not be supported by this Member of Congress, and many others. As Members of Congress, we must be sure that any agreement will raise incomes and expand jobs in the United States, Canada, and Mexico. Nothing short of this will do.

□ 2140

Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I just wanted to say to the gentlewoman that there are a number of bluecollar Republicans who join with her in opposing the North American Free-Trade Agreement, the so-called Free-Trade Agreement with Mexico. Let me just say that one problem that we have is that neither one of the Presidential candidates or both of the Presidential candidates, President Bush, who I support very strongly, and Bill Clinton, who the gentlewoman, I think, supports very strongly, both of them have on several separate occasions endorsed the Mexican Free-Trade Agreement.

The only Presidential contender who objected to the Mexican Free-Trade Agreement was Ross Perot, who is no longer in the race.

So let me say to the gentlewoman that I think it is important for us on the House floor, Republicans and Democrats, to analyze this agreement and to point out the problems and the dangers for American workers and American businesses.

One thing I would like to say to the gentlewoman is that one problem that we have, we discussed the environment today and the fact that we want Mexico to put good environmental laws on the books. The problem is, they have excellent environmental laws on the books, but they do not have enforcement.

And we have to look at this agreement as it is going to be enacted and as it is going to be implemented, not merely as it is going to be written.

If history is a determinant of what the future is going to be, I think we can anticipate that there will be nice words written on pieces of paper, minute orders and commitments to environmental cleanup that when funds run low in the Mexican treasury and when other items take priority, they will be ignored and we will see a continuation of a situation like we have in California where the New River, coming through the industrial area in Mexicali, comes into the United States as the most polluted river in North America and deposits its toxics and other dangerous contaminants in the Salton Sea on the North American side.

TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I just want to tell the gentlewoman that thousands of jobs are at stake, and it is very important that we remember, as the cry goes out that somehow the Mexican Free-Trade Agreement will help consumers, that the real definition of a consumer in this country is an American worker with a job and a paycheck. And consumer items are not our problem right now.

We have got all the cheap consumer items we need with ads blaring on radio and television and K-Mart shoppers attention.

What we need are high-paying jobs. This is not because Mexican workers are not productive. It is because they are productive, and they can approach 80 to 90 percent of the productivity of American workers while receiving a dollar an hour wage, so that we must realize that it is not fair for us to throw our workers into the pits with 93-cents-an-hour workers.

Anywhere in the world, no matter how deserving and nice those workers may be, it does not do a credit and it does not accrue to the benefit of American families to do that.

I hope to work with the gentlewoman in the future in advising Governor Clinton and President Bush that their position on free trade is not a correct one.

Ms. KAPTUR. Mr. Speaker, if the gentleman would yield, I greatly look forward to continue working with him. He has been such a leader on this, and he actually knows the problem. He has experienced it. He is close to the border. I come from way north in the United States. But I share exactly his concerns and truly will work with him and try to sensitize the next President of the United States, whoever that might be.

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman. I hope that President Bush takes our advice.

ERIC MONEYPENNY

Mr. HUNTER. Mr. Speaker, I came here tonight to talk about Americanism and a person who literally embodies all the wonderful things, all the wonderful qualities that this Nation is known for around the world. And interestingly, this gentleman is a guy from Australia. His name is Eric Moneypenny. He is a guy who was born in Brisbane in Queensland, Australia, in June 1916. He attended grammar school and high school there.

□ 2150

Later he served at the Battle of Tobruk, and throughout the war he worked for a corporation in the islands of the South Pacific. He worked for a couple of years there, and went to Europe. Finally he traveled to the United States, when he was working for the United States Air Force in England and decided that he would like to come to the United States. He ended up residing in San Diego County, CA, and that is where I met Eric Moneypenny.

The incredible thing about Eric Moneypenny is that in this world of those of us who work in government and make a good living at it, Eric Moneypenny had a desire to help people, and he did it for free. He came to my office and he offered to work on housing for people who could not afford housing, and to work housing issues, and he asked nothing for it.

For the wonderful folks of National City, and Coronado, and Chula Vista, and Imperial Beach, and Lemon Grove, and San Diego County, and later on all of East County, El Cajon, and La Mesa and points west or points east, all the way out to Imperial County in California, Eric Moneypenny was not only a smiling face for folks who came into the office that needed help, but he was a guy who knew how to get things done. He had been working for the city of Chula Vista as a part-time senior housing specialist, and remained there until 1992. Every time he had a spare moment he went to work as a volunteer for his fellow Americans.

Eric Moneypenny has decided to go back to Australia, and this country is going to be poorer for his absence. I just want to say to Eric and to all of the people who are like Eric, who work for this country and for their fellow man for no pay, because they believe in the goodness of America, thank you for what you have done. You have truly made Australia a rich and wonderful place in the hearts of many Americans like myself who do not know much about Australia except for Eric Moneypenny.

IN MEMORY OF GEORGE THOMAS LELAND III

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. WASHINGTON] is recognized for 5 minutes.

Mr. WASHINGTON. Mr. Speaker, this evening I rise in memory of George Thomas Leland III, departed, and remind Members that the person affectionately known as Mickey Leland to all of them died 3 years ago tomorrow, on August 7, 1989, in a plane crash in Ethiopia. He died proving that effort is its own reward.

He was a colleague of most of the Members, the present Members of the U.S. House of Representatives. He was a friend of all who knew him. Since I have been in Congress as the successor to that office, I have heard thousands of Mickey Leland stories. I knew before I came here that he touched the lives of so many people because I had the pleasure of being his friend for many years, beginning in 1971 when we were both college students at Texas Southern University in Houston. That friendship lasted through until his death, and is with me now.

Mickey Leland was a great friend of all people, I believe. He believed in the brotherhood of mankind. He proved that greater love hath no man than he who would lay down his life for his friend, because he literally died for the cause in which he believed so deeply, and that is feeding hungry people throughout the world, and most especially in Ethiopia.

I pause at this time and at this late hour just for that purpose, to say that Mickey is gone but not forgotten.

LEGISLATION TO APPLY THE COMMUNITY REINVESTMENT ACT TO FOREIGN BANKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois, [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today I am introducing the Community Reinvestment Act Amendments of 1992. This legislation applies the Community Reinvestment Act [CRA] to all foreign bank branches operating in the United States. It is important that foreign banks operating in this country be committed to lending in the United States. Currently, CRA applies to all domestic banks, foreign subsidiaries, and FDIC-insured foreign branches. This legislation adds uninsured foreign branches to this list.

Today, foreign banks hold 24 percent of the banking assets in the United States. Until re-

cently, it was common knowledge that foreign banks hold 30 percent of the commercial and industrial loans in the United States. Now the Federal Reserve has just revised that figure to 45 percent after taking into account loans by offshore institutions to U.S. borrowers.

Our country obviously needs the credit foreign banks are extending. And foreign banks have made a serious investment in their U.S. operations. We must make sure our goals and the foreign banks' goal do not diverge. We must make sure that people who live in Anytown U.S.A. or own businesses on Main Street America can obtain credit. For this reason, all foreign institutions accepting deposits here in the United States must come under the jurisdiction of CRA. This is the only way we can make sure banks are putting money back into the neighborhoods from which they take deposits.

I am certain that non-FDIC insured foreign banks will howl in protest about this bill. They will use the overregulation argument, much the same as the domestic banks did when CRA was first enacted and when it was amended in FIRREA. They will ask for special status because they are foreign institutions serving a different clientele. But let me remind them that this legislation fully complies with the principle of national treatment. Foreign banks are still given all the rights and privileges of domestic banks. Under my bill, foreign branches are treated exactly the same as domestic branches. Both will have to comply with CRA.

The impetus behind this legislation is the low loan to asset ratios of some of the largest foreign financial institutions in this country. As I had mentioned in a June 9 floor statement, a number of foreign financial institutions operating in this country have very low loan to asset ratios in the United States. Fuji Bank, the fifth largest bank in the world has a 29-percent loan to asset ratio at its main New York branch. Overall, only 33 cents of every dollar of Fuji's assets in the United States are loans. This is not enough.

This picture was not always so grim. While large foreign banks located in the United States generally have a much lower loan to asset ratio than domestic institutions, the differential has widened during the recent credit crunch. In 1988, large domestic institutions had an average loan to asset ratio of 62 percent. Large foreign banks in the United States weighted in with a loan to asset ratio of 49 percent. In 1991, large domestic institutions dipped to a loan to asset ratio to 60 percent, while large foreign institutions tumbled to a loan to asset ratio of only 40 percent.

It appears that large foreign banks abandoned Americans and American businesses in their time of need. During the credit crunch of the last few years, large foreign institutions tightened the reins on lending much more than domestic institutions. Foreign financial institutions are not demonstrating as a great a commitment to the lending in the United States as their domestic counterparts. If they will not voluntarily make this commitment, then the laws should be changed to require them to do so. This bill serves exactly that purpose.

The Community Reinvestment Act Amendments of 1992 does not impose onerous restrictions on foreign branches. It only mandates that they follow the same regulations as their domestic counterparts. And even more importantly, it requires foreign bank branches to provide for the credit needs of the communities in which they do business. That is not asking too much of institutions which gather deposits in the United States.

INTRODUCTION OF LEGISLATION TO DIRECT THE IRS TO MODIFY PURCHASE PRICE LIMITS UNDER THE MORTGAGE REVENUE BOND PROGRAM TO REFLECT HOUSING COSTS IN WESTCHESTER COUNTY, NY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, today I rise to introduce legislation to enable more first-time home buyers in Westchester County to obtain low-interest mortgages under the Federal Mortgage Revenue Bond [MRB] Program. The bill would raise the maximum purchase price that low- and moderate-income home buyers in Westchester County can pay for homes financed through the MRB Program to a level that more accurately reflects housing costs in Westchester County. Only with this change can Westchester residents have an opportunity to participate fully in the MRB Program.

This legislation will help make the American dream a reality for more Westchester residents. During this recession, too many families are having to forgo home ownership, because they cannot afford to finance a home. This bill will give Westchester residents an equal opportunity to participate in this successful program by adjusting it to market conditions in our community.

The MRB Program allows States and municipalities to sell tax-free municipal bonds and to use the proceeds to offer below-market rate mortgages to qualified first-time home buyers. The program targets low- and moderate-income people through caps on the incomes of participants and on the price of homes that can be purchased.

Unfortunately, in certain areas, such as Westchester County, those limits are set so low that they severely inhibit participation in the program. This occurs because the figures governing Westchester County's participation in the MRB Program are based on the Census Bureau's metropolitan statistical area [MSA], which includes Westchester County and New York City. Not surprisingly, Westchester's housing prices are not reflected in overall metropolitan figures. Consequently, statistics for the MSA do not accurately represent conditions in Westchester.

The National Affordable Housing Act of 1990 included language which I wrote to separate Westchester County from New York City's MSA for the purpose of calculating Westchester's median income. Previously, the income figures for the New York City MSA were so low that Westchester was being shortchanged on housing assistance, because eligibility for such programs is usually tied to median income levels.

My amendment to the National Affordable Housing Act solved that problem without altering New York City's income calculation. The language directed the Department of Housing and Urban Development [HUD], in measuring New York City's MSA, keep Westchester in New York City's MSA. This ensures that Westchester receives its fair share of housing assistance based on its own income figures, without adversely affecting New York City's housing programs.

In order for Westchester to effectively participate in the MRB Program, it is necessary to make a similar change in the way the program's purchase price limits are set.

When the Internal Revenue Service [IRS] sets the maximum purchase price in Westchester County for homes financed through the MRB Program, it groups Westchester together with New York City where average housing costs are significantly lower. The average cost of a three-bedroom home in Westchester County is over $312,000—$115,000 more than a similar residence in New York City. Westchester residents participating in the MRB Program, as it is currently structured, must buy a house valued at less than $145,000. The supply of single-family homes in this price range is extremely small. This naturally restricts the number of homes that qualified home buyers in Westchester can choose. Consequently, Westchester County's participation in the program is very limited.

Other communities in New York State and the Nation, which have purchase price limits geared to their own markets, are participating in the MRB Program at a much higher rate than Westchester County. Suffolk County, for example, which has its own purchase price limits, participates in the MRB Program 10 times as much as Westchester County. Raising Westchester's purchase price limit to a level that reflects the Westchester market would help more low- and moderate-income people in our area purchase homes through the program.

The Mortgage Revenue Bond Program is a valuable tool for helping low- and moderate-income people overcome barriers to home ownership. But current law unnecessarily restricts many residents in Westchester County from participating in the program. The legislation which I am introducing today would correct that problem at a time when more and more Americans are losing sight of the dream of home ownership. This measure can help keep that dream alive.

IN MEMORY OF DAN CERCONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, today I am proud to pay tribute to Dan Cercone, a man who was an outstanding citizen of the city of Pittsburgh and a friend to many individuals in our community, especially to the residents of the Bloomfield section of Pittsburgh. Dan Cercone passed away on July 6, 1992, at the age of 79.

Dan Cercone came to western Pennsylvania in 1925 at the age of 12 from his native Italy. He entered our country excited about taking

part in the American experiment in liberty and individual opportunity. He also celebrated the idea of community commitment and a shared responsibility to make the world a better place for each new generation.

Dan Cercone was an integral part of the Bloomfield community in Pittsburgh. A barber by profession, he was known as one of the best in the business. While his barber shop was a popular site to visit in Bloomfield, Dan Cercone was known far outside his local community as the only four time national award winner in men's hair styling. He developed and patented a unique brand of scissors which revolutionized his industry and are in wide use today in communities across America.

Over the course of a remarkable life, Dan Cercone served his community in a large number of civic roles which earned him the unofficial title of "Mayor of Bloomfield." Dan Cercone was known for his willingness to take younger men and women under his wing and serve as a mentor. He sponsored other Italian immigrants. He established and funded youth sports leagues and organized and supported several civic and business associations. While Dan never sought elected office, he earned the gratitude of many local public officials who benefitted from his sage advice on issues of concern to the residents of Bloomfield and the city of Pittsburgh. "The Mayor of Bloomfield" represented his constituents well.

Mr. Speaker, Dan Cercone was a man who lived his life well and served both his family and his community in many ways. He never wasted his time with rhetoric about family values. He set a true example of daily commitment to family values for both his daughter and grandchildren as well as the community at large. Dan Cercone was a man who will be long remembered with gratitude and affection in Bloomfield and the city of Pittsburgh. I join with the men and women of our community in paying tribute to Dan Cercone, a friend to all who knew him.

HOUSE REPUBLICAN BUDGET ENFORCEMENT OPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. GRADISON] is recognized for 10 minutes.

Mr. GRADISON. Mr. Speaker, members of the House Budget Committee participated in a series of Budget Committee meetings over several weeks at which various reforms in the congressional budget process were discussed. At the end of this process, we concluded that the best reform in the way the budget is formulated and executed continues to be a constitutional amendment to require a balanced budget. That continues to be our first choice.

Our fallback, second-best option would be to amend the Panetta proposal, H.R. 5676 to remove any possibility of an automatic tax increase or an automatic reduction of Social Security benefits. We would also seek to maintain a firewall between domestic and nondomestic spending.

Our ideas are incorporated in the following one-page explanation I would like to include in the RECORD at this point.

HOUSE REPUBLICAN BUDGET ENFORCEMENT OPTION

Principles: Strike automatic Social Security cuts and tax increases from Panetta's plan, add a firewall and add Stenholm balanced budget constitutional amendment concepts.

Goal: Achieve balanced budget by fiscal year 1998, by restraining spending, without raising taxes or reducing Social Security.

THREE-FIFTHS MAJORITY TO ADOPT TWO-YEAR JOINT BUDGET

At the beginning of each Congress, a two-year Joint Budget Resolution would be enacted. This would bring the President to the bargaining table at the beginning of the budget cycle, not the end.

The Joint Resolution would establish for the two upcoming fiscal years the total amount of budget authority and outlays for discretionary spending, total mandatory spending levels, the revenue floor, and the public debt limit.

If carrying out the Joint Resolution would result in a deficit for any year, a three-fifths majority of the whole number of each house would be required to pass it. Further, spending could exceed levels provided in the Joint Resolution only if agreed to by a three-fifths majority of the whole number of each house—similar to Stenholm Constitutional Amendment.

No spending or tax bills or congressional budget resolutions could be considered until the Joint Budget Resolution had been enacted. The President would not be required to send a budget to Congress until the Joint Budget Resolution had been enacted.

If a Joint Budget Resolution failed to be enacted before the beginning of a fiscal year, then appropriations are deemed to have been enacted at the lower of the prior year's level or current services.

MAKE THE FOLLOWING ADDITIONAL CHANGES TO THE PANETTA BILL

Strike automatic tax increases: H.R. 5676 would automatically impose an additional, new tax bracket and would reduce or eliminate indexation of tax brackets as part of the sequestration process. That is, unlike the Democratic bill, the Republican plan would not include automatic tax increases when Congress failed to reduce spending.

Strike automatic Social Security reductions: H.R. 5676 would reduce Social Security benefits when sequestration is carried out to enforce pay-as-you-go requirements. The Republican plan would not reduce Social Security benefits.

Impose separate appropriations caps for National Security—including international affairs—and for domestic discretionary spending. H.R. 5676 would put an overall cap on all appropriations, running the risk of gutting defense in order to satisfy demands for ever more domestic spending. The Republican plan would provide two separate caps. If spending in either area was less than the cap, the savings would be used for deficit reduction.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLEMENT (at the request of Mr. GEPHARDT) for today, after 1 p.m., on account of official business.

Mr. GORDON (at the request of Mr. GEPHARDT) for today, after 1:15 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special order heretofore entered, was granted to:

(The following Members (at the request of Mr. HUNTER) to revise and extend their remarks and include extraneous material:)

Mr. GRADISON, for 10 minutes, today.

Mr. HUNTER, for 5 minutes, today.

(The following Members (at the request of Mr. WASHINGTON) to revise and extend their remarks and include extraneous material:)

Mr. PEASE, for 5 minutes, today.

Mr. WASHINGTON, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. SAVAGE, for 60 minutes each day, on September 15, 22, 29 and October 6.

Mrs. COLLINS of Illinois, for 5 minutes each day, on September 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29 and 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HUNTER) and to include extraneous matter:)

Mr. DORNAN of California.

Mr. SMITH of New Jersey.

Mr. GILMAN.

Mr. SAXTON.

Mr. BLAZ.

Mr. BEREUTER.

Mr. SANTORUM.

Mr. EMERSON.

Mr. YOUNG of Alaska.

Mr. CAMP in two instances.

Mr. THOMAS of California in two instances.

Mr. MARLENEE.

Mr. PORTER.

(The following Members (at the request of Mr. WASHINGTON) and to include extraneous matter:)

Mr. FASCELL in three instances.

Mr. VISCLOSKY.

Mr. ROE.

Ms. DELAURO.

Mr. REED.

Mr. ACKERMAN.

Mr. YATRON.

Mr. ASPIN.

Mr. FALEOMAVAEGA.

Ms. NORTON.

Mr. DORGAN of North Dakota.

Mrs. SCHROEDER.

Mr. VALENTINE.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4437. An act to authorize funds for the implementation of the settlement agreement reached between the Pueblo de Cochiti and the United States Army Corps of Engineers under the authority of Public Law 100-202.

ADJOURNMENT IN MEMORY OF GEORGE THOMAS LELAND, III

Mr. WASHINGTON. Mr. Speaker, I ask unanimous consent that when the House adjourn tonight, it adjourn in the memory of George Thomas "Mickey" Leland III.

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

There was no objection.

ADJOURNMENT

Mr. WASHINGTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 55 minutes p.m.) under its previous order, the House adjourned until Monday, August 10, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4073. A letter from the Secretary of the Interior, transmitting certification that the lands to be irrigated are capable of sustained agricultural production and will not result in toxic or hazardous irrigation return flows; jointly, to the Committees on Appropriations and Interior and Insular Affairs.

4074. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting the Commission's report on abnormal occurrences at licensed nuclear facilities for the first calendar quarter of 1992; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5008. A bill to amend title 38, United States Code, to reform the formula for payment of dependency and indemnity compensation to survivors of veterans dying from service-connected causes, and for other purposes (Rept. 102-753, Pt. 2). Ordered to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4715. A bill to authorize expenditures for fiscal year 1993 for the operation and maintenance of the Panama Canal, and for other purposes; with an amendment (Rept. 102-790). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. S. 1029. An act to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; with an amendment (Rept. 102-810, Pt. 1). Ordered to be printed.

Mr. FORD of Michigan: Committee of Conference. Conference report on H.R. 3033 (Rept. 102-811). Ordered to be printed.

Mr. ASPIN: Committee on Armed Services. H.R. 4164. A bill to provide for the transfer of excess land to the Government of Guam, and for other purposes; with an amendment (Rept. 102-812, Pt. 1). Ordered to be printed.

Mr. ASPIN: Committee on Armed Services. H.R. 4404. A bill to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes; with an amendment (Rept. 102-813, Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4016. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require the Federal Government, before termination of Federal activities on any real property owned by the Government, to identify real property where no hazardous substance was stored, released, or disposed of; with an amendment (Rept. 102-814). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4802. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Mariposa* (Rept. 102-791). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4987. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States (Rept. 102-792). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5094. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *A Weigh of Life* (Rept. 102-793). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5128. A bill to authorize a certificate of documentation for the vessel *Reddy Jane* (Rept. 102-794). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5148. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States (Rept. 102-795). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5163. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Wild Goose* (Rept. 102-796). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5197. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States (Rept. 102-797). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5190. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States. (Rept. 102-798). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5226. A bill to authorize a certificate of documentation for the vessel *Touch of Class*. (Rept. 102-799). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5227. A bill to authorize a certificate of documentation for the vessel *Liquid Gold*. (Rept. 102-800). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5228. A bill to authorize a certificate of documentation for the vessel *Delphinus II*. (Rept. 102-801). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5358. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Caminante*. (Rept. 102-802). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5410. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States. (Rept. 102-803). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 5425. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *High Calibre* (Rept. 102-804). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4719. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *50-50* (Rept. 102-805). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4469. A bill to clear certain impediments to the licensing of the vessel *Hazana* for employment in the coastwise trade of the United States (Rept. 102-806). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4191. A bill to clear certain impediments to the licensing of the vessel *Southern Yankee* for employment in the coastwise trade of the United States (Rept. 102-807). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3086. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States (Rept. 102-808). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3005. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States (Rept. 102-809). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHANDLER (for himself, Mr. HUGHES, and Mr. BOEHLERT):

H.R. 5786. A bill to establish a Commission on Retirement Income Policy; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. ALLEN (for himself, Mr. ROHRABACHER, Mr. DANNEMEYER, Mr. SMITH of Texas, Mr. COBLE, and Mr. BOEHNER):

H.R. 5787. A bill to repeal the Service Contract Act of 1965; to the Committee on Education and Labor.

By Mr. ANNUNZIO:

H.R. 5788. A bill to amend the Community Reinvestment Act of 1977 to include domestic branches of foreign banks within the scope of the act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BROOKS:

H.R. 5789. A bill to authorize the Secretary of the Army to construct a child care facility for Federal employees at Fort Point, Galveston, TX, and for other purposes; to the Committee on Armed Services.

By Mr. DARDEN:

H.R. 5790. A bill to repeal the mandatory 20-percent income tax withholding on eligible rollover distributions which are not rolled over; to the Committee on Ways and Means.

By Mr. JACOBS (for himself and Mr. BURTON of Indiana):

H.R. 5791. A bill entitled, "Domestic Relations Order Interstate Compliance Act of 1992"; to the Committee on the Judiciary.

By Mr. JACOBS (for himself, Mr. DOWNEY, Mr. MATSUI, Mr. GIBBONS, Mr. CARDIN, and Mr. MCDERMOTT):

H.R. 5792. A bill to provide for the inclusion of specific items in any listing of impairments for the evaluation of human immunodeficiency virus [HIV] infection prescribed in regulations of the Secretary for use in making determinations of disability under titles II and XVI of the Social Security Act; to the Committee on Ways and Means.

By Mrs. LOWEY of New York:

H.R. 5793. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain areas in applying the purchase price requirements applicable to mortgage revenue bonds; to the Committee on Ways and Means.

By Mr. SHAYS (for himself and Mr. MFUME):

H.R. 5794. A bill to amend title IV of the Social Security Act to eliminate disincentives in the program of aid to families with dependent children that prevent recipients of such aid from working toward self-sufficiency; to the Committee on Ways and Means.

H.R. 5795. A bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, targeted urban areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes; jointly, to the Committee on Ways and Means, the Judiciary, and Banking, Finance and Urban Affairs.

By Mr. YOUNG of Alaska:

H.R. 5796. A bill to implement the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, signed in Moscow, February 11, 1992; to the Committee on Merchant Marine and Fisheries.

By Mr. HUNTER (for himself, Mr. BENNETT, Mr. BLAZ, Mr. BUSTAMANTE, Mr. CONDIT, Mr. CUNNINGHAM, Mr. DORNAN of California, Mr. GINGRICH, Mr. HAMMERSCHMIDT, Mr. HORTON, Mr. JOHNSON of Texas, Mr. CRAMER, Mr. MCGRATH, Mr. MCNULTY, Ms. OAKAR, Mr. PACKARD, Mr. PARKER, Mr. RITTER, Mr. SANTORUM, Mr. SAXTON, Mr. SOLOMON, and Mr. TOWNS):

H. Con. Res. 354. Concurrent resolution expressing the sense of the Congress that a United States guided missile cruiser should be named the "U.S.S. Pearl Harbor"; to the Committee on Armed Services.

By Mr. COLEMAN of Texas:

H. Res. 546. Resolution concerning the crisis in Bosnia-Hercegovina; to the Committee on Foreign Affairs.

By Mr. DANNEMEYER (for himself, Mr. ARMEY, Mr. FIELDS, Mr. STUMP, and Mr. HOLLOWAY):

H. Res. 547. Resolution expressing the sense of the House of Representatives that a Presidential commission should be established to investigate whether there has been any measurable depletion of stratospheric ozone beyond that caused by natural phenomena, whether it has been proven that the use of chlorofluorocarbons damages stratospheric ozone, and whether the phaseout of chlorofluorocarbons will have any effect on stratospheric ozone; jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DICKS introduced a bill (H.R. 5797) for the relief of Thomasina Coltrain; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 252: Mr. MARKEY.

H.R. 338: Mrs. MINK.

H.R. 643: Mr. ROBERTS.

H.R. 766: Ms. WATERS.

H.R. 919: Mr. BARRETT.

H.R. 943: Mr. JONTZ.

H.R. 944: Mr. PALLONE.

H.R. 1473: Mr. PENNY.

H.R. 1527: Mr. ANDREWS of Maine.

H.R. 1573: Mr. GONZALEZ, Mr. MARTINEZ, Mr. GINGRICH, Mr. EMERSON, Mr. GORDON, Mr. JACOBS, Mr. JOHNSON of South Dakota, and Mr. THORNTON.

H.R. 1771: Mr. YOUNG of Florida.

H.R. 2164: Mr. PALLONE, Mrs. BYRON, Mr. LAROCCO, Mr. COX of Illinois, Mr. BRYANT, Mr. ORTON, Mr. STALLINGS, Mrs. LLOYD, Mr. SIKORSKI, Mr. PETERSON of Minnesota, and Mr. MCCLOSKEY.

H.R. 2385: Mr. RHODES and Mr. SLATTERY.

H.R. 2625: Mr. CAMPBELL of Colorado, Mr. SAXTON, Mr. SANTORUM, Mr. BREWSTER, Mr. MCCANDLESS, Mr. KLUG, Mr. MYERS of Indiana, and Mr. HEFLEY.

H.R. 3561: Mr. WYLIE.

H.R. 4192: Mr. DARDEN.

H.R. 4418: Mr. HASTERT, Mr. HAYES of Illinois, Mr. EVANS, Mr. MARLENEE, Mr. ROE, Mr. LAGOMARSINO, Mr. MINETA, Mr. MOORHEAD, Mr. BARTON of Texas, Mr. JEFFERSON, and Mr. RINALDO.

H.R. 4551: Mr. SWIFT, Mr. RICHARDSON, Mr. WOLPE, and Mr. DEFAZIO.

H.R. 4606: Mr. SCHAEFER and Ms. ROS-LEHTINEN.

H.R. 4749: Mr. PACKARD.

H.R. 5003: Mr. SCHAEFER.

H.R. 5117: Mr. ATKINS, Mr. FRANK of Massachusetts, and Mr. RICHARDSON.

H.R. 5162: Mr. MAVROULES, Mr. BERMAN, Mr. DELLUMS, Mr. SYNAR, Mr. BEILENSON, Mr. KOSTMAYER, Mr. OBERSTAR, Mr. BROWN, Mr. WALSH, Mr. FISH, Mr. SABO, Mr. TOWNS, Mr. WEISS, and Mr. OWENS of New York.

H.R. 5231: Mr. CHAPMAN.

H.R. 5234: Mr. PANETTA and Mr. PACKARD.

H.R. 5250: Mr. LENT, Mr. PICKETT, Mr. HUTTO, Mr. POSHARD, Mr. GEREN of Texas, Mr. LAUGHLIN, Mr. BOEHNER, Mr. SCHAEFER, Mr. PAXON, Mr. SANTORUM, and Mr. ROWLAND.

H.R. 5282: Ms. ROS-LEHTINEN.

H.R. 5316: Mr. HOUGHTON.

H.R. 5389: Mr. PORTER and Mr. ATKINS.

H.R. 5507: Mr. EVANS.

H.R. 5521: Mr. HOCHBRUECKNER, Mr. WALSH, Mr. SPENCE, Mr. BACCHUS, and Mr. VALENTINE.

H.R. 5530: Mr. RITTER.

H.R. 5550: Mr. SCHAEFER.

H.R. 5552: Mr. SCHAEFER.

H.R. 5553: Mr. SCHAEFER.

H.R. 5592: Mr. SHAYS.

H.R. 5610: Mr. GILLMOR, Mr. HUGHES, and Mr. IRELAND.

H.R. 5626: Ms. LONG.

H.R. 5729: Mr. RAMSTAD, Mr. COBLE, Mr. GOSS, Mr. DORNAN of California, and Mr. FAWELL.

H.R. 5733: Mr. GRANDY, Mr. ARCHER, and Mr. KYL.

H.R. 5740: Mr. LAFALCE and Mr. ORTON.

H.R. 5760: Mr. PARKER.

H.R. 5773: Mr. ALLEN, Mr. BARTON of Texas, Mr. BLILEY, Mr. CAMPBELL of California, Mr. COBLE, Mr. FAWELL, Mr. GOSS, Mr. LEWIS of Florida, Mr. PACKARD, Mr. RHODES, Mr. RITTER, Mr. ROHRABACHER, Mr. SENSENBRENNER, Mr. SMITH of Texas, and Mr. ZIMMER.

H.R. 5775: Mr. BOEHNER and Mr. WALSH.

H.J. Res. 106: Mr. BURTON of Indiana.

H.J. Res. 422: Mr. ECKART, Mr. FIELDS, Mr. HARRIS, Mr. HUBBARD, Mr. JONES of North Carolina, Mr. KOLTER, Mr. STAGGERS, Mr. HALL of Texas, and Mr. BEILENSON.

H.J. Res. 454: Ms. MOLINARI, Mr. CHAPMAN, and Mrs. MEYERS of Kansas.

H.J. Res. 471: Mr. LIVINGSTON, Mr. LANTOS, Mr. MCMILLEN of Maryland, Mrs. ROUKEMA, Mr. GUARINI, Mr. TOWNS, Mr. KLECZKA, Mr. COUGHLIN, Mr. SHAYS, Mr. WOLPE, Mr. SPRATT, Mr. MONTGOMERY, Mr. YOUNG of Alaska, Mr. LAFALCE, Mr. HORTON, Mr. COLEMAN of Texas, Mr. SANDERS, Mr. ESPY, Mr. CRAMER, Mr. ROE, Mr. YOUNG of Florida, Ms. NORTON, Mr. EVANS, Mr. SERRANO, Mr. KASICH, and Mr. BENNETT.

H.J. Res. 475: Mr. BATEMAN.

H.J. Res. 492: Mr. CLEMENT, Mr. DE LA GARZA, Mr. YOUNG of Florida, Mrs. VUCANOVICH, Mr. MCCOLLUM, Mr. BONIOR, Mr. BROWDER, Mr. ACKERMAN, Mr. WEISS, Mr. BRUCE, Mr. PAYNE of Virginia, Mr. SABO, Mr. LEWIS of Georgia, Mr. SHUSTER, Mr. JONES of Georgia, Mr. PETERSON of Florida, Mr. RAHALL, Mr. SANGMEISTER, Mr. BOEHLERT, Mr. INHOFE, Mr. DUNCAN, Mr. HANCOCK, Mr. MINETA, Mr. COX of California, Mr. PETRI, Mr. ZELIFF, Mr. COSTELLO, Mr. LAUGHLIN, Mr. EWING, Mr. MATSUI, Mr. DOWNEY, Mr. GEKAS, Mr. SAWYER, Mr. LIPINSKI, Mr. BALLENGER, Mr. NICHOLS, Mr. SOLARZ, Mr. DELLUMS, Mr. LAGOMARSINO, Mr. ROYBAL, Mr. BERMAN, Ms. WATERS, Mr. MARTINEZ, Mr. DYMALLY, Mr. LOWERY of California, Mr. LEWIS of California, Mr. SCHULZE, Mr. MURTHA, and Ms. PELOSI.

H.J. Res. 530: Mr. CLEMENT, Mr. COSTELLO, Mr. ANDREWS of Texas, Mr. SUNDQUIST, Mr. GUARINI, Mr. KLUG, Mr. MCNULTY, Mr. WALSH, Mr. COUGHLIN, Mr. TOWNS, Ms. SNOWE, Mr. HORTON, Mr. DOWNEY, Mrs. LLOYD, Mr. HENRY, Mr. MCMILLAN of North

Carolina, Mr. LEHMAN of California, Mr. FROST, Mr. GEREN of Texas, Mr. MARTIN, Mr. CRAMER, Mr. BRUCE, Mr. KLECZKA, Mr. PAYNE, of New Jersey, and Mr. POSHARD.

H. Con. Res. 344: Mr. WOLPE, Ms. LONG, Mr. MCCLOSKEY, Mr. WEISS, Mr. CHANDLER, Mr. GEJDENSON, Mrs. MINK, Mr. MFUME, Mr. SCHUMER, and Mr. CLEMENT.

H. Con. Res. 347: Mr. EVANS and Mr. HUGHES.

H. Con. Res. 352: Mr. HAMILTON and Mr. BROOMFIELD.

H. Res. 484: Mr. WELDON, Mr. PORTER, Mr. HUTTO, Mr. HUCKABY, and Mr. SCHAEFER.

H. Res. 490: Mr. KOSTMAYER, Mr. MAVROULES, and Mr. GOSS.

H. Res. 515: Mrs. MINK, Mr. DEFAZIO, Mr. GEJDENSON, Mr. MFUME, Mr. BLACKWELL, Mr. FAWELL, Mr. COSTELLO, Mr. EVANS, Mr. ANDREWS of Maine, Mr. OWENS of New York, Mr. ABERCROMBIE, Mr. COX of Illinois, Mr. ORTON, Mr. KENNEDY, Ms. WATERS, Mr. LIPINSKI, Ms. DELAURO, Mr. TRAFICANT, and Mr. PETERSON of Minnesota.

H. Res. 524: Mr. MURPHY, Mr. KILDEE, Mr. GOODLING, Mr. COLEMAN of Missouri, and Mr. FAZIO.

H. Res. 538: Ms. NORTON and Mrs. MEYERS of Kansas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1079: Mr. JONTZ.

SENATE—*Thursday, August 6, 1992*

(Legislative day of Wednesday, August 5, 1992)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the Honorable BROCK ADAMS, a Senator from the State of Washington.

PRAYER

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

Let us pray:

* * * *there is no power but of God: the powers that be are ordained of God.*—Romans 13:1.

Eternal God, perfect in all Your ways, we pray for the leadership of our Nation in these cynical days. It is as if there is a conspiracy to downgrade, demean, and discredit those who are dedicated to public service. As realists, we know there are some in positions of authority who are unworthy and who, by their attitudes and actions, bring disrepute upon public service. But we know, also, gracious God, that the great majority are men and women of integrity who take seriously their responsibility as servants of the people. We pray Thy blessing upon these faithful men and women, that they may be encouraged in their commitment to the public good, and to the institutions of government conceived and made real in the minds and hearts of our Founding Fathers. We pray Your judgment upon those who are unworthy of high office. Strengthen our democratic institutions. Preserve them against those who, enamored of power, use them for their own personal agendas.

In the all-powerful name of Him who ordains all authority. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 6, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BROCK ADAMS, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ADAMS there upon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, 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 not to exceed 5 minutes each.

The Senator from Oregon [Mr. HATFIELD] is recognized to speak for up to 7 minutes.

The Senator from Michigan [Mr. RIEGLE] will be recognized to speak for up to 5 minutes.

The Chair recognizes the Senator from Oregon [Mr. HATFIELD].

Mr. HATFIELD. Thank you, Mr. President.

TEARS WE CANNOT IGNORE

Mr. HATFIELD. Mr. President, as public servants, we often hear from citizens who seek our help. It is part of our job and a major function of government to assist those in need.

I constantly remind my staff that I consider this the soul of the responsibilities as U.S. Senator.

Some of those who have come to us for help could be called victims—victims of disease, victims of discrimination, victims of poverty, victims of war, victims of joblessness, victims of hunger, and a hundred other maladies that affect our society.

But the victims who are perhaps most in need of not only our help, but the help of many others, cannot travel to see us because they have not the means. They have no money to spend, and cannot vote. They are the truly powerless in our society because they must rely upon others for their very subsistence and safety.

I am here to speak today about our Nation's children, and, more specifically, about those who have been victims of abuse.

Mr. President, last week I was shocked to read a headline in an Oregon newspaper which read: "Crimes Against Children Increase 104 Percent in Salem."

Mr. President, this is my hometown. This is a city that is the capital of our State. This is a city that would be considered as sort of a typical American middle-income, middle-class city. No great ghettos, no great poverty, just good, solid middle income. Of course, there are those who live in poverty and, of course, there are those who are discriminated against. But in relation to what we think of urban life, it is a small percentage.

Mr. President, I cannot say how disturbed I am to read that the crime rate in this same city increased less than 1 percent over the rate of the first 6 months of last year, but cases of child abuse, neglect, and abandonment, and failure to pay child support has more than doubled.

Another disturbing increase reported in this article was that the number of runaway children rose from 283 in the first half of 1991 to 357 this year in Salem, OR. Some of these increases may indicate better reporting of cases, but this only means that this problem has been worse than we realized in the past.

To have a clearer picture of this menace only serves to make it all the more repugnant. The increase in crimes against children in the Oregon community did not include listing of sex crimes. However, other studies give us some indication of the frightening numbers here as well. Estimates from statistics of the Children's Service Division in Oregon, using confirmed abuse cases from the last decade, show that a total number of females under the age of 18 known to have suffered serious physical or sexual abuse in their lives is at least 18,500 in a small-populated State like my home State of Oregon. Obviously, looking beyond the official statistics, we have to add several thousand additional young women who probably belong on this list but have never reported the incidents.

Statistics can illuminate the extent of a problem, but they cannot show us the human faces of hurt children that they represent. We must look beyond the numbers and the statistics to try to feel the real suffering in these young lives.

The scourge of crimes against children is not new. But to recognize that they have existed throughout time in all societies is not to say they are tolerable now in a civilized society. We, as a society, practice denial in this area because of the horror of what we would be forced to see. These crimes are often hard to detect and hard to prove. We turn away from the descriptions of violence, from the awful reality of placing the physically abused, emotionally injured child into the hostile atmosphere of a court of law. However, we must face these crimes, and we must attack.

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

This May, President Bush signed into law legislation Congress passed last year which would extend existing laws on child abuse and treatment and make grants to States to develop strategies to prevent child abuse. This is a first step. A national child abuser registration system such as that proposed in the pending omnibus crime bill would be another significant step. But we cannot rely on Government officials at any level to eradicate a disease so chronic and vile that infests the very institutions that we depend upon for the security of our young; namely, our families and family structures and our schools.

While tough laws in reaction to child abuse and neglect are critical and must be strengthened, I cannot emphasize enough the need to be proactive—proactive—all of us, on this issue. The consensus among professionals in this field is clear—child abuse and neglect is the linchpin for many of the other problems of our society. Spending time, money, and effort to prevent the occurrence of abuse will reap innumerable benefits to all of us.

In Eugene, OR, there is a program called the Lane County Relief Nursery. The director of this program is Jean Phelps. It is a relief nursery that provides therapeutic programs for abused and high-risk children and their families. It has pioneered prevention-oriented—prevention-oriented—programs that strengthen the family and break the cycle of abuse. The Relief Nursery started out as an office in Jean Phelps' car and is now a multifaceted approach to child abuse treatment named as a national demonstration project and State model program. Its success stands as proof that, while strong reaction is necessary, prevention is the key toward lowering the incident of these horrible crimes against our children.

Preventing child abuse and assisting abused children is a challenge not solely for parents, teachers, guardians, and others who are in direct daily contact with children. It is a challenge for every citizen, for all persons old enough to know a wrong when they see one, and to correct it in any way they can. As elders, each one of us is responsible for the well being of the children of this Nation. We cannot ignore their tears.

It is often said that our children are our future. What obstacles they must face in this future. What dangers they must avoid in a world where utter innocence can turn to brutality and despair in a matter of minutes. We each have a vision of what a Sun-filled childhood should be like. For some, this elusive vision may be more a feeling than a picture—the feeling of games played barefoot on freshly cut grass in a suburban field, or the simple elation of finding an abandoned ball on a city street. Now, take a moment to imagine a cloud over these feelings. Envision a dark spot in this innocence almost too horrible to face, but much too horrible to forget.

The effort to identify, report, and prosecute crimes against children cannot be strong enough. Likewise, the effort to counsel and comfort those affected by these tragedies must be enhanced. Every adult citizen of this Nation must be vigilantly committed to this endeavor.

The burden of abuse is unfair at any age, but it is intolerable upon our youth. We must be the ones to bear the burden of this battle, lest it fall upon shoulders much smaller than our own.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Michigan [Mr. RIEGLE] for 5 minutes.

PRIVILEGE OF THE FLOOR

Mr. RIEGLE. I thank the Chair.

Mr. President, I ask unanimous consent that Elizabeth Gertz be afforded the privileges of the floor.

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

FACES OF THE HEALTH CARE CRISIS IN MICHIGAN

Mr. RIEGLE. Mr. President, I rise today to speak on the urgent need for a national health insurance plan for America that can cover all of our people and also bring skyrocketing health care costs under control.

I am the coauthor, with Senator MITCHELL, Senator KENNEDY, and Senator ROCKEFELLER, of a comprehensive health insurance plan called HealthAmerica. The bill number is S. 1227. We think it is the best proposal on the table now to solve this problem. It imposes very tough cost controls to bring costs down, and it broadens access to cover all of the people in our country. A strong nation needs strong and healthy people, and that means, fundamentally, access to good health care for all of our citizens.

Today, I am starting to put a human face on the problems of unmet health care needs and the lack of affordable health insurance for people across our country. I have now conducted, over the last 5 years, 32 different hearings on the health care issue. Most of those have occurred in Michigan, but a number have occurred here in Washington under my direction as chairman of the Subcommittee on Health for Families and the Uninsured. But over that period of time, we have heard hundreds and thousands of individual stories of people struggling to meet their health care needs and unable to do so under the present circumstances.

I want, today, to cite two or three examples of that. I want to start with a letter from a woman in Warren, MI, Andrea Hayosh. It is an example of how high health care costs can begin to cripple the economic circumstances of an American family. Andrea is a 31-year-old widowed woman with a 5-year-old son, Michael. For the past 9 years, she has worked full time as a dental hygienist in an office with three employees. Andrea's employer cannot afford to provide health insurance coverage for her and for her son. So she has had to obtain coverage through a private insurance company at a very substantial personal cost.

In 1988, Andrea's premiums under American Community Insurance Co. were $872 a year. But by June 1991, her premiums had risen steadily to $2,600 a year, really a back-breaking expense for her. Over a three and one-half year period, her premiums have tripled. These high costs forced Andrea to drop coverage with American Community. She now has different coverage under a company called Central Reserve. She is getting that coverage for $1,800 a year, but she is very concerned that the rates are going to go up or if she has to file a claim either for herself or for her son they will discontinue her insurance, because there is no requirement for them to continue the insurance if they decide that they want to cancel that policy.

So fearing and expecting that the rate pattern will continue to go up, she just does not know how she is going to be able to maintain the coverage. Right now it is taking about 10 percent of her annual income but, as I say, that is rising. She is very concerned about this, and she sent me a letter dated June 17, 1991.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD in its entirety at the end of my statement.

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

(See exhibit 1.)

Mr. RIEGLE. Mr. President, I will read a couple quotes from it. She says:

> I am appalled at the cost I must pay to obtain decent health coverage for myself and son. We have the best medical care and knowledge of any country, but how do we continue to afford such high insurance costs.

I think Andrea and her son Michael deserve access to high quality, affordable health care. Clearly, we can do it in America. Every other modern nation has found a way to do this for its people. Why should our people be asked to settle for less? There is no excuse for inaction. We have all kinds of programs today in the executive branch of Government to help people in other countries. In fact, we have economic programs to help virtually every country in the world including programs to help them with their health problems. We need a program here in America. It is time we have one.

This family is not alone. I want to cite one other example. I had a hearing

up in Traverse City, MI. On a weekday evening, over 300 people came out to tell us their problems on health care. I think I spent over 4 hours talking about personal problems. Here again was a typical family. I read this out of the Traverse City Record Eagle. A woman named Tammi Lumley, an East Bay resident, said her husband just was laid off from the oil and gas industry. They depended on his insurance to pay for the medical costs of their 4½ year-old daughter, who has asthma. In one year, the costs were $20,000 in hospital costs alone. The employer agreed to pay for the premiums for 6 more months, even though the man has been laid off but then we will have no coverage. And there is no way to get coverage, no way to afford coverage and there is a life threatening problem for this young girl and there is no answer today as we stand here for her problem, because her Government turned its back on her problem and turned its back on the people.

Let me cite one other case in the Detroit News.

The ACTING PRESIDENT pro tempore. The Senator's time expired.

Mr. RIEGLE. I ask unanimous consent to proceed for 2 additional minutes.

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

Mr. RIEGLE. I thank the Chair.

This is a story that ran in the Detroit News in September 1991 about a woman named Cynthia Fyfe, a single parent, employed, working very hard, who has serious medical bills. Through her work she has a modest insurance coverage program, not enough to pay her medical bills but to at least provide some measure of coverage for her. In the picture here you see her son, Anthony, who is 6 years old, the little fellow here with glasses on. He has no coverage. Her health insurance does not provide coverage for him. She cannot afford it on the outside. It is too expensive, and our country has no way of responding and helping this little fellow out in the Detroit area.

There are millions more like them. There are 300,000 children in Michigan without health insurance coverage today and additional millions across the country.

So it is time to do something about it. Here is one legislative proposal. I do not say it is perfect. We think it is the best proposal out there today and thankfully Governor Clinton and his campaign is endorsing the basic structure and philosophy and purpose of this program. I think if he is elected we will enact a national health care program.

EXHIBIT 1

JUNE 17, 1991.

Senator RIEGLE,
30800 VanDyke, Warren, MI.

DEAR SENATOR RIEGLE: I am writing to you as a concerned citizen about our health care costs. I read with great interest in The Detroit Free Press (June 6, 1991) about your sponsorship of a program called Americare.

I am a 30-year-old widowed female with a four-year-old son. I am currently working as a Dental Hygienist, in an office with 3 employees. Because insurance rates have tripled in over 3 years, my employer is unable to pay for premiums.

In January, 1988 I obtained coverage through American Community Insurance Company. At that time, my premiums were $872.00 per year. My new premium starting July 1, 1991 will be $2600.00 for the same amount of coverage. In a 3½-year period my insurance premiums have tripled.

I am appalled at the cost I must pay to obtain decent health coverage for myself and son. We have the best medical care and knowledge of any country, but how do we continue to afford such high insurance costs.

I urge you to vote and get other Senators to vote for this very much needed program. If I can be of any assistance, do not hesitate to contact me.

Sincerely,

ANDREA HAYOSH.

A MATTER OF CONSCIENCE

Mr. RIEGLE. Mr. President, President Bush yesterday said he was not going to change his thinking on the abortion issue, because it was a matter of conscience, that he was going to follow his conscience.

He has no right to impose his conscience on the conscience of every other person in this country. All well and good for him to follow his conscience in his family circumstance. But neither he, nor any other person, should tell every other person in America how to think or how their conscience should view this issue. The laws of this country and the Supreme Court decisions have said within those boundaries, that people have to make their own decisions and apply their own conscience, not President Bush's conscience, not the conscience of a given Senator, not the conscience of some other person here or there, but to apply their own individual conscience. And the President is wrong to insist that his conscience has to be applied to the thinking of every other American.

The PRESIDING OFFICER. The Senator's time has expired.

EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that morning business be extended for 5 minutes and that I may address the Senate during that time.

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

THE FALSE CLAIMS ACT

Mr. GRASSLEY. Mr. President, I rise this morning to discuss the success of the 1986 amendments to the False Claims Act, which is the Federal Government's primary tool against fraud in Government procurement.

The amendment as sponsored in 1986 enhanced the ability of private whistleblowers with knowledge of fraud to sue in the name of the taxpayers. Under this qui tam provision of the statute, approximately $275 million have been recouped by the Treasury in just 6 years. That $275 million, $125 million was recovered in just the last few weeks—in two cases.

These huge recoveries are not the result of rigorous auditing by the Defense Department, or zealous investigation by the Justice Department. The restitution of the taxpayers in these cases was achieved through the doggedness of two lone whistleblowers.

Two weeks ago, General Electric agreed to pay the United States $59.5 million in a civil settlement for fraud in the sale of aircraft engines to the Israeli Government. The fraud was brought to light by Chet Walsh, a GE employee in Israel who discovered that his superiors at GE in the United States were conspiring with Israeli Air Force Gen. Rami Dotan to charge the United States for goods and services never provided. Walsh documented the fraud going on around him, and despite the possibility of retaliation by his employer and General Dotan, filed a suit on behalf of the taxpayers.

General Dotan is now in jail, GE has punished most of the employees involved in the fraud, and GE is planning new initiatives to prevent fraud by its agents.

Three weeks ago, the successor to the Singer Corp. agreed to pay the United States $55.9 million for overbilling on more than 1 billion dollars' worth of contracts for flight simulators. This money would never have been recovered without the whistleblower lawsuit of Christopher Urda.

Mr. Walsh and Mr. Urda would probably not have been willing to blow the whistle on the defendants if they were not entitled to a reward, a portion of the Government's recovery. Under the 1986 amendments to the False Claims Act, individuals with knowledge of fraud on the Government are entitled to sue in the name of the Government as qui tam plaintiffs.

Their private attorneys general are entitled to 15 to 25 percent of the Government's recovery—25 to 30 percent if the Government declines to join the case. This proportional reward induces employees with knowledge of fraud by their companies to take the substantial personal and financial risks involved in blowing the whistle on their employer. It also encourages third-party investigators to complement the Government's investigative resources by scouring available records for evidence of fraud.

The GE and Singer cases prove the value of whistleblower lawsuits. These cases nearly doubled, in 2 weeks, the

Government's total recovery since the law was passed a half-dozen years ago. Dozens more cases are in the pipeline. Indeed, the Government's qui tam recoveries appear to be growing exponentially.

Public contractors contemplating ripping off the taxpayers must now reckon with the possiblity that one of their own employees, who sees what's going on, will sue the company in the name of the taxpayers, in exchange for a substantial reward.

Naturally, a law that is this successful is going to upset some people. Defense contractors and other False Claims Act defendants don't like being sued by their own employees in the name of the United States. The Department of Justice doesn't always like having cocounsel in its role as the people's lawyer. DOJ, properly concerned with maximizing the Government's recovery, doesn't like to have to pay large rewards to whistleblowers that bring the Government information it would not otherwise have. So there may be efforts to limit qui tam.

Before the session is out, the Senate may be addressing some technical amendments to clarify the intent of the 1986 amendments. When the subject of whistleblower lawsuits next comes up for consideration, I hope my colleagues will all recognize that, like rewards for information leading to the apprehension of criminals, whistleblower lawsuits are an extremely effective and successful way to bring to justice firms that rip off the taxpayers. Efforts to limit these suits will only be at the taxpayers' expense, in order to make life easier for public contractors and annoyed bureaucrats. I hope Senators will join me in resisting any such efforts.

THE SITUATION IN BOSNIA-HERCEGOVINA

Mr. LEAHY. Mr. President, I want to express my strong support for demanding action to stop the killing in Bosnia.

There are no words to convey my utter abhorrence of the horrific destruction and atrocities in Bosnia. The scenes on the nightly news are heartbreaking. As we speak, another child is mangled by random sniper fire, another father loses his life from mortar shelling, another mother is forced to flee from her family.

This past Monday, grief-stricken mourners were injured when mortar shells hit in a cemetery. They were burying two orphans, killed by snipers, as they rode in a refugee bus on the way to Germany.

Ghastly atrocities are being committed in this conflict. Civilian populations are being starved and terrorized. Minorities are being harassed and intimidated. There are reports of systematic ethnic cleansing bordering on genocide. Mass numbers of civilians are being interned. Hostages are being taken. Torture, deportations, and summary executions are widespread.

After months of internal debate, the Bush administration finally decided in June to authorize the limited use of force as part of a multinational effort to provide humanitarian relief to the civilian victims of this conflict. Since then, the United States has provided approximately 40 million dollars worth of emergency relief supplies and services including food, medicine, and blankets. Much of the airlift was being accomplished with U.S. C–130 aircraft. That effort is on hold now because it is too dangerous to fly into Sarajevo.

Mr. President, our humanitarian efforts should continue, if necessary under U.N. military protection to ensure delivery of food, medicines and other supplies, especially in the Moslem areas of Bosnia. But humanitarian aid, however desperately needed, will not end the fighting. U.N. protection convoys will not stop the mortars and sniperfire.

The United Nations has passed two resolutions relating to the conflict. An April 7 resolution, No. 752, demanded a cessation of all fighting. A May 30 resolution, No. 757, imposed economic sanctions against Serbia and Montenegro. These resolutions have been ignored by the Serbian factions indiscriminately bombarding Sarajevo and other Bosnia cities.

This body passed a resolution on June 12 which called on the President of the United States to urge the U.N. Secretary General to provide a plan and budget to the Security Council for intervention to enforce the Security Council resolutions. That resolution has been ignored by the President. Secretary of Defense Cheney recently stated that the situation is tragic, but the Balkans has been a hotbed of conflict for centuries.

Mr. President, that kind of answer just is not good enough. The United States, as a leader in the United Nations, cannot allow the tragic, bloody history of this region be a justification for ignoring the massive suffering of innocent combatants, and above all, the ethnic cleansing and detention camps with their reports of widespread killings.

The U.S. Senate cannot force the United Nations to take further action. But we can call upon the President to exert his substantial influence and provide the leadership needed to bring about decisive U.N. action, including military force if necessary, to enforce its resolutions.

Mr. President, too many have died, too many children have suffered. Cease-fire after cease-fire in Bosnia has failed. The United States cannot be the policeman of the world. But we can give strong leadership in the United Nations and the international community to bring peace and a cessation of hostilities to the region.

I call on President Bush to listen to those who are asking him to send a strong signal to the aggressors in this bloody conflict that the world will not continue to stand by and watch the destruction of a people. We should and can act together to end this tragedy.

SOUTH DAKOTA DEBATERS EXCELL

Mr. PRESSLER. Mr. President, it is with great pride that I rise to honor four South Dakota college debaters. All four members of the forensics squad at Augustana College in Sioux Falls, SD, qualified for the 1992 intercollegiate National Debate Tournament. The team of Michael LeMay and Chris Moorhead was among the top 16 debate teams nationwide. This gave them prebid status for the tournament. Mr. LeMay and Mr. Moorhead ended their final college debate season with a 57–22 record. Augustana's second team of Scott Metcalf and Shane Semmler qualified for nationals by placing third at the district IV qualifying tournament.

Years ago, I was a debater on the University of South Dakota forensics squad. Earlier I had participated in oratory at Humbolt High School. While that was a number of years back, I still have a strong interest in forensics. Experience in intercollegiate debate enhances the educational opportunities of all those who participate. Exposure to the rules of argumentation offers students lifetime learning tools.

Mr. President, in recognition of the dedication and efforts of the debaters at Augustana College, I ask unanimous consent that an article printed in the summer edition of Augustana Today be printed in the RECORD following my remarks.

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

DEBATE TEAM PLACES NINTH IN NATIONAL TOURNAMENT

(By Marcee Ekstrum)

Augustana debaters Chris Moorhead and Mike LeMay placed ninth in a 28-team national tournament hosted by Miami University in Oxford, Ohio.

Moorhead and LeMay, seniors from Omaha, Neb., advanced to the final round by posting a 6–2 record in the preliminaries. They lost 3–2 to Northwestern University of Evanston, Ill., in the final round.

"Chris and I both qualified for nationals all four years," LeMay said. "I'm disappointed that we didn't win the national tournament since that is every debater's dream. I'm very happy with our debate career overall."

LeMay and Moorhead were debate partners at Millard North High School in Omaha. They were roommates for seven semesters at Augustana.

"I attribute all the success that I've had in debate to my fellow teammates, especially my partner, Mike, and my coach, John Bart," Moorhead said. "Without John I would not have enjoyed any of the successes that I had."

Bart is an associate professor of communication and director of forensics.

This year, for the second time in their college careers, LeMay and Moorhead received an at-large bid to the national tournament. A panel of college coaches ranked the Augie duo among the nation's top 16 teams.

During the regular season, LeMay and Moorhead compiled a 57-22 record against the nation's top teams. They were the only team in the nation to post a winning (3-1) record against Dartmouth.

Augustana's second team of Scott Metcalf and Shane Semmler, sophomores from Sioux Falls, also qualified for the nationals with a third-place finish in the District IV competition at the University of Nebraska.

TODAY'S "BOXSCORE" 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 Boxscore."

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 $3,998,239,449,934.51, as of the close of business on Tuesday, August 4, 1992.

On a per capita basis, every man, woman, and child owes $15,565.89—thanks to the big spenders in Congress for the past half century. Paying the interest 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.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

FUND FOR DEMOCRACY AND DEVELOPMENT

• Mr. HATCH. Mr. President, in June of this year, former President Richard Nixon led a mission to Moscow on behalf of a new organization founded specifically to mobilize private sector support for the nations of the former Soviet Union, the Fund for Democracy and Development.

The Fund has mounted a strong bipartisan effort to involve the private sector in humanitarian relief activities and to provide support to small and intermediate businesses throughout the former Soviet Union. President Nixon serves as the honorary chair of this group, and Vice President Walter Mondale and John Kluge are the cochairs. This organization has established a bipartisan advisory council to help provide direction and structure to its important activities. Advisory board members include former Cabinet officials Bill Simon, Jim Schlesinger, and Edmund Muskie, as well as the former chairmen of the Republican and Democratic Parties, Frank Fahrenkopf and Charles Manatt. In addition, the Fund enlisted the support of the private sector. Representatives from private industry include Dwayne Andreas, Maurice Greenberg, Lee Iacocca, Jack Valenti, Drew Lewis, and John Murphy.

Under the leadership of President Ron Scheman, the Fund recently designed a program to strengthen Russia's embryonic private sector. Members of the Fund firmly believe that the engine of economic growth in Russia over the short term will come primarily from emerging small and intermediate size businesses.

These firms are important for Russia because small enterprises are labor intensive and require only limited capital investment. These small enterprises rapidly disseminate business skills in management, production, marketing, and distribution that further stimulate economic growth. Russian entrepreneurs are eager for technical support that can be contributed by U.S. businesses, and in this environment, the opportunities for joint ventures with American firms will be enormous.

Mr. President, during meetings in Moscow, President Nixon discussed the role of the fund in helping to generate credit and technical support for small firms in Russia. He raised the issue with President Yeltsin and other senior officials in the Russian Government, all of whom lent their full support to the Fund's activities. In accordance with these discussions, the Fund has tailored a number of its current projects to address the principal constraints to the growth of the fledgling business sector—the lack of credit and the absence of technical skills. The Fund's strategy to deal with these problems include:

First, developing business training programs for new and recently established businesses;

Second, establishing credit facilities for small and medium businesses in association with cooperating business associations and emerging commercial banks;

Third, facilitating participation of U.S. business in small and medium-size joint ventures or pairing with new Russian entrepreneurs.

Mr. President, this multifaceted approach will enhance Russian entrepreneurs' understanding of free-market principles and institutions. However, the Fund also endorses the establishment of credit facilities designed to help small firms get started and obtain necessary capital. Without the provision of credit, technical assistance alone will have little effect. Unfortunately, it is difficult for these firms to acquire even limited amounts of cash due to the restructuring of the Russian economy and the shortage of available capital. In addition, the banking system is rudimentary and most new entrepreneurs lack collateral. The Fund's development program seeks to resolve this problem by establishing a small business investment fund to defray the costs associated with starting a new business.

Mr. President, the Fund's strategy holds great promise in creating trade and investment opportunities for United States businesses in Russia and in fostering viable commercial enterprises in Russia. This approach opens the way for investors to enter into joint ventures with responsible Russian firms and develop reliable information about potential investment opportunities.

Mr. President, the Freedom Support Act that the Senate recently passed was an extremely important piece of legislation. However, the best assistance that the United States will ultimately provide the CIS will be advice concerning privatization of state-owned industries and assistance with economic reform. In conclusion, I commend the Fund for its fine work, and I continue to believe that the administration should use the Fund's experience and expertise to help establish a viable and robust private sector in the CIS.•

THE DEATH OF WILBER G. SMITH

Mr. DODD. Mr. President, I rise to salute Mr. Wilber G. Smith, a prominent figure in Connecticut politics for nearly 30 years, who died on July 31 after losing the last of a lifetime of great battles to cancer. Many who observed his career and worked alongside Mr. Smith in the political trenches of the Connecticut General Assembly, where he served as a State senator from Hartford in the 1970's and 1980's, knew him as a warrior for whom no battle against perceived injustice was too trivial or inconsequential. Indeed, Wilber Smith dedicated his life to the cause of social justice, carrying into Connecticut in the early 1960's, the visionary momentum of the civil rights movement.

Migrating from his native town of Orlando, FL, to the north end of Hartford while still a teenager, Wilber Smith was raised on the kind of inequity and injustice he would fight so hard against in later years. His childhood ran squarely up against the southern Jim Crow laws which fostered dual societies along the racial divide. Educated in segregated Florida schools before enrolling in Hartford's Weaver High, Mr. Smith would witness the evil of racism firsthand when his dying brother was denied a life saving kidney dialysis machine because the few in service were reserved for whites. His was a life fueled by a sense of mission and responsibility, and his aggressive policy making as a legislator reflected

a deep indignation and resolved vigilance to keep American Government faithful to the promises of its Constitution.

There was nothing covert or subtle in Wilber Smith; everyone knew exactly what he meant, though many were not comfortable with his message. But then Mr. Smith's political credo for social change did not accommodate the comfort of the guardians of the status quo. His inimitable brusque and straight forward style compelled the audience of the political leadership and demanded that attention be directed to the undeserved in the community. Indeed, Mr. Smith effectively championed for the rights of the poor, women, minorities, prisoners, and consumers—groups he saw as underdogs, estranged from the instruments of power and influence.

Though in later years Wilber Smith was unsuccessful in his efforts at regaining a seat in the general assembly, he never wavered from the course he set as a young man. His career remained animated by the same themes of advocacy and activism. He was twice elected to the leadership within the NAACP, heading the State chapter, and the Greater Hartford chapter up until his death, and was awarded the NAACP Roy Wilkins Civil Rights Award for Lifetime Achievement in Civil Rights. He served as the equal opportunity coordinator for the town of Manchester and worked for time with the State Office of Policy and Management in an effort to incorporate affirmative action programs and policies within that agency's employment and training division. After achieving his degree in law from the University of Connecticut School of Law in 1986, Wilber Smith served as top aide and security adviser in Connecticut to the Reverend Jesse Jackson during his bid for the presidency.

Wilber Smith was a role model to a generation of African-Americans in Hartford who witnessed his tireless commitment to the empowerment of all Americans. His persistence broke down barriers and opened doors; his innovative approach to solving the economic problems of the inner city resulted in precedent setting legislation calling for the creation of enterprise zones, to encourage companies to invest in and do business in impoverished urban areas. In his personal life, too, Wilber Smith was charged with the charisma and faith of a minister's son, galvanizing his friends and family with the determination to move forward, to work for justice and to never give up. It is fair to say that Wilber Smith was a man who practiced what he preached.

I hope that my colleagues will join me in expressing sympathy for the family of this fine man who contributed so much to the people and State of Connecticut.

COMMENDING YVONNE RILEY AND MERLE ENGLISH

Mr. MOYNIHAN. Mr. President, I rise today to call to the attention of my colleagues two remarkable speeches by two remarkable women.

On June 11, Yvonne Riley, a student, and Merle English, a reporter for one of our leading newspapers, New York Newsday, each rose to address the commencement of the New York City Technical College held at Carnegie Hall. These speakers were not remarkable for their eloquence alone, but also for their insight.

Ms. Riley, who spoke first, talked about the importance of the family, calling it "the core of every society, the building blocks of a nation."

Mr. President, we are only beginning to learn, or relearn, this fundamental fact. We certainly are just beginning to discuss it candidly after a generation-long silence, brought on, I think, by fear. Fear, that is, of appearing to criticize. Ms. Riley, however, seems not to fear the truth, and we would do well to heed her words.

Ms. English addressed an equally difficult topic, one especially sensitive to recent graduates: The future. She notes that pessimism is widespread today, particularly on economic matters. Many young people find few opportunities in the work force, and have little reason to believe that their prospects will improve.

But they should not despair, she reminded them, because they will always have themselves, their will, their resourcefulness. "America is still a land of opportunity," she said. "People are quietly making millions, not just by winning the lottery, but by creating new goods and services or advancing existing ones, or by formulating ideas that improve the human condition. Why not you?" Why not, indeed.

Mr. President, it is refreshing in these times to see people like Yvonne Riley and Merle English thinking and speaking out. We should pay them mind. I commend and thank then, and I ask that their speeches be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

ADDRESS GIVEN BY NEW YORK NEWSDAY REPORTER MERLE ENGLISH AT THE 52D COMMENCEMENT EXERCISES OF NEW YORK CITY TECHNICAL COLLEGE, JUNE 11, 1992, AT CARNEGIE HALL

Good morning, President Merideth, distinguished guests, faculty members, parents and friends, and a very good morning and congratulations graduates.

This is a very special moment, because it speaks of accomplishment. And I feel honored and truly privileged to have been asked to address you on this most auspicious day.

In the week following the Rodney King verdict and the outbreak of violence it generated, the Rev. Calvin Butts, pastor of Abyssinian Baptist Church, spoke at a prayer service at Berean Baptist Church in Bedford-Stuyvesant.

In a moment of levity, he asked if anyone knew what kind of car the disciples drove on the day of Pentecost. "A Honda," said Butts. "Because they were of one accord."

It is in that spirit of oneness and harmony that I am here with you today as you celebrate a new milestone in the marvelous adventure that is life.

A commencement address is usually delivered to young people going out into the world. But many of you are already in the world, having had to work to pay your tuition. Some of you had children to support as well.

And you did it during trouble times. At one point last year New York City Technical College was threatened with a cut-off in funding. Yet you continued to work toward this day. And here you are.

You have every right to rejoice in your achievement. And so do your instructors, and your family, because they understood the sacrifices you made, the limitations you overcame, and extended themselves to ensure that you made it here. Earning a degree is no small feat, especially against the odds many of you must have faced.

Now you are vibrant, eager to offer your skills in the marketplace, or to further develop and hone them in a job you already hold or through continued schooling. But as you step forward, what kind of world awaits you? You, from whose ranks should emerge the next generation of professionals, entrepreneurs, innovators, leaders, movers and shakers?

A recession—many say depression—has the economy in a stranglehold. Analysts point to indicators that shroud our hopes in gloom. You hear and read: The class of '92 faces the worst job market in two decades. Members of last year's class are still looking. And there's a new message being circulated: Put the American dream on hold. Scale back expectations. Lead a simpler life. Renounce cherished dreams.

Just when it's your turn to enjoy a piece of the pie.

Well, I may seem like a Pollyanna, but this is still a bountiful world. I believe there's a slice of the pie for every one of you. I admire the attitude of a graduating student who said, "I believe there's a job out there for me."

When the economic pundits say you will be competing in a job market that holds little hope and a lot of challenge, they want you to be realistic. But I reject the crippling spirit of despair engendered by that kind of forecast. I have reason to be optimistic about what the present, and the future, holds for you, Class of '92.

The occupational outlook for the next five years, according to the State Department of Labor, estimates a growth of 89,000 jobs in New York each year, and service jobs will require the largest number of new workers. Some 23,870 additional people will be needed every year, and the professional and technical occupational group has the largest projection for growth openings, some 7,510 per year.

Demand for new managers is estimated at 4,610 per year through 1996.

Clerical jobs will provide 6,880 opportunities annually. Many of those positions will come from small businesses, about 59 percent from companies with fewer than 20 people.

Another factor in your favor is that you, as a group, reflect the diversity of the 102 different nationalities represented in the student body of New York City Technical College. As we approach the year 2,000—just eight years away—the workforce will be

more diverse. Population and labor force growth rates for blacks, Hispanics and Asians are expected to exceed those for whites.

I am projecting good results for you, also, because the initiative, commitment, perseverance, discipline, and resilience it took to bring you into this magnificent hall for this occasion are armaments that will serve you in attaining your new goals and ensuring tomorrow's successes.

And you are further equipped with other exemplary qualities. Even as you burned the midnight oil to accumulate credits, you found time to demonstrate your concern for others. Students in the hotel and restaurant management division prepared and served Thanksgiving and Christmas dinners for homeless people. Those in legal assistant studies helped the poor file claims in Small Claims Court. I heard a term used to describe people who engage in that type of philanthropy—community antibodies—those who give of themselves to help neutralize some of the toxins of urban living. Cleave to this habit of sharing and seeking the welfare of others, and you will find that the liberal soul shall be made fat and he that watereth shall be watered also himself.

You should therefore sally forth with great expectations.

For pessimists, this may be the worst of times, but it can be the best of times for the resolute optimist. Every generation is presented with its own challenges, and men and women of vision have found opportunity where naysayers saw none.

Of the more than 50,000 graduates this college has produced, more than 600 are chief executive officers or owners of businesses. It is therefore not difficult to envision some among you following in their footsteps, or becoming innovators, creating and providing new opportunities for yourselves and others.

And many of you will do it right here in this soul-trying yet ceaselessly fascinating city. A lot of people have grown weary of the drugs, the violence, the grafitti and seeming despair of New York, and moving out. But others are moving in. And many are staying put. There are examples all around of people who refuse to flounder in darkness and are doing more than lighting candles of hope.

Right now, in Brooklyn, one church group of 1,500 people, with pooled funds, is buying boarded-up homes and property and renovating them to help revitalize blighted neighborhoods. Skilled church members are hired to do the work. And as the bishop drives around looking for new acquisitions, he offers jobs to enterprising small business people he encounters.

Other groups are forging partnerships with banks to plough back money into struggling communities whose progress has been stymied by redlining. They want accessible loans to provide truly affordable housing and business development that result in jobs.

Across the street from your college, in the last two years, a new Downtown has arisen, a symbol of faith in the future.

Don't give up on New York. Keep always before you the vision not only of how things are but how they can be and work toward that. Believe that the best is yet to come.

America is still a land of opportunity. People are quietly making millions, not just by winning the lottery, but by creating new goods and services or advancing existing ones, or by formulating ideas that improve the human condition. Why not you? When doubt of your capabilities creeps into your mind, tell yourself, "If others have done it so can I."

An Indian wise man says people who think they have no power to act on their dreams go through life in a somnambulistic state. He refers to them as one-horsepower people. What they need is a tiger in their tank.

If you contemplate entering a field you might look at the competition and hesitate, thinking that every avenue of activity is already overcrowded, so why try at all? With this line of thinking you will have become deluded with a consciousness of limitation. There is always room for that which you, uniquely, have to give.

But you must be untiring in your zeal, because getting what you go after will require effort. As you have learned by experience, "Heights by great men reached and kept were not attained by sudden flight but they while their companions slept were toiling upwards through the night."

I personally do not believe life was meant to be a vale of tears. And I am convinced that we become what we believe. Therefore be careful what you give your attention to. As the late writer David Seabury said, "What we do with our attention decides our lives. If we neglect getting better command of attention we can be drawn into attitudes and habits that curtail our chance of success, our share of the best joys that life has to offer."

The issues of race are ever before us, because Greed, and its accomplice, Domination, impede human brotherhood. But while some of your energies must necessarily be devoted to the drive for justice, do not be sidetracked from the truth: that you share equal citizenship of the earth with everyone else. That this is your world too. That you have a right to be here. Stake your legitimate claim as an heir with equal rights to the planet and to share in the privilege and responsibility of managing its resources.

Now, as you reach for individual empowerment, some of you might have to start small. My advice is, Don't turn down foot-in-the-door opportunities that have the promise of better prospects. Before my graduation from high school, two of my teachers who believed I had the aptitude to become a reporter, secured a spot for me as a typist in a newspaper office. The rest, as they say, is history.

You may have to accept employment that is not in line with your ultimate goal. If you must have the wherewithal to make ends meet, accept it, while using every spare moment to work toward your goal. But while you work outside your desired field, approach what you are doing with enthusiasm. Do nothing grudgingly. Be willing to learn. Be helpful. Regard every task as another arrow in your quiver of experience. Bloom where you are planted. It will serve you well some day.

And when you present yourself to be considered for a position, a start-up loan, or any other opportunity you might seek, do not be put off by perceived slights. Use them to your advantage. A little anecdote will illustrate what I mean. I believe it was George Washington Carver who tried to interest potential financiers in developing the dozens of uses he had found for the peanut but was left in a room for almost an entire day, with nothing for company but a broom. He didn't grumble or stalk out. Instead he occupied himself by sweeping the room over and over until the floor gleamed. Impressed with Carver's productive use of his time, the financiers gave him the hearing he wanted.

I'm not sure if that story has anything to do with peanut butter, but the lesson here is that Carver made the best use of time he was investing in a goal and it won him points.

As you seek to sell your skills, or promote an idea, do not fear rejection. The exigencies of life that press you to find money to pay bills and feed yourself and your family may sometimes make you desperate enough to want to give up. But success may take time. It definitely requires persistence.

Chester Carlson knew he was onto something when, after years of poring over books in the New York Public Library he discovered a way to transfer an image onto paper. He was turned down by IBM and several other large firms as he sought to have the process developed. Finally, a small company in Rochester, agreed to work on it. The result was the first automatic copying machine, which made the Xerox Corporation, and Carlson, rich.

Defeat is a temporary test for you. A detour on your way to success, if you resolve to make it so. I understand that the manuscript for the book "Gone With the Wind" was rejected more than 300 times.

There may be times when you feel discouraged, frustrated, or downright dejected if you run out of funds or seem to have run into a dead-end. Try to guard against excessive worry. Worry, if pampered, can lead to sickness when you most need to be healthy. Someone said worry is best cured if treated immediately.

Replace worry with creative thinking. After all, is worry productive? No. But that energy, given to thoughts of what can I do until I can do what I want to do, is sure to produce something positive. When along your path to success you find hazards in your way, regard them not as insurmountable obstacles but as detours, challenges to go under, over or around on the way to your objective. Don't fall into negative expectancy.

And while you may have to lower your sights from time to time, continue to hold fast to your vision of the larger picture. There's a lesson in this little poem, by Jessie B. Rittenhouse called, "My Wage."

I bargained with life for a penny
And Life would pay no more
However I begged at evening
When I counted my scanty store

For life is a just employer
It gives you what you ask
But once you have set the wages
Why, you must bear the task

I worked for a menial's hire
Only to learn dismayed,
That any wage I had asked of life
Life would have willingly paid

And now a word to the single mothers among you. In recent weeks Vice President Dan Quayle came under fire for criticizing, via Murphy Brown, mothers raising children without a father in the home. He was intimating that no worthy individual can be the product of such a setting. He should know that single mothers have reared some of this country's finest citizens. Jesse Jackson, for one. And Dr. —— the young black surgeon at Johns Hopkins Hospital who separated Siamese twins attributed his success to his upbringing in a home where his mother was head of the household.

In conclusion, I commend to you the Buddhist precepts of right thinking, right speech and right action. Let your stride show purpose. Let the world know that you are on a mission by your comportment.

Embrace each day as a gift, because that really is what it is, and reflect that recognition in your treatment of those around you.

Be respectful. Be courteous; civility is not servility.

Practice the golden rule: do unto others as you would have them do to you. And while

being alert for evil, look only for the good in life; you're more likely to find it.

Make your own joy. Don't rely on others for your happiness.

Develop the habit of saving. A dollar a day put away becomes $365 at the end of the year. Compare that with nothing.

Guard your health, because without health you can accomplish nothing, and you won't be able to enjoy your accomplishments.

And while you are about it, take time, as they say, to smell the flowers.

You will need all of this in a world that is entering a new millenium facing global warming and threatened by the plague of AIDS. But it is a world ready for change, and still willing to give of itself with a more loving husbandry of its people and resources.

You, brimming with—have the potential to be change agents. Sitting among you might be someone who will play a role in solving the vexing problems of our global village. Consider it a new frontier.

When you go from here today, if you take nothing else from these thoughts I wish you would remember the last line of this verse by Eliza Cook:

The hills have been high for man's mounting
The woods have been dense for his axe
The stars have been thick for his counting
The sands have been wide for his tracks
The sea has been deep for his diving
The poles have been broad for his sway
But bravely he's proved in his striving
That where there's a will there's a way.

THE 1992 GRADUATING CLASS OF NEW YORK CITY TECHNICAL COLLEGE VALEDICTORY ADDRESS, YVONNE RILEY, HOTEL AND RESTAURANT MANAGEMENT, DR. L. RIVERS—COACH

President Merideth, Vice-Presidents, Deans, Faculty, honored guests, parents, friends, and fellow graduates; I am indeed honored to be here this morning on the stage of Carnegie Hall-representing the 1992 graduating class of New York City Technical College.

I have the trusted responsibility of my peers to present to you our pride of achievements, our satisfaction of having reached another milestone, our optimism for the future, and our anticipations of the good life to follow.

However, we the graduating class of 1992 are realists, and we are quite aware that our humanity, our world at this time is laden with many complex, vexing problems; and we who sit here today as graduates are tomorrow's leaders who must help to solve these problems in order to realize our individual goals and social imperatives.

I have often been reminded by my parents who sit proudly among us this morning, that when one of our relatives failed to measure up to family expectations, we owed it to that member to give him or her all the support and encouragement needed for him or her to try again. In the words of one relative, and I quote "It's because we are a family," end of quote, and because we are a family, we are obligated to see that family members have roofs over their heads, food in their stomachs, and warm clean clothes on their backs. As a family, we are obligated to see that family members are safe, that they have good health, they can laugh, can plan a future, and think well of themselves. As a family, members should know that they are loved and respected for being members of that family.

We the graduating class of 1992 are members of intact families, and many of our loved ones are here today. We are also members of religious families, and political families, and we certainly are members of the family called New York City Technical College—a family whose members have advised us, counselled us, cajoled us, mentored us, motivated us, instructed us, to bring us to this moment in our development. When we end this commencement ceremonies, we join an illustrious alumni, and as members of the City Tech family, we will expect and be expected to make worthwhile contributions to our immediate families, and to our larger families.

The family is the core of every society, the building blocks of a nation. Within the family structures, we are shaped, molded into that which we become. What happens in each family affects the larger social structures called the neighborhood, the community, the nation, and the world.

In recent years, we have witnessed an unrelenting derosion of the intact family structure that has fostered the degeneration of neighborhoods, the community, the nation, and of course the world. Families build and re-build the values by which larger social structures survive. Our systems of values are built and influenced by those in our immediate surroundings. This is particularly true of the children.

Economist Sylvia Ann Hewlett in her latest book "When the Bough Breaks," exclaims that Americans, as a nation, have allowed a generation of children to waste away. Asked about the argument that working women have brought on these problems, Hewlett maintains that working mothers must not be the scapegoat. They pay a steep price for motherhood. Real hourly wages have fallen 19% since 1973 she says, and so most families need two incomes. If women did not work, the American family would be in worse financial trouble. We persist in thinking of childcare as a woman's issue. It is not. Fathers are more to blame Hewlett says for the parenting deficit in today's society. 24% of the children in this country are growing up without fathers. At one time, society viewed divorced fathers as irresponsible, today we see them as available bachelors. Hewlett points out that while marriage may not last, parenthood is forever.

We are living with the appalling consequences of neglect. Teenage suicides have tripled since 1960. Since 1971, the number of teenagers hospitalized for psychiatric care has increased from 16,000 to 263,000, and more than 80% of families have no fathers at home.

Confusion, stress and emotional deprivation in the home are robbing our children of the chance to succeed. We are facing a growing labor shortage, and because of the rising skill demands of the workplace, many of our dropouts are simply unemployable. Hewlett shows that the problems afflict middle-class children as well as inner city poor. Even high school graduates fall short in meeting the demands of the workplace. Chemical Bank has reported that it must interview 40 high school graduates, to find one—just one person who can be trained to become a teller. All they were asking for, was an eighth grade education.

We the 1992 graduating class must be extremely concerned about what is happening to the American family. I agree with Hewlett that America is treating its children like excess baggage, and children of all races and income levels are gravely suffering. Nearly one-third of our children drop out before completing high school, only 6% do so in Japan and 8% in Germany.

Recently, in response to Vice President Dan Quayle's reaction to the TV show "Murphy Brown," a single woman electing to be a single parent, David Hinkley wrote in his Daily News column, "Critic at Large" that the Vice President cloaked much of his talk in cheap rhetoric, like the implication that loose, irresponsible women bear a disproportionate share of the blame for the dismal state of the cities.

Director John Singleton's "Boyz in the Hood" last year's most powerful and successful black film, made the argument that a solid community must be built from inside, starting with the intact family. As kids discover the world, Vice President Quayle said they make choices about where to go and whom to follow. The more strong, successful adults they see, the better the chances they will follow one.

The strong role model theory was argued 30 years ago by Malcolm X, who was not the first, and its advocates today run from "radical" Muslims to the most mainstream of community leaders, in schools and churches.

On behalf of the 1992 graduating class, I accept the challenge to find solutions to save the structure of the intact family. When we do, we will begin to understand the problems of poverty, unemployment, poor health, teen-age pregnancy, child abuse, spouse abuse, racism, sexism, ageism, and of course drug addiction and other forms of social woes.

In conclusion, I want to thank my parents and all other parents for keeping the family intact, for understanding and extending themselves to support other families. For keeping the neighborhoods, building the community, and serving as role models for us to be the kinds of persons who will give the world a future. Thank you.

PASSAGE OF DEPARTMENT OF TRANSPORTATION APPROPRIATIONS

Mr. PRESSLER. Mr. President, I rise today to thank three separate Senate committees who realized there was a serious problem in our country and have worked hard with me to help correct it. I am referring to my legislation regarding energy pipeline safety.

A bill that I previously introduced as S. 2375 was accepted as an amendment by the managers of the energy bill, H.R. 776. I thank my colleagues, Senators JOHNSTON and WALLOP, for their cooperation in getting this legislation adopted.

I should add that in an effort to ensure these new positions are authorized, I have been working with the Commerce Committee to have my legislative language included in the legislation reauthorizing pipeline safety programs currently being worked out in conference committee. I thank Senators EXON and KASTEN for their assistance in my efforts there. I am confident that by one of these means, the additional inspectors called for in S. 2375 will be authorized.

My legislation calls for the addition of 12 inspectors within the Office of Pipeline Safety. These inspectors would assist in the development of State hazardous pipeline safety programs. Their primary focus would be inspections in States that do not have

their own hazardous liquid pipeline safety programs.

Funding for these 12 inspectors was included in the recent Department of Transportation appropriations bill, H.R. 5518, which has passed the Senate. I would like to thank the chairman and ranking member, Senators LAUTENBERG and D'AMATO, for their cooperation in providing the funding for the positions created by my legislation.

I firmly believe that each of these committee actions will have a significant impact on improving the safety of energy pipelines in our country—both to people who live and work near them, and to the environment. Again, I express my thanks to all Senators and staff members involved in helping me in my efforts to see the provisions of S. 2375 become law.

THE SITUATION IN BOSNIA-HERCEGOVINA

Mr. DIXON. Mr. President, I am deeply and profoundly troubled by the most recent reports of the situation in Bosnia. Indiscriminate shelling and killing of Bosnian women and children by Serbian forces have created a grim picture of a place gone mad. It is a hell on Earth.

Recently, there have been numerous, albeit unconfirmed, reports of Serbian-run camps within the territory of Bosnia filled with Bosnian and Croatian men, women, and children. The descriptions by Bosnian refugees of these camps remind the listener of concentration camps—incredibly squalid conditions, meager food, filth and vermin, torture and killings by masked Serbian guards. The State Department knows about the camps. Its spokesman described them as horrible, yet, the United States, nor any other nation has demanded access to the camps.

Mr. President, does anybody care?

The Serbs have embarked on a process of ethnic cleansing in Serb populated parts of Croatia and Bosnia. If the Serbs cannot convince a non-Serb to move from their home in Serbia, they will be shot. The euphemism "ethnic cleansing" should send chills down the spin of all Americans. Ethnic cleansing is nothing but a fancy term for genocide.

Fifty years ago the world was horrified to learn of concentration camps in Germany, and the genocidal policies carried out within those walls. Out of the horror of World War II, the nations of the world came together in the form of the United Nations, believing that such a forum could help resolve disputes, ensure the protection of human rights, and see to it that such atrocities never happen again. The founding charter of the United Nations makes its purpose clear in chapter I, article I:

> To maintain international peace and security * * * to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression. * * *

The United Nations has the capacity and authority to act more assertively to resolve conflict. However, its recent history of inaction in places such as Pol Pot's killing fields in Cambodia leave this Senator disquieted.

The European Community, under the leadership of Britain's Lord Carrington, and our own Cyrus Vance have strived mightily to calm the waters of a thousand-year-old simmering brew, now boiling violently. There is no indication at this time that Serbian President Milosevic, is interested in peace. So far, the Serbian Government has ignored the pleas for peace, ignored the condemnation of the world for its actions, and ignored the calls to lay down their weapons, and talk peace. It has illegally occupied the hills around the Olympic city of Sarajevo, and proceeded to blast the Olympic spirit of peace to smithereens.

Will the world fiddle while Sarajevo burns? Bosnia may not have oil, but we should be just as outraged about the aggression as we were in Kuwait. It is human suffering, and not oil reserves, that should prompt our concern, and dictate our response.

I am proud to cosponsor the DeConcini-Lieberman resolution which calls upon the President to call on the United Nations to convene an emergency session of the Security Council for the purposes of authorizing all necessary means to bring an end to the wanton violence in Bosnia. The resolution is right on the mark for calling upon the United Nations to live up to its mandate. The nations of world, working within the United Nations framework, must stop fiddling and start acting.

Further, the United Nations must demand that the International Red Cross have access to all prison camps in what had been Yugoslavia.

All options to alleviate the suffering in Bosnia must be seriously considered.

If all the nations of the world adhere, like the United States has, to a noninterventionist policy to conflicts around the world, does it not tacitly permit an aggressor to commit atrocities unencumbered by international pressure?

The United Nations was not an impotent bystander in the Korean conflict and in Kuwait, but seems to have lost its voice in this instance.

War has once again stained the European continent, Mr. President. Will the world yet again allow history to repeat itself? I pray not.

I thank my colleagues.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 5503, which the clerk will report.

The bill clerk read as follows:

> A bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993 and, for other purposes.

The Senate resumed consideration of the bill.

> Pending:
> Fowler Amendment No. 2902, to reform the administrative decisionmaking and appeals processes of the Forest Service.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 2902

Mr. FOWLER. Mr. President, this is round 2 or maybe 3, continued from last evening in an effort to institute stewardship of our national forests, the public's lands in our country.

Last night, we lost an amendment by a close vote to try to reduce the subsidy to private timber companies for logging in the Nation's forests; again, our public lands, owned by all of us American citizens.

But that battle will continue because it should be won, it must be won, and ultimately it will be won.

This amendment this morning has become imperative if the American people are to reclaim some rights that they have held for 85 years—since 1907—the right to appeal a timber sale decision of the Forest Service. I guess, to put it another way, a basic not only American right but democratic right with a small "d," and that is to appeal a decision of a free Government of a free people if that decision adversely affects an individual citizen.

As I mentioned, for more than 85 years, the public has had an opportunity to appeal timber sale decisions of the Forest Service. Again, these are decisions governing the disposition not of private property—no private property—but of our national publicly owned national forests.

Somehow turning facts and logic on their heads, the administration recently took the position that, after more than 95 percent of our forests have been cut, the public appeals process in place since 1907 somehow now is blocking progress. An appeals process—again, a chance for a citizen affected to be heard, that stops less than one out of every seven sales of public forest lands—evidently is just too much for some to bear.

So this amendment, Mr. President, becomes necessary because it will establish a systematic channel for public participation, both during the front-end comment period, as it is called—that is prior to announcement of the decisions—as well as maintaining an appeal system of review.

A brief, and I do mean brief, historical recap is important to understand what will transpire unless we act.

The U.S. Forest Service has promulgated new regulations set to go into effect at any moment that would ban the public's right to appeal specific project level decisions—ban. You, the citizens of the United States, shall have nothing to say about the disposition of your lands. It is saying, in effect: These are not the people's forests; these are forests that we, the unelected Government, are going to decide how they are used.

It is no secret that the regulations were insisted upon by the Vice President's Council on Competitiveness, despite clear opposition of the senior level management staff within the Forest Service. And that needs to be emphasized.

An internal study led by Region 4 Deputy Regional Forester Mr. Bob Joslin, recommended that certain changes could be made but that the appeals process must be maintained.

When the Chief of the Forest Service, Mr. Robertson, came before our Subcommittee on Conservation and Forestry, he did his best to try to defend the indefensible, but he also failed to say a word about the recommendations of his own people, the senior level staff of the Forest Service.

Afterwards, we have had many thousands of letters, literally, of protest received by the Forest Service, not only from the general public but from Members of Congress, including the chairman of the Senate Agriculture Committee, the Senator from Vermont [Mr. LEAHY] and strong protests from the Speaker of the House, Mr. FOLEY. Yet, as the Senate tries to be responsive to the requirements of a free people, the administration is stonewalling us as we seek pertinent information at this time of decision.

And it does this, Mr. President, as part of an effort to get away with regulatory rulemaking designed to cut the American people out of the decisionmaking process of their own forests—their own land.

It astonishes me that there is even a need to discuss this matter here today. The Founding Fathers developed our Nation's principles of democracy. We have always taken great pride in the individual rights of our citizens including the right to dissent and object to decisions of the Federal Government. However, the current plans are designed to systematically shut the American people out of the decisionmaking process. It is not right. It is not right. Unfortunately, it is true.

I used to have an old friend that called me up with something outrageous to get my reaction. And I would say, "My goodness, Helen, that could not be right." She would say, "It is not right, but it is true."

This is not right. It will not stand.

I made a lot of predictions that I have been wrong about in my public life, and in my private life, but I can tell you, regardless of what happens to this amendment, whether it is won here today, or won tomorrow, or won in the Supreme Court of the land, you cannot abrogate the right of an individual citizen to participate and dissent in the decisions of his Government. It will not stand.

We will save a lot of time, and a lot of effort, and a lot of cost in court on behalf of the taxpayers of United States of America if we will adopt this amendment this morning, take it over to the Forest Service, give them the clear direction that codifies an American citizen's right to participate in the disposition affecting their lands, and to do it this morning; set this to rest. And I hope we will and I believe we will.

But if we do not, in a whole history of cases going back to sunshine laws, the requirement that public decisions be made in public by elected officials, and the absolute right of a citizen to petition the Government on a decision affecting their property, the joint ownership of ever taxpayer in the United States in the national forests of our country, that will be upheld.

And this effort to cut out all citizen participation on their forests will not stand. I just hope we will reaffirm that right by this amendment this morning.

I want to end by simply saying very softly to all within the sound of my voice, we are not talking about private property. Nothing in this amendment affects any private property. These are public lands. They should be managed through an open public process. The system should not be abused.

I anticipate the Senator from Idaho [Mr. CRAIG], and I might have a discussion on that. He and I agree the system should not be abused. But closing the system the public relies upon is certainly not the answer.

I ask all my colleagues to join me in supporting this amendment that codifies a decision that has been used since 1907 and now the attempt is to end it because of an unwarranted and unwise decision by somebody who does not understand either constitutional history or the constitutional demands of a free people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the statement of the Senator from Georgia. I might tell my colleagues that I know in talking to several people who have very significant timber interests that they have some strong opposition to their amendment.

So this is an amendment on which I expect there will be a rollcall vote in, I hope, the very near future and I hope we will be able to limit debate on this and all amendments. Because as the chairman of the Appropriations Committee mentioned yesterday, as well as the majority leader, we have a lot of work to do if we are going to move to the tax bill. We have to get this bill finished.

I hope those people who are in opposition to the amendment will make their case and make it fairly briefly and at whatever time is appropriate, move to table so we can proceed to additional amendments.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. FOWLER. 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 Senator from Idaho.

Mr. CRAIG. Mr. President, the Senator from Georgia has introduced an amendment in which he argues that the whole issue is the right of participation in decisionmaking, the right of the citizen to be a part of a process that determines human activities on the public lands of this country. Specifically in this issue, the point of discussion is the Forest Service and timber sales.

He has said basically that since 1907, the citizen has had the right to question the decisionmaking process and the implementation of public policy of the Forest Service as it related to its activities and that that was now being denied by the Forest Service and that therefore his amendment would reinstate what is a basic right in this country.

I think all of us recognize the importance of the right of the citizen to participate in a representative republic. We also recognize the responsibility of management and the right to form a public policy that can in fact be implemented.

Time and time again since I have served in this body and the other body, I have heard it said that we ought not micromanage; that we really ought not be involved in the day-to-day detailing of the processes of the agencies of our Government. We ought to set the broad policy, better known as public policy. We ought to oversight it and watch it closely to make sure it meets that which we believe our citizens want it to meet, but we ought not be involved in the day-to-day minute kind of decisionmaking that I would suggest the amendment of the Senator from Georgia is exactly trying to do.

The Forest Service has long maintained an administrative appeals process to allow the public to raise any question and all concerns as to the agency's decisions. This process has never been legislated. It has developed at the discretion of the Forest Service. The process has changed over the years.

Most recently, there was a change in 1989 in an effort to streamline what had become a complex, time-consuming, and expensive process. But the 1989 rule, the change, did not accomplish nor did it stop something that has been going on for the last good number of years that has accelerated in the last few years because some interest groups have found that they can use the process to block action: that they can tie the Forest Service up in the Federal courts of this country in such a way that no action goes forward at all; that, in essence, they are creating a de facto stoppage, disallowing the Forest Service to make decisions within the confines of the public policies and the rules and regulations that they must live with. And that process has become an extremely costly dilemma, a dilemma that largely, I believe, has been answered in a variety of other ways.

The Senator from Georgia suggested that in 1907 this process began. That is true. And at that time I think if he and I had been here we would probably have argued for it because, up until then largely the citizens of this country had been cut out of being allowed to overview, to react to, and to question decisionmaking at the policy level.

That changed. It first changed in 1969 with the passage of the National Environmental Policy Act. We call it NEPA. And then again in 1974 this Senate, this Congress said citizens ought to have a greater level of participation in the decisionmaking, and we granted that, and we allowed a public process and a comment and a questioning process to go forward. That is on the books today—1974, Resource Planning Act; 1976, National Forest Management Act.

All of those greater enfranchised the right of the average citizen of this country to have a larger say in the process of creating the broad policy, the public policy under which our agencies are managed. I support that. I think my colleague from Georgia supports that. We recognize the importance, as we craft the process, for the maximum public input.

But once it is done, should we on a day-to-day, hour-to-hour basis say that the average citizen has the right to step into the process and say, no, you are doing that wrong? Even if they hold no expertise in the area of forest management, hydrology, soil science, wildlife management, habitat concerns—even if they have expertise in none of those, they in the process today have a right to say "stop it," and a stamp and an envelope and a form forces the Forest Service in this process to back off in a very costly way and say we will have to take a look at it.

Since 1984, the number of these kinds of appeals filed annually against timber sales has jumped from 133 to a high of 1,154. That is more than a 670-percent increase.

At the same time, we have seen all kinds of other accelerations in this process. Appellants have increasingly, in my opinion, taken advantage of the fact that appeals significantly delay, as I mentioned, the Forest Service management activities, regardless of the merit of the appeals.

Now, when I say regardless of the merit of the appeals, what kind of merit do these appeals have?

In 1990, only 9 percent of them had merit. The rest of them were thrown out. But it took millions of dollars and thousands of person hours for that to be achieved. In other words, in 1990, 91 percent of the time, the Forest Service was right in following the law and the rules and regulations.

In 1991, they were right—they, the Forest Service—were right 94 percent of the time. In other words, only 6 percent of the appeals were upheld and, in those appeals being upheld, really what happened was the court coming back in and saying you have to make some adjustments. You may be a little off here, or a little off there. You have to change recalculations, do those kinds of things.

What I am saying is that on the average, in the last several years, over 90 percent of the time the Forest Service was right in what they were doing. But, as I mentioned, millions of dollars and thousands upon thousands of person hours were involved in this whole process.

What else has happened? I will suggest that the trend continued from 1991 with 636 new timber sales appealed, or 16 percent of the 3,859 commercial product sales involved has created a situation where, as we would say in a forest industry vernacular, has resulted in no trees being in the pipeline. In other words, that 3-year future look that the men and women who work in the forest products industry of this country need to have for job security is no longer there, largely because certain interest groups in this country, as I have mentioned, have used this appeals process as an opportunity to block, delay, or otherwise destroy the public policy that this Congress, in large part, has said historically is the right policy for the Forest Service to be following.

Most appeals are now found without merit. Some would argue that is fine; that is the way it ought to be. The finding goes forward. The Forest Service took, as I said, 152 years of staff time in 1991 and $5.8 million. Some would say that is OK, that is really the cost of a public process, that is really the cost of a representative republic. I will tell you that is only part of the cost. That is the public cost. That is the taxpayer dollar cost. What is not calculated here are the thousands of men and women who are not working today because there are no logs in the mill yard or on the head rig to be sawed when they could be, under the law that we have established, if it were not for the improper use of this process.

Those are really the issues at hand.

What has happened to address this? The Forest Service recently came forward with proposed changes in the appeals process, moving the appellate or those interested and very concerned, as most are, in the decisions of the Forest Service, to the front end of the process; in other words, to those areas that I talked about earlier—the NEPA process, the National Forest Management Act process—in saying that if you have concern of what we do on the land, you come early to the process, you come and state your concerns, and you help craft the policy that ultimately becomes the activities that are ongoing on the ground; and that once that occurs, once there is a clear direction as to where we ought to go, you no longer have the right to step in at the very, very last minute and, with the appeal, block it. You do have the right to take it to court, as every citizen must have in this country, but you will have to make a much more difficult decision.

First of all, you will have to do your homework more. You have to be really much more concerned that what you say is right and your figures are accurate and the Forest Service in their decisionmaking is wrong if you plan to take it to court, because you are going to have to hire an attorney and you are going to have to spend a little money. The 29-cent stamp that has stopped the process and cost the taxpayers and working men and women of this country millions and millions of dollars no longer is going to work for you.

That is really the issue at hand. It cannot be said that the public has been denied the process, but what can be said is that they have to become involved much earlier in the game and that, if they lose, then they must calculate whether to carry it forward into the courts is worth the fight.

I think those are valid arguments and those arguments are now being placed in regulation.

When those ideas that I have just spoken of were submitted to the public at large, again the public process, thousands of people responded by saying the U.S. Forest Service is right, decisions have to be changed. In almost a 3-to-1 outpouring of cards and letters and petitions, the public of this country, once again involved in the decisionmaking to change the appeals process, said that it ought to be changed and that the Forest Service is on the right track in changing it.

The majority of those who wrote in would disagree with the Senator from Georgia. They have said, yes, we will get involved up front early on and, in doing so, we will take our luck there and if we lose and our case is strong enough, we will take it to court, like we do in almost every other process that involves Government, the citizens, and the processes of Government in public policy.

Those are really the issues at hand here. It is not a matter of stepping back. It is a matter of saying that what we did in 1969 with NEPA and what we did in 1970, in 1974, with the Resource Planning Act, and what we did in 1976 was right; that we did engage the public, we do allow them to be part of a decisionmaking process that forms public policy. But what we should have done at that time was change the appeals process because the old 1907 standard really was no longer applicable unless you do believe in micromanagement, unless you do believe that the average citizen really ought to have the right to come on a timber sale and say what trees ought or ought not be cut or how the road ought to lie or what kind of gravel ought to be put on that road, that a hydrologist may not have been accurate in assisting the surveyor in laying out the proper grade for the road so that the erosion is less that it might otherwise be.

Those are the kinds of decisions that we are talking about that really is the fundamental issue at hand. That is why this amendment goes directly against the reasonable and responsible management of our public lands based on public policy, based on a timely process, and stopping that juggernaut that has occurred as a result of the inability of the Forest Service to manage, based upon appeal after appeal after appeal.

Are there frivolous appeals? Are there less than serious citizens who buy the 29-cent stamp and fill the envelope with a form? Yes, there are. I would like to think there are not many, but, yes, there were college kids in the East who were told to stop timber sales in the West. They had never been there. They had no idea what was in mind, but organizations said it was the right thing to do because cutting trees was bad. But living in stick-built homes is not bad. Having affordable housing is not bad. Just cutting trees that build the affordable homes is bad and you ought to stop it and, in instances, that very kind of thing that I just explained has happened.

Did it cost the college student anything? No, probably did not; probably made he or she who participated in it feel pretty good. But it cost the working men and women who were going to saw that log at the mill or fall it in the woods their jobs. In some instances, it cost the mill operator his or her business in foreclosures and in bankruptcies.

What we must have is an orderly, predictable process that all involved can understand, from the public participating to those who are employed in the industry who are the subject of the issue, and affordable, predictable economy and job market. Those are the issues at hand.

The Senator from Georgia is right, the process needs to be changed. There are problems in it. The Forest Service agrees, and they have proposed a change that I agree with, in large part; that I believe will, in fact, streamline the process.

But what I think the Senator from Georgia is doing with his amendment is stepping back into the dark ages again, into that time of juggernaut that has been going on out there in saying that you do not have to, as a citizen, become involved early on; you can wait until after all the work is done and, if you just do not like it, you can stop the process.

That is not fair, number one, and it is not the way our country has operated historically, in an orderly and responsible way, as a representative Republic. So I must strongly stand in opposition to this amendment and would encourage my colleagues to oppose it as we vote on it.

Mr. FOWLER. Mr. President, may I ask, may I be allowed to make a few points in response to my friend from Idaho? I will not take more than 2 minutes.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. FOWLER. I ask unanimous consent that it not be counted as a second speech.

The PRESIDING OFFICER. Is there objection? The Senator from Georgia has the floor for 2 minutes.

Mr. FOWLER. Mr. President, let me just say in brief response to my friend from Idaho that I acknowledge what he emphasized. First of all, that there are many frivolous appeals that are filed. But I also want the RECORD to state very clearly what my friends and colleagues know, that under the present law the Forest Service not only has the authority but is required to dismiss frivolous appeals.

That authority is under 36 CFR section 217.11 and requires the Forest Service to dismiss without a decision on the merits any appeal which is not supported by current law or facts. So there is no problem on the frivolous appeals.

When my friend from Idaho says this is costing the Government millions and millions of dollars, it may cost it thousands and thousands of dollars but nothing compared to the $300 million in subsidies in this bill to the private timber companies that are being subsidized by the taxpayers for these timber sales.

That would be like saying: Well, if you have a problem with your Social Security, even though that is the law, do not call. We do not want to waste the time of the Social Security Administration. You cannot call down there and check whether or not the law is being followed.

If you are a veteran and have a problem with your veterans benefits: Oh, do not call the Veterans' Administration. You do not have any right to appeal the decision of the Veterans' Administration, even though you served in the First and Second World Wars. That is going to cost a bureaucrat some money to uphold the law for an American taxpaying citizen.

So I say, with all respect to my friend from Idaho, this is not a bureaucratic comfort act. This is an appeals process that an American citizen has a right, if they feel—not frivolously—that their public lands are being misused.

I thank the Senator from Idaho, and I thank the Senator from Montana.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, it seems as if every year these types of amendments come up on this particular piece of legislation. I want to address the change in the appeals process, which did not bar anybody from filing an appeal or being involved in the process, the process and the appeals system, and it has worked for those people who have questions on management problems, but also it has worked from the standpoint of people who make their living on public lands, who are in the logging business or the grazing business, because they, too, sometimes feel that the management practice has been askew and they, too, appeal.

So it works for both sides of the spectrum when it comes to public lands use.

What the Forest Service basically wanted to do is whenever the forest plans are considered—and they are reconsidered every 10 years, and there is a reason for that—they want to get as much public involvement and public input on the front end of the planning session.

Now, I do not know how many folks who will cast a vote today have tried to manage a farm or a ranch or a tree farm, or whatever, and tried to make a living at it. But we know that in order to harvest whatever we want to grow, the plans on that crop were not made the spring it was planted, or the fall, in the case of winter wheat, when it was planted. Those plans were made 4 and 5 years in advance because of rotation of crops, because of what Mother Nature throws at you in the way of drought, flood, the elements, whatever it is. You always make plans in this business of trying to make a living from a renewable resource.

So what we wanted to do is manage these lands and manage the people who harvest this product, this renewable resource that grows back, so that they can make plans along with everybody else in the whole system. It is a planning process, just like you do in your garden or on your farm or on your ranch, or anything that you do. Even in a business that has nothing to do with a renewable resource, you have a 5-year plan, you have a 10-year plan;

you set goals. And you are going to have to do certain things to attain those goals.

When you deal with Mother Earth and with a renewable resource, there are always certain variables that are thrown in, and sometimes we have to change our plans due to elements or existing conditions, or conditions that we had not planned on, because I know everybody who makes plans, when you are growing a renewable resource, sometimes they do not always pan out.

The American people have come to expect full grocery stores. American agriculture has done a pretty good job of providing that. I want to remind my fellow Americans and my colleagues in this body that wheat is only $3 a bushel. In 1945, it was $3 a bushel. A combine, back in those days, cost about $8,000; today it costs $110,000. And you are still asking agriculture to do it for less, because you think you are paying too much for food.

Sometimes that has to be adjusted, too. But I do not see anybody running out there into agriculture and saying: We are going to give you more for your product. But he, too, has to go through this planning process.

So the basic premise of the change in the appeals, as far as the Forest Service is concerned, is let us get the majority of the public input up front: What should be cut, how it will be cut, how it is to be reforested or replanted. But let us get that planning process of the 10 years up front, so that the mills can make plans, so that we can make plans, and then let us get on with the plan.

Now, if it has to be changed, then that is what I always recommended. If is it not working, then it is also in the law for the Forest Service to amend the forest plans to fit the existing conditions.

Now, this amendment does one of two things: Increase cost.

I was confronted with a question on why western Senators get all excited when these kinds of issues come up; yes, it may be grazing fees. We are going to talk about that in a little bit.

I can remember in Montana when 30 BLM employees managed all the land out there and did it very well. They used advisory boards and this type of thing. They did it very well with 30 people in the whole State of Montana. They managed those lands. Now they have over 400. They are saying, "OK, increase in fees. Do I get more bureaucrats?" Because I cannot go down my own road anymore without somebody driving a government jeep with a government plate on it. One of them the other day said, "Cattle free by '93."

So basically, that was the reason, to get more people up front in the planning process so that we can get on with managing our public lands.

You would say, well, it costs the taxpayer. The taxpayer says, "I am willing to pay a little more maybe in these appeals costs to answer some of those appeals because it is my land. I would like to see it managed right. I am willing."

You talk about $5.5–$6 million direct expense or whatever it is to the taxpayer. They say, "My part of that, out of 240 million people, is not very much. I am willing to pay that."

Are you willing for your kids to pay if it is going to cost your children and grandchildren $4,000 to $8,000 more just in construction costs alone to build a home? Because the ramifications are that that is just the first pebble in the pool. Then the waves go out. It costs us every time we turn around.

So what this amendment does is it exacerbates the problem, yes, that I think Senator FOWLER, from Georgia, is trying to get around. It only increased it. And if this amendment is adopted, within 3 years every national forest in this country will be a so-called below-cost operation because of all of those costs that it takes to address appeals goes in on the cost of operating on that forest.

Then they say, well, you need some money to build some roads. They say, not for below-cost timber sales. This just adds to the overhead. Somebody has to pay it. That cost accounting has to go somewhere. So that cost goes against the actual sale of that timber on public lands.

I agree with the Senator from Georgia that maybe our thrust should be in regeneration and doing some things to our forestlands like in regeneration, like in watersheds and really putting the money where our mouth is. If we want to do that, let us put some money over there and do it or let us get the old Conservation Corps and get into the regeneration and redevelopment on some of the lands that have been abused. I am not saying there are not some around. There have been. Let us put our thrust there.

Mr. FOWLER. Will the Senator yield?

Mr. BURNS. I sure will.

Mr. FOWLER. I want to make sure my friend from Montana is aware that the administrative procedure recommended in my amendment is one that came from the Forest Service itself and the Office of Technology in its long awaited study on Forest Service planning that was released in March of this year. I will quote one paragraph:

> The * * * appeals process has been a valuable tool for the Forest Service. It has provided an internal mechanism for clarifying the legal requirements and testing the soundness of the decisions and the appropriateness of current policies and procedures. In addition, the appeals process can lead to better, more consistent decisions by encouraging more responsibility and accountability on the part of the presiding officers. The available evidence does not support the assertion that administrative appeals have significantly decreased the volume of timber available for sale.

That is the OTA study just released in March.

So, I simply say, since both the Senator and I are trying to accomplish the same goal, that this administrative appeals process that some are attempting to repeal has won nothing but kudos and credit from the studies of our Government, and the conclusions do not support any assertion that it would significantly or has or will significantly decrease the volume of timber available for sale.

I thank the Senator for yielding.

Mr. DOMENICI. Will the Senator yield?

Mr. BURNS. Yes.

Mr. DOMENICI. I would like to ask the Senator from Georgia a question. Did he not mean that the appeals process is being repealed? He meant to say one of a number of administrative appeals processes is being repealed, did he not?.

Mr. FOWLER. That is correct.

Mr. DOMENICI. There are still two total administrative appeals opportunities left in the law, are there not?

Mr. FOWLER. The Senator from Georgia is aware of the comprehensive appeals process that the Senator from Idaho and I had a discussion a little earlier about, the different acts over the years that have been either added or subtracted in the appeals process.

What the Forest Service is attempting to do now is to not allow a citizen the right of appeal in the predecisional, what they call the scoping analysis, when the actual decision about the sale is being made. That right has been in the process since 1907. This amendment would seek to codify the remaining law.

Mr. DOMENICI. Mr. President, I do not believe that is right. We will talk about it when we have our turn.

Mr. FOWLER. I know what my amendment says.

Mr. BURNS. I thank both Senators for clarifying that. I do not read it the same way either. I think basically what they are trying to do—I will take a look, and I advise my good friend from Georgia to take a look and see what they are trying to do. It is my impression that they want more input on the front end of this thing in the scoping and the setting of the forest plans and then, after that, there is still an appeals process should conditions arise to change the management program. That mechanism is not being taken out of the process. It is just not being taken out of it.

The point is that we want more input on the front end so that in the next 10 years we can operate in a little bit of peace so you do not have micromanagement and frivolous appeals, so we can get on with living. But as it is now—and anybody that would try to contradict the fact that it does not cost money absolutely has bad information.

Under this amendment, the cost and cost analysis and the cost in time and

the business of getting on with trying to manage a renewable resource, that cost of American time, money, and, yes, it has a social and economic impact on those communities and those people who live in the West and are subject to the whims of sometimes little fiefdoms of a government bureaucracy.

They wonder why they are all upset with government as it exists today. For the first time in the 200-year history of this Government we are not getting all that we are paying for, and I think people are a little upset about that. I did not see very many Government employees. Now I cannot even drive home that I am not surrounded by them. Most of them were on the 14th Street Bridge this morning. I like to have never gotten to work. I could not appeal that.

But that is what the Forest Service is trying to do. They are trying to bring some sanity in the land management. It is like you run your farm or your ranch or even your garden or even your flower bed. You make those plans for a long time because we are in a growing cycle. You cannot change in the middle of a stream. You cannot change from 1 month to the next, not in dealing with nature, soil, water, and sunshine that it takes to produce this terrifically economical product that keeps the majority of Americans out of the cold and, yes, out of the heat.

So America is asking us to be more efficient, and we can be. We can provide food and fiber and housing for this country, if allowed to do so in a constructive way. That is basically what we want to do—get the public involvement on the front end of the planning process. You can appeal those. Let us get them up there, because when those plans are put into effect, it is going to be tougher to change those plans, unless we have a real national crisis.

Mr. FOWLER. If the Senator will yield, my friend from New Mexico has left the floor. A citizen can still appeal the master plan, but that is once every 10 years. What the citizen has had a right to do is to appeal the project level decisions. This is what is being taken away and what I attempt to restore. Timber companies can continue to appeal any denial of their permits. It is simply the citizen that cannot now, unless we pass this amendment, appeal a project level decision on a sale approved by the Forest Service.

Mr. BURNS. I advise my friend that they can still appeal project level. The problem is they cannot be frivolous.

Mr. FOWLER. Again, I say to my friend—and I will show it to him in the language—that under the proposed decision being promulgated by the Forest Service, a citizen will not be able to appeal a project level decision.

They have been able to do it for 85 years. But unless we pass this amendment, and they go through with what they have promulgated, that right will be taken away. That is the only reason I am here. So I would like at this point to remind my friend from Montana—and he is my friend—we have had hearings on national land issues together in his State, and I want to show him the editorial from the Bozeman, MT, Daily Chronicle entitled, "Unappealing Proposal;" an editorial from the Missoulian, of Missoula, MT, entitled "Interfere To Enforce; Forest Service Seems To Manage Better When the Public Meddles In"; an editorial entitled, "Not Above the Law," again from the Missoulian in Montana, all of which support the position of the Senator from Georgia.

Mr. President, I ask unanimous consent to have these articles printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

NOT ABOVE THE LAW

Secretary of Agriculture Ed Madigan went to Congress more or less to argue the U.S. Forest Service should not be held accountable for its actions.

Madigan pleaded for congressional restrictions on environmental lawsuits, which he said are interfering with the Forest Service's ability to do its job—specifically with its attempts to both produce timber and protect northern spotted owls in the Northwest.

What the secretary terms "interference" is more commonly known as enforcing the law. Has there ever been a defendant to any lawsuit who didn't believe life would be better if he were somehow placed above the law? It's not surprising the Forest Service believes it knows best how to manage the national forests. But believing doesn't necessarily make it so.

Millions of owners of the national forests—citizens—routinely disagree with the assertion that the Forest Service knows best. That's why the agency occasionally finds itself in court. In fact, had the Forest Service properly managed forests in Washington and Oregon, it's altogether likely the spotted owl would not have been pushed to the brink of extinction, qualifying the bird for the endangered species list.

So long as the Forest Service abides by federal laws and follows its own rules and regulations, it has nothing to fear from the courts.—MISSOULIAN.

[From the Missoulian, Aug. 11, 1991]

"INTERFERE" TO ENFORCE FOREST SERVICE SEEMS TO MANAGE BETTER WHEN THE PUBLIC MEDDLES IN

Secretary of Agriculture Ed Madigan last week went to Congress more or less to argue the U.S. Forest Service should not be held accountable for its actions.

Madigan pleaded for congressional restrictions on environmental lawsuits, which he said are interfering with the Forest Service's ability to do its job—specifically with its attempts to both produce timber and protect northern spotted owls in the Northwest.

"We could manage this issue better if we were free from the interference of the federal courts," Madigan said.

What the secretary terms "interference" is more commonly known as enforcing the law. Has there ever been a defendant to any lawsuit who didn't believe life would be better if he were somehow placed above the law? It's not surprising the Forest Service believes it knows best how to manage the national forests. But believing doesn't necessarily make it so.

Millions of owners of the national forests—citizens—routinely disagree with the assertion that the Forest Service knows best. That's why the agency occasionally finds itself in court. In fact, had the Forest Service properly managed forests in Washington and Oregon, it's altogether likely the spotted owl would not have been pushed to the brink of extinction, qualifying the bird for the endangered species list. The Forest Service is required by numerous laws to manage its lands in a responsible, sustainable manner that fairly balances the many uses of the public forests.

So long as the Forest Service abides by federal laws and follows its own rules and regulations, it has nothing to fear from the courts. But if Congress grants the Forest Service immunity, then the public will lose its ability to keep the agency and its employees honest. Heaven help us the day Congress declares law enforcement "interference."

[From the Bozeman (MT) Daily Chronicle, Nov. 26, 1991]

UNAPPEALING PROPOSAL

Appeals of U.S. Forest Service timber sales have hamstrung the agency in its quest to supply the lumber industry in recent years. Their cause, however, seems to have evaded many in Congress, where a proposal to eliminate or overhaul the appeals process was debated last week.

Timber sale appeals were rare when forests stretched uninterrupted from horizon to horizon. They don't anymore.

The Forest Service—at the direction of Congress—tapped public forest lands heavily following World War II, when an economically growing and fertile nation demanded a lot of affordable housing.

At the time, the consequences of these large timber harvests were obscure or invisible to those who demanded, directed or implemented them. Now these excesses are at center stage. Those not convinced of this need only take a short airplane ride over Montana's forest lands. Untrammeled reaches of forest that were once the stockpile of a lumber-hungry nation are scant. The slow-growing coniferous forests of the West have been unable to fill the void left by post-war timber harvests.

The immigration of millions to the West—many of whom came specifically to take advantage of the lifestyle offered by national forests—ensures that virtually every planned timber harvest is now in someone's backyard. If the sale is not tempered by concern for its consequences, that "someone" is going to object, whether through the appeals process or through litigation in federal courts.

While it's true the growing conservation movement is the source of many of the appeals that have hindered forest officials in their quest to supply the timber industry, the success of these appeals speaks for itself. They stand as evidence that many planned timber sales violate the intent of environmental law designed to prevent permanent or massive damage to a public resource.

Throwing out the appeals process—a move advocated by the Forest Service chief and some members of Congress—is like giving aspirin to a terminally ill patient. The appeals, no matter how frustrating they are to forest managers, are only a symptom of the disease.

The best treatment lies in a realistic timber quotas and a transformation in the manner in which timber sales are prepared.

The result may be a scaled down timber sale program, but that's the best prognosis the timber industry can hope for given the limitations of our national forest resources.

Mr. FOWLER. So I just ask my friend: There are some areas of the Forest Service procedures and management that we disagree on, and I certainly agree to disagree with the Senator on that. But on this question of citizen involvement, it seems to me that the people who have studied the proposal of the Forest Service do agree that this is not in the best interests of our timbering, or our national lands. I ask consideration of that.

Mr. BURNS. I thank my friend from Georgia. We have worked on many issues together. I guess we just interpret that law from a different point of view.

I advise my friend that we would hate to start running this country by what editorials we see, and I will try to make my own judgments on that, being as I am here and they are not. Nonetheless, we have not taken the public out of the process. That is the point I am making. We are trying to bring some sanity to management and to manage those lands. That is like us going out and trying to say to a farmer or rancher: You have to change your whole plan here in midstream. We never would get anything grown, or in the ground, and we never would get anything in the bin, if that is allowed to happen.

I am always reminded that it is pretty tough to manage by committee. That is basically what we are trying to do here. And you have to look at the poor old camel; the camel was put together by a committee.

So I ask my colleagues to oppose this amendment. It is meant to be just another roadblock as far as trying to manage public lands and trying to deal with the renewable resource in environmentally safe ways. I thank the chairman and yield the floor.

Mr. BYRD. I wonder if we can get a time agreement on this amendment. We have been on it 1 hour, or it will soon be within a couple of minutes.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. Momentarily. We have to move on these amendments. I have 20 on the list here that were accorded eligibility by the Senator yesterday, and I just hope we will not take too much time to debate these amendments. Let the Senate work its will one way or the other. The distinguished Senator from Georgia is agreeable to a time limitation. I just hope we can move on.

Mr. STEVENS. Mr. President, I see this as another example of a Senator that serves on a legislative committee bringing an amendment to the floor and using the urgency of passing the appropriations bill to avoid the normal amendment process to deal with this legislation. I am not prepared to enter into a time agreement yet on this. I would enter into a time agreement with regard to tabling this motion. But if it is not tabled, a series of us have amendments to offer to it.

Let me explain to you why. Twenty percent of the timber harvested in this country comes from the public lands of the United States. As a young man, I studied the record at Gifford Pinchot. I became very impressed with them. As a matter of fact, I had the privilege of meeting with Pinky Gutermut, and I am sure my friend from West Virginia remembers him, one of the distinguished environmentalists of the early 1950's. We talked at length about the reason for establishing the national forest. The basic reason was that there would be a yardstick by which the public could measure the performance on private lands.

Is it not strange that this amendment is brought to us by a Senator who represents a State that has only one company that deals with public lands and that happens to deal in my State. Basically, the timber that is affected by this is in the West. The 80 percent is not affected at all.

There is no appeal process for citizen involvement in cutting timber on private lands, although as I travel throughout the United States, I hear more complaints from people who live adjacent to the private lands subject to indiscriminate harvests and waste, than I do from those who live adjacent to public lands, because we do have the Forest Service protection for citizen involvement.

My citizens are very much involved, as the Senator from Georgia knows, in what goes on in the two great national forests in my State. As a matter of fact, I tried to create additional national forests in my State, and I think it may be possible sometime to do so, because we believe in the system that is there.

Here we have a series of regulations that were issued, promulgated, not effective yet, to streamline the appeals process for efficiency and management of the Federal lands that are in the national forest. What happens? People who represent the private sector forests are trying to put another period of delay on the harvesting of timber from Federal lands, from public lands.

They do not have to go to the EPA. They do not have to go to the Forest Service. They do not have a review first, before they harvest timber for fish and wildlife. They do not have a citizen's right to appeal from decisions made by the owners of private lands as to whether they harvest timber or not, what the cycle is, whether they have clearcutting, or protection for endangered species. Take the redhead woodpecker, the one that is so much in the news now. There is no protection in the southeastern portion of the United States for that endangered species. And we all know what the difference in terms of the spotted owl is in the Pacific Northwest.

(Mr. BRYAN assumed the chair.)

Mr. STEVENS. Mr. President, it is high time we brought back the focus of Gifford Pinchot in terms of what is the yardstick. I have an amendment being drafted now, and if this amendment is not tabled we shall debate it. It is that under the interstate commerce clause there will extend to all private lands that are subject to harvesting the appeals process that is in the Senator's amendment, the EPA process, the endangered species process, the advanced planning process that is required for harvesting timber from public lands, the total review that is involved in utilization of public timber. The yardstick has been shortened.

The Senator from Georgia talks about the subsidy in the harvesting of timber from the public sector. There is no subsidy, because the cost factor to have to comply with the laws that are already on the books dealing with the harvesting of timber from the public lands is so great that there is no way to have an honest comparison in terms of the costs compared to the private sector land.

The Gifford Pinchot dream has been lost because of the heavy weight of regulation that comes on year after year after year on the Forest Service timber as opposed to the total lack of any regulation of the private sector.

I happen to represent a State that also has private lands and I have seen some of those lands clear cut. I have seen some of the practices on those lands and they are not what they are on the Forest Service lands, and we are now learning in the State of Alaska what it means to have timber in private lands without any right of the public to be involved in the harvesting of those lands.

If the Senator from Georgia now wishes to say that this series of regulations that were promulgated to make the appeals process for the Forest Service on public timber more efficient and more effective and still preserve at least two full rounds of appeals for the public is not sufficient, I think at least we ought to put at least that much on the private sector now with the Senator's amendment. I think it is time for us to look at the 80 percent and take the public glare off of the 20 percent which is already overregulated.

And the economic effect of what the Senator from Georgia is trying to do to our Pacific Northwest States is staggering. It is absolutely staggering. It is putting more people out of work every day. And where are those jobs going? What is the price of timber now in Georgia? What is the economic advantage to Georgia over what the Senator from Georgia is trying to do to the Pacific Northwest in particular?

I intend to go into that in length. And I say with due respect to my friend from West Virginia, the distinguished President pro tempore, this is just another example of why we have rule XVI. This is legislation on an appropriations bill. We have no chance to debate it. We have no chance to offer substitutes. We have no chance to offer substantive amendments, because we are told: Let us hurry on with this bill.

This bill is about money to operate the Forest Service. It is not about a legislative amendment. And this is legislation on an appropriations bill, clearly.

But this Senator is going to exercise his rights to offer amendments to that legislative proposal. And I have a series of them, Mr. President, not just one. I have a series of them, because it is time we stopped this legislation in a permanent fashion on appropriations bills.

If the Senator from Georgia wants to legislate on this bill then I want to amend that legislation. And my people demand that it be amended, because it is time we looked at the 80 percent of the timber that is harvested in this country. That 80 percent is not subject to these regulations. That 80 percent does not have the protection for the Endangered Species Act. That 80 percent does not have a plan that must be filed before you even contemplate harvesting.

I am going to present to the Senate this afternoon the number of permits that are required to harvest one stick of timber from the national forests in Alaska. And I compare it to the permit required to harvesting a stick of timber in Georgia, and let the Senate draw its conclusions.

Are we complaining about this amendment, because it is overregulation? No. We have gone through a whole series of hearings with the Forest Service on this new appeals process. Many of our people did not like it in the beginning. We had hearings. We had public comments and they are not about ready to go into effect.

The Senator from Georgia wants the Senate to go on record now and change that. He could have gone to the appeal process as we did. He could have notified his constituents to go to the appeal process and be heard. But, no, he is going to bring it here, he is going to promulgate the regulations for the Forest Service here on the floor of the Senate. They are going to be permanent regulations; they are going to be in law. They will not be amendable by the Forest Service. It will not be effective until approved by the House of Representatives.

But I will tell you this, Mr. President, they are not going to be effected until the amendments of the Senator from Alaska are considered also, because this is legislation, and if the Senator from Georgia wants to bring it up as a member of the Energy Committee, he should do that. He should bring a bill to the floor and he should try to change the law that deals with national forests. There is a basic change of law of the national forests. It is not proper to put us in the position that we are in.

If the Senator wanted to bring that, he could bring it out of the Energy Committee. I could have something to say about the scheduling of it. I could object to the scheduling of it. I could object to the motion to bring it before the Senate.

This bill is before the Senate as an appropriations bill. It is not before the Senate as a litigation bill. It is this means of coming to the floor with these amendments that evades the provisions we built into the rules so that small States and States that are vitally affected by amendments such as this have an opportunity to be heard and what is more have an opportunity to contact their people who are 5,000 miles away to see how they feel about this.

I say, and I had this statement yesterday, to my good friend from West Virginia, this is legislation. Why should we have a motion to proceed with this legislation? Why should we not have a consent for first and second reading of this legislation? Why should we not have an opportunity to offer amendments to it? Why should we not have an opportunity to really express our opinions at length without regard to the time limitations that should apply to appropriations bills? I believe in those time limitations.

And I would very much like to comply at this time with my good friend from West Virginia's request. I cannot, because I cannot see why we should spend our time legislating on an appropriations bill about the 20 percent of the timber of this country that comes from Western public land States and ignore the abuses, the substantial abuses that are taking place on private lands throughout the country in the harvesting of timber.

That is not welcome news to my friends from the Forestry Association, I tell you that, but it is time for us to do it. And if the Senator from Georgia wants to legislate about public lands on an appropriations bill and I am going to try to do it today.

Mr. DOMENICI. Mr. President, will the Senator yield for a question?

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I heard the word "abuses" used here frequently, and since I think we have some people interested in deciding how to vote who are not necessarily affected by abuses, I would just like to share a few things that are happening.

Would you believe that the process that the Forest Service said should be altered is now used in the following manner, I say to my friend from West Virginia? There is a college, Wesleyan College, Middletown, CT. As part of one of their university classes, they suggest to their students that they from Connecticut file appeals in Alaska during the last week of this enormous process. They have not been in that State. They have not filed one piece of paper, but you get a little appeal that comes cranking out of some little classroom where a group of students are showing their teachers that they know how to appeal.

But you know what happens. Just filing that means they have an internal appeal. That causes a 1-year delay on average, because there is such a backlog.

Did we intend that? Did Hubert Humphrey intend that when he came to the floor of the Senate in 1975 just before the 1976 law was passed that said produce a master plan for that forest and get everybody involved in it so that there is citizen input? He came to the floor and said something like this. I do not have the quote but it was in Humphrey's style which none of us can do. Amen, we finally found a way to get everybody involved, get their views heard, and if they are not satisfied to get an appeal. That is what he called it.

But what has happened now is that you do not even have to appeal there. You do not have to complain there. You do not have to participate there as that forest is planned for its uses for the ensuring period of time. You do not have to be there. You can wait until they picked out a sale to do all the work on it, the environmental assessment or impact. You do not even have to participate in that. You can be at the University of Massachusetts—we happen to see one of those in New Mexico—and be a student who is interested in being an activist. And when all that has occurred you can send down from Massachusetts an appeal from that decision. Another year is lost.

Now what they have is the right to go to court at that point under the processes. What the Forest Service is trying to tell us, I think, is help us put some sense into this management. That is what they did with their reforms.

It seems to me that we can talk about the rights to be heard but, Mr. President, the rights to get involved and to be heard and have input have been there since 1976 and have nothing to do with the issue at hand.

What has been created is internal to the Forest Service. They created another appeal and now they say "We made a mistake. Let us leave it like it was originally." You get your input, you have your rights there, you get your standing there when we really do the planning, and then if you do not like the final sale, you can go to court.

I think the Forest Service ought to be left alone on this one. I do not think we ought meddle with it on an appropriations bill.

I yield the floor.

Mr. FOWLER. Will the Senator yield to me?

Mr. DOMENICI. I am finished.

Mr. FOWLER addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. FOWLER. Mr. President, if no one else is seeking recognition, I ask unanimous consent to speak.

Mr. DOMENICI. I am informed Senator CRAIG is going to return right quick.

Mr. FOWLER. I will protect Senator CRAIG.

I ask unanimous consent to speak without it being counted as a second speech.

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

Mr. BYRD. Mr. President, the Senator is not anticipating a filibuster, is he?

Mr. FOWLER. The Senator is not.

Mr. BYRD. Nobody is going to question his right to speak twice, three, or four times, as long as it is not a filibuster.

Mr. FOWLER. I thank my chairman.

Mr. President, I regret that the Senator from Alaska would not yield to me—and now he has unfortunately left the floor—or the Senator from New Mexico.

I hoped we would not get so much heat and so little light. This proposal that is incorporated in my amendment has been tested by the Forest Service itself. The Forest Service itself implemented a prior public comment period, to be used prior to the annuncement of these project level decision, and maintained an appeals process. They did it, and this is what they found.

This is from the Joslin report, senior level, to the Chief of the Forest Service.

> The results have shown the benefits of receiving comment prior to making decisions. Early resolution of conflicting views over the proposed action improved decisions and fewer postdecisional appeals of those decisions.

This is the Forest Service's recommendation. What has happened, the reason we are here today, is not because the Forest Service wants to eliminate citizen appeals. This is a political decision, coming from the Vice President's Council on Competitiveness, eliminating all regulations they can, and from the Secretary of Agriculture, a political decision. This is not the Forest Service.

Mr. CRAIG. Will the Senator yield?

Mr. FOWLER. I will in just a moment. I will be glad to yield, but let me just try to answer the previous two speakers.

I just have to set the record straight here. Both my friend from Alaska and my friend from New Mexico said, well, look, if a citizen has a problem, they do not have the right to come in. They can go to court.

Well, here you have the Secretary of Agriculture actively supporting measures to bar public access to the courts. He said just 2 months ago: "We could manage better if we were free from interference of the Federal courts. We urge Congress to do that expeditiously." End of quote, Secretary of Agriculture, Edward Madigan.

So what we have and what we are trying to address today—I do not want to be here—is to take the politics out and let the Forest Service, as they have done for 85 years, have their citizen review process.

The Senator from New Mexico, how many times have we heard about one classroom filing appeals by fax, probably; they may have faxed it. The Forest Service has the authority to throw out frivolous appeals. That is what they do.

The next speaker, I guess, is going to tell us about the welfare fraud of a lady on food stamps who drove up in a Cadillac. We hear this one great example all the time.

Now, the reason I wanted the Senator from Alaska to be here is because I have the greatest respect for him. I have hiked all over his State, all over the national forests. But I wanted him—he will hear this, he will hear it, and I welcome him back.

I let pass why the Senator from Georgia happens to be doing this or the Senator from South Carolina or all the others that are going to vote for this. We need to be reminded on the floor of the U.S. Senate once again that Alaskans do not own the national forests in Alaska. Every Georgian, every West Virginian, every citizen of Idaho has an equal share, an equal stake in the national lands in Alaska and every other State in the Union.

My vote as a U.S. Senator, as an American Senator first, counts just as much in Alaska and Washington and Idaho as the Senators there. The Senator from Idaho's [Mr. CRAIG] vote counts just as much in Georgia and affects the Chattahoochee National Forest and the Oconee National Forest and every public land and every public decision as does the Senator from Georgia.

Now we must remind ourselves that these are the forests of the people of these United States. They have a right in the sayso of what happens to their public lands, their national heritage, the trust of stewardship to manage those forests right, not only for our generation but for those to come. And that is why we are here today.

The Senator from Alaska talked about 20 percent public lands, public lands being used by private interests. And every citizen of Georgia, Florida, West Virginia, wherever they live, has a right to question those decisions, a right, by the way, under the Constitution of the United States. I say to my friend from Alaska.

Mr. STEVENS. Will the Senator yield?

Mr. FOWLER. I am glad to yield.

Mr. STEVENS. Do you think those same citizens have a right to question what is cut in the State of Georgia from private land?

Mr. FOWLER. The Senator has a right to question any decision and to try to change private property law. All I say to him is, my amendment has nothing to do with private property rights in this country.

Mr. STEVENS. That is this Senator's position. That is exactly why it is wrong.

Mr. FOWLER. That is not what we are debating here today. If the Senator from Alaska wants to curb private property rights by an amendment, then he has an absolute right, and I may agree with him, and I may not agree with him. But it has nothing to do with my amendment.

Mr. STEVENS. Will the Senator yield again?

Mr. FOWLER. I am always glad to yield to my friend.

Mr. STEVENS. My friend from Georgia is talking about the public's right to discuss the cutting of timber, but it only applies to the public lands. It does not apply to the private lands.

I do not want to interfere with private rights. I want to give the public the same rights on private lands to protect the wildlife, to protect endangered species, to see that the view shed is preserved that the Senator from Georgia says we should preserve on public land. I think that is a very fair thing.

Mr. FOWLER. I would be very interested in seeing the Senator's proposal. I might even support it. I do not know. I have never seen it.

But all I am saying is that is not the issue here today. The people of the United States, the people of Georgia, have an interest in private timber holdings in the private timber companies that are using and cutting their public forests in Alaska. The people of Alaska, the private citizens of Alaska, have an interest in the private timber companies in Georgia who are cutting timber on the Oconee National Forest and the Chattahoochee National Forest in my State. And they have an absolute right, either individually or through their U.S. Senator, to question those sales on public lands in Georgia because they are their forests. Alaskans have a stake in their forests.

Mr. STEVENS. Will the Senator yield again?

Mr. FOWLER. I will be glad to.

Mr. STEVENS. My constituents are very interested in that redheaded woodpecker; that is their wildlife. I think we ought to have an amendment

here. That is their wildlife that happens to be in private lands in the State of Georgia, and I am here to represent my people.

So, if the Senator wants to bring a legislative proposal before the Senate on an appropriations bill that deals with regulation of the forests of this Nation, I do not see any reason to set aside just the public lands. Let us talk about the total timber of this country. And I think I am pretty well qualified to talk about that and intend to talk about it at length.

Mr. FOWLER. May I respond to the Senator from Alaska on his time? And this is not—let us leave my part of it. I say this sincerely, and I ask the Senator to seriously examine this. The Senator may have missed this because he temporarily had to leave the floor.

The proposal incorporated in my amendment was one that has been tested by the Forest Service itself and recommended, this public predecisional comment period, to try to solve a lot of these problems and stay out of courts. I regret that, as usual, we get a little loud and extended. I am guilty of that myself.

But this proposal has been tested over the last 2 years in the Forest Service. I believe they would welcome it.

The appeals process on the public lands has only resulted in 5 percent, last year, of the timber target volume that was not met. So we are not talking about, I say with all respect, in my opinion, any massive problem. But I say that on the Senator's time, and I thank him.

Mr. STEVENS. Will the Senator yield? I do not think I have the time, but I would like to respond.

Mr. FOWLER. My colleague has the floor.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I would say this. One of the reasons I am here is I read a portion of the Senator's amendment that deals with publishing notice of the action in a newspaper of general circulation that has been identified in the Federal Register as a newspaper under which the notice may be published. That struck me. When a person or company starts cutting timber from private land there is no notice in a paper of general circulation; there is no notice to anyone who might be interested in the redheaded woodpecker, to see whether or not they are going to be harmed by the cutting of timber from private land. This is legislation that ought to apply to them.

I say to the Senator from Georgia, my good friend, who has visited my State, knows my State very well, I think the concepts there are good concepts. If they are to be applied to the public lands, they ought to be applied to private lands.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BYRD. Will the Senator yield to me?

Mr. NICKLES. I will be happy to yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I think it has been proved time and again that this—I hope my friend from Alaska can hear me—that this bill attracts more amendments in the committee and on the floor than any other bill. We had 2,800 requests from Senators to the committee, and I think we stopped counting a few days ago, so it was close to 3,000. And last year it would be more than that because we were later marking up the bill. The longer we wait, the more requests we get.

Now, on the floor this bill attracts more legislative amendments, I believe—I cannot be absolutely sure of that, but it seems to me, at least, that this bill attracts more amendments that are legislative in nature than does any other appropriations bill. And we have had an hour and a half, now, on this amendment already today. We have to get on with this bill. Our travail and suffering are not ended here. We still have to go to conference, and every legislative amendment that is on this bill that is controversial here is controversial in conference. So it adds to our worries and our woes.

Now, there have been several Senators here who have spoken out against the amendment of the Senator from Georgia. If they have the votes, why do they not move? He has agreed. He is willing to agree to a time limitation. I can understand why the distinguished Senator from Alaska and others would not agree to a time limitation, because if a motion to table were made and it failed there is no time left to debate on the amendment, and they feel very strongly about the amendment. That is within their rights.

But at least when are you going to move to table? I have told the distinguished Senator from Georgia that I am going to vote against his amendment. But I can tell my friends on the other side of the aisle this debate is not going to continue on and on and on. I now hear there is going to be an amendment offered to the amendment, and certain Senators have talked about points of order and all of these things.

Mr. NICKLES addressed the Chair.

Mr. BYRD. The Senator has the floor. I realize that, but let me finish.

So we are going to go from bad to worse. We are going to get an amendment to the amendment. And if Senators are going to move to table, why do they not move? If they fail to table, they are no worse off than they are now. They still have the amendment in front of them. If they table, then that is the end of it. But if they cannot table, they at least know where the votes are.

So I urge Senators to get on with this amendment because I am just not going to sit here all day and listen to long debates on legislative amendments.

If the motion to table fails, that is the Senate's will. I cannot control that. But I will say one thing. I have told the Senator I am against his amendment. But if there is not some action taken very soon I am going to vote with the Senator.

The Senators over here, they have done about all the talking. One Senator has done the talking on this side. I hear there are other Senators coming to the floor. So, if Senators—this one vote may or may not make much difference. But this is one vote, and my interest is in getting this bill to conference. So I just want to lay it out like that and let Senators know that we have to move faster today than we did yesterday. And Senators cannot just horse around all day and talk and talk and talk.

Of course, if a Senator gets the floor, I cannot move to table. But if they are going to call up amendments to amendments and get other Senators to come to the floor they are going to lose one vote. Maybe they have their votes counted.

Mr. STEVENS. Will the Senator yield just for a misunderstanding?

Mr. BYRD. This Senator has the floor.

The PRESIDING OFFICER. The Senator from Oklahoma retains the floor.

Mr. BYRD. I have finished.

Mr. NICKLES. Mr. President, first, I wish to echo the words and sentiments of the chairman of the Appropriations Committee. He has been very patient. He has shown the patience of Job. He did that yesterday when we had extended debate. But I think we said last night, and we repeated again this morning, we really have too many amendments to go through very extended debate, particularly on legislative items—particularly, as this Senator would feel, on legislative items that have not been considered by the full authorizing committee that are clearly legislative measures that are not germane or pertinent to this bill.

I make this point. Yesterday when we considered the amendment of the Senator from Nevada, and that of the Senator from Arkansas, there was legislation that dealt with mining fees. Senator REID came up with some additional reforms, and Senator BUMPERS had additional reforms. So we debated that—too extensively, in this Senator's opinion. But there is nothing dealing with Forest Service legislation that would stop—or the regulation dealing with appeal regulations. This is clearly legislation on appropriations. I hope it is not agreed to.

I think it is important we vote, I told my colleagues. I understand Senator MURKOWSKI wanted to come over and speak, and I understand Senator CRAIG may have additional amendments or

second-degree amendments. I will tell the chairman we have to pull it down. I am prepared to move to table. I think other Senators may be. But it is important that we move forward on this bill as quickly as possible.

I will make the conclusion of my comments. I have a letter from the administration that strongly opposes Senator FOWLER's amendment. I will mention that the Forest Service is strongly opposed to his amendment. There are over 24,000 comments on these proposed changes. Over two-thirds of those comments were favorable, for the regulations that Senator FOWLER is trying to change.

So I am opposed to his amendment because it is legislation on an appropriations bill. I am also opposed to it on the substance. It would be repealing Forest Service regulations that I do not think this Congress has really studied. That should be done in the authorizing committee, not before the Appropriations Committee.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I am prepared to move to table at this moment. The Senator from Alaska wants to speak. So I will wait until he has spoken, and then I will move. I agree with the chairman. It is time we move on. I think we have covered the issues.

What I am going to send to the desk, but I will not offer at this moment, is an amendment—and I will tell the body that if the tabling motion fails, I will offer this amendment, cosponsored by Senator DECONCINI, Senator GORTON, Senator STEVENS, Senator DOMENICI, and Senator BURNS—an amendment that is a work product of a broad cross-section of citizens and Forest Service officials that streamlines and clarifies the appeals process, and establishes standing and does not—does not—damage the process.

I am prepared to do that, and send to the desk that amendment. I will not offer it at this moment, but I will be prepared to do so if the tabling motion fails.

I understand the Senator from Alaska is ready to speak at this moment. Upon the conclusion of his speaking, I will attempt to regain the floor for the purpose of moving to table.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I want the junior Senator from Alaska to have an opportunity to speak. I want the Senator from Georgia, if he wishes, to again speak. I want to limit this time, but I want to do it with the understanding, because there is going to be a motion to table—that has already been said—I want to do it with the understanding that that time limitation is only with respect to the motion to table because I know I will not get an agreement otherwise.

And also, I know that any Senator who gets the floor may speak for 3 hours, or 4 hours, or 6 hours if he is bitterly opposed to this and feels he does not have the votes. He may go on and on.

How much time would the Senator from Alaska like?

Mr. MURKOWSKI. The Senator from Alaska appreciates the floor manager's consideration, Mr. President. I understand there is a motion to table pending. It would be my thought, if there is sufficient support, I will talk for some time.

I think the proposal is fair. I imagine 5 minutes will be sufficient for the Senator from Alaska.

Mr. BYRD. In fairness to the Senator from Georgia, how much time would he need?

Mr. FOWLER. I will need 5 minutes, at most.

Mr. BYRD. Mr. President, I ask unanimous consent that before the motion to table is made, and it has already been indicated it will be made, that the Senator from Alaska [Mr. MURKOWSKI] be permitted to speak for 5 minutes; the Senator from Georgia [Mr. FOWLER] be permitted to speak for 5 minutes; and that the motion to table be made. And if the motion to table fails, it is understood there would be no time limit on the amendment.

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

The Senator from Alaska [Mr. MURKOWSKI] is recognized.

Mr. MURKOWSKI. I thank the Chair. I thank the Senator from West Virginia.

Mr. President, the national climate for harvesting timber from public lands, I believe we are all aware, is worse than ever before in the history of our Nation. And we see no relief in sight.

We struggle simply to preserve access to the forest resources of the Nation. Legal challenges of national forest timber sales and forest plans skyrocketed in fiscal 1991; 636 appeals were filed on 472 forest sales nationwide.

At the beginning of 1992, there were 1,453 appeals already. And if we compare this with the average of 170 appeals each year, from 1983 to 1985, we can clearly see the direction.

Does one ever wonder what happens to those appeals? In 1991, only 6 percent were upheld. The costs of the appeals to the American taxpayer: 1.8 billion board feet of timber were tied up in the appeals, with hundreds of millions of board feet ending up delayed or canceled. It cost $11 million to process the appeals, and a work force investment of 152 years of staff time. The cost in jobs lost in 1990 alone has been estimated at 38,000 nationwide. Potential economic losses associated with appeals in 1990 were $196 million in Federal taxes, and $180 million in payments to counties.

Every sale put up by one company in my State of Alaska was appealed—every single sale—affecting roughly 300 million board feet.

We are locked in a battle, Mr. President, to maintain a reasonable, responsible timber supply. Families are being uprooted; whole towns are shutting down. The Spotted Owl Protection Program is projected to result in a loss of 93,000 jobs in Washington, Oregon, and California; endangered salmon protection on the Columbia River could be even worse. Sooner or later, my own forest in Alaska, the Tongass, could face its own spotted owl disaster. We already had a close call with the marbled murrelet.

The battle is waged over access to our national mineral resources. It is fought over grazing rights, drilling for oil, damming rivers for power, and building new homes for our children. We are locked in a struggle with a very vocal, powerful, very well-organized and very well-funded preservation elite—elite—minority, who oppose any consumptive or renewable use of public lands.

This minority freely uses the Forest Service appeals process to achieve their goals. The preservationist elite want to preserve the Nation's forest, range lands, rivers, and even oceans as restrictive and very personal playgrounds for the affluent few.

Mr. President, I ask unanimous consent to print in the RECORD a letter from Koncor Forest Products, Alaska Pulp, Alaska Forest Products Association, and the specific format used on the blank appeal process.

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

KONCOR FOREST PRODUCTS CO.,
Anchorage, AK, April 10, 1992.

APPEALS STAFF (NFS),
Forest Service, USDA, Washington, DC.

DEAR SIRS: Your efforts to modify the regulations relating to the administrative appeals process is to be commended. There is already far too liberal access to the courts for anti-development groups. They have been using the present appeals process as just one more source of litigation ammunition.

The preservationists know that they can gain some concessions from either an agency or company every time they tie up an action. Your proposal to eliminate the administrative appeal option is a good initial step in getting this country back on some semblance of a reasonable track.

I encourage you to stick by your proposal and get these changes implemented. They are long past due. Federal and state agencies, without exception, err on the side of conservatism when they allow development or utilization of our country's natural resources. There is no reason to have an appeal process that is only used as an additional means of hindering development without adding any significant environmental benefits to the activity proposed.

Sincerely,

JOSEPH F. WEHRMAN III,
Governmental Relations Forester.

ALASKA FOREST ASSOCIATION, INC.,
Ketchikan, AK, April 13, 1992.

APPEALS STAFF (NFS),
Forest Service—USDA,
Washington, DC.

DEAR CHIEF ROBERTSON: Thank you for offering the opportunity for the Alaska Forest Association to express our support for your proposed rule to end appeal of project decisions. It is essential that you adopt and implement this rule as soon as possible. We believe the proposed 30-day comment period for draft project decisions will be a much more effective way to identify and address public concerns. We have long been disturbed by both the enormous cost of processing appeals and the lengthy delays in carrying out management decisions made in forest plans. The proposed rule should go a long way towards remedying the situation.

The current appeals procedure is appalling. It is the single most important reason for the Forest Service having become ineffective as a land management agency. On the Tongass National Forest nearly all of the timber sales have been appealed in recent years. Through the appeals process, obstructionists have crippled the timber industry by delaying and reducing timber supply. Most of the appeals do not change land management decisions or the quality of on-the-ground activities but are lost on procedural grounds. The process is consistently abused as evidenced by high school and college classes that appeal all timber sales on forests such as the Colville as a class project. The current process is very costly and a drain on Forest Service appropriated funds. Obstructionists recognize that if the Forest Service is spending money on appeals, they are not spending it on timber management as Congress intended. It is a method of defeating the appropriations process after it is passed by Congress. By changing the appeals process there is a possibility of real budget savings in the Forest Service. And finally the appeals process has completely destroyed the moral of many of the finest professionals in the agency.

The proposed rule is a step in the right direction, but more is needed. Appeals of forest plan decisions take seemingly forever to resolve, and the process urgently needs improvement. Please include in your final rule the following changes to the appeal procedures for forest plans:

1. Shorten the time allowed to reach appeal decisions. We recommend allowing only 60 days, and if a decision is not reached by the deadline the appeal shall be considered denied. We also recommend you eliminate the provision for second-level discretionary review.

2. Require appellants to establish standing to appeal forest plans by submitting written comment stating their concerns during the public involvement period and before the decision is made. Issues not raised in their public comments cannot be raised in the appeal unless they can show it is new information not available to them prior to the decision.

3. Appellants must be required to post a bond, and if the appeal is denied or dismissed, the bond is forfeited.

4. Negotiations may be allowed, but they must be completed within the time period allowed for the decision. The decision daadline may not be extended. Intervenors must be invited to fully participate in the negotiations.

Please amend the proposed rule to include these needed changes to improve the decision-making process for both plan and projects. To reduce the cost and improve the effectiveness of national forest management, please implement a new rule as quickly as possible.

Sincerely,

LARRY B. BLASING,
Administrative Assistant.

ALASKA PULP CORP.,
Sitka, AK, April 23, 1992.

APPEALS STAFF (NFS),
Forest Service, USDA, Washington, DC.

DEAR CHIEF ROBERTSON: I stand firmly in support of the proposal to disallow post-decision administrative appeals of land management project decisions on national forests, on the grounds that a thirty-day public review of such is adequate. As a timber industry employee totally dependent on National Forest timber, I feel it is imperative that some action be taken to streamline the EIS appeal process and reduce costs associated with appeals if we are to continue business.

A thirty-day pre-decisional notice and public comment period should be sufficient. The existing administrative timber sale appeals system, with over 3,000 appeals in the last two (2) years, has exerted an astounding cost in frivolous delays in forest management projects, damage to timber-dependent communities, and availability of timber for home construction.

The operation I am associated with has had every sale offered by the Forest Service appealed by third parties (the same party with a different name in each case). These appeals have lasted for as long as 7–8 years with up to 300 MMBF+ made unavailable. The results have disrupted jobs in both the woods operations and the mills. The impacts are not only felt by employees of the affected logging and milling operations, but associated forest and support businesses dependent on logging and milling operations.

The revision will simply repeal an out-of-date (1907) and unnecessary process regarding timber sales, most of which the rationale for such appeals have been removed by the NEPA and NFMA. The general outcome of these appeals will be preserved considering that only 9% of 1990 appeal decisions and 6% of 1991 decision resulted in a reversal of original agency proposals. But in the same regard, I understand, it will save the Forest Service an estimated $11 million annually in processing appeals! The revision still allows the citizens of the United States access to national forest decision-making, it just reinforces the emphasis that it needs to be done in a timely manner.

I, as a United States citizen, am tired of the senseless and unending appeals process that has allowed special interest groups to manipulate our government and our lives. Your proposed rule change is a step in the right direction. Do not stop with this move, find other ways to modify the NEPA procedure so that you can get on with providing economic timber to dependent industry as prescribed in NFMA and other laws providing for use of the Nation's timber resources.

Thank you for the opportunity to comment.

Sincerely,

CAPRICE D. SCARANO.

JUNE 13, 1991.

Re Notice of appeal of compartment decision notice for compartment(s) 1644, 1645, 1655, Womble Ranger District, May 2, 1991.

JOHN E. ALCOCK,
Regional Forester, U.S. Forest Service, Atlanta, GA.

DEAR MR. ALCOCK: Pursuant to 36 CFR 217, this is a Notice of Appeal. We enclose a Statement of Reasons for Appeal of the Decision Notice and Finding of No Significant Impact for Compartment(s) 1644, 1645, 1655, Womble Ranger District, for even-aged management and herbicide use and possibly thinning and group selection, dated May 2, 1991, and signed by John M. Curran, Supervisor, Ouichita National Forest.

ELEMENTS OF THE DECISION OBJECTED TO

We wish to appeal the decision to harvest 54 acres of timber by the seed-tree logging method, and 61 acres by the shelterwood logging method, with the intended follow-up pine management. We also wish to appeal the decision to apply pesticides on 329 acres. If the information requested below on thinning and group selection will not be provided in a implemented EA/decision notice, then we wish to appeal the 593 acres of thinning and 75 acres of group selection.

ELEMENTS OF THE DECISION SPECIFICALLY NOT OBJECTED TO

We do NOT wish to appeal the decision to harvest 203 acres by single-tree selection management. Nor do we wish to appeal the harvest of 75 acres by group selection and 593 acres by thinning if the information requested below on thinning and group selection can be provided in a supplemented EA/decision notice.

STAY OF ACTION REQUESTED

We request a stay of any action related to the proposed logging of 54 acres by the seed-tree method, and 61 acres by the shelterwood method, or any other form of even-aged management which might be substituted, and a stay of action on proposed herbicide use on all 329 acres, pending a final decision on this appeal. If those activities are allowed to occur, they will damage the potential of the lands to provide for our use as will be shown below. If these impacts occur, then our potential of forest use will be compromised and these impacts will prevent a meaningful appeal on the merits while the appeal is in progress. For the site-specific points of concern that the appeal record will show, we request that you grant this stay request. We request a stay of action on thinning and group selection if the EA/decision notice will not be supplemented to provide the information requested below. We do not wish to stop the thinning or group selection at this time; we merely wish to obtain information prior to the logging by these methods.

* * * * *

We do not ask a stay of action against the proposed 202 acres of single-tree selection harvest if the harvest is done without herbicide use. Nor do we request a stay of action against the harvest of 75 acres by group selection, nor 573 acres of thinning if the group selection/thinning will be done without herbicide use and if the information requested below will be provided prior to the logging. Our lack of request for a stay of thinning and group selection is contingent upon the relief requested below that the EA/decision notice will be supplemented to provide the information requested on thinning and group selection.

Furthermore, we request that the Supervisor instruct the District Ranger to move forward if feasible to separate out the selection management or thinning portions of this decision by amendment or "pen and ink" changes to the decision and process this portion of the sale in the regular timber sale schedule. In the latter regard, we are basically asking at this time for a stay of the District Ranger's decision to halt the scheduled preparation of the entire sale merely

because the even-aged management portion of it may be granted a stay of action. We further ask for a stay of the District Ranger's decision to halt the scheduled preparation and logging of the selection management or thinning portion of the sale just because later herbicide use may be stayed. We realize that the District Ranger has not yet made these decisions, but we hereby request to be notified of such decisions, including written supporting rationale, when and if made. We request notification even if the decision is a de facto, unwritten, unsigned one. And we hereby notify the U.S. Forest Service that we wish to appeal the decision, if made (whether in writing or not), not to implement routine preparation for the proposed selection harvest and thinning while the even-aged management and herbicide use are under appeal. The history of Quachita Forest personnel withholding—some for almost two years—thousands of acres of selection cuts and thinning that were never objected to and never stayed but that were part of decisions that contained even-aged proposals that were appealed constitutes a decision with serious implications for the timber industry, so this is a valid concern. Further, we ask that the District Ranger consider, and provide written supporting rationale for his ultimate decision, offering the selection management and thinning portion of the proposed timber sale in sale volumes of 5,000 to 100,000 board feet so that local small loggers can afford to bid on it.

DOCUMENTS INCORPORATED BY REFERENCE

We hereby incorporate by reference all appeals of the Vegetation Management Record of Decision and Environmental Impact Statement, including all attached exhibits, references, and appendices.

For the reasons cited below, we also hereby incorporate by reference all appeals, except that of Richard Gorton, Jr., of the Record of Decision for the Amended Land and Resource Management Plan and Final Supplement to Final Environmental Impact Statement, Quachita National Forest, including all attached exhibits, references, and appendices.

We are aware that you have received from the Chief of the Forest Service a copy of each of the above-referenced appeals, so in the spirit of the Paperwork Reduction Act and other federal statutes and regulations, we do not intend to duplicate that material.

As will be explained below, the deficiencies in the project-level analysis at hand are inherently related to the deficiencies in the 1990 Land and Resource Management Plan (LRMP), and vice versa. For this reason, meaningful presentation of our case on the merits of this project-level appeal cannot be made without reference to the two Forest-wide (or programmatic) EIS's and ROD's cited above. Appellants are aware that it is the position of the U.S. Forest Service that the appeal records of

State-wide decisions will be disregarded if incorporated by reference into project-level appeals. Appellants hereby notify the U.S. Forest Service that it is appellants' view that the burden that the Forest Service is attempting to impose by requiring that two copies of several programmatic document appeal records of several hundred to more than 1,000 pages each be attached to each appeal on up to 100 project-level decisions per year is an arbitrary and capricious one: one that violates the spirit of 36 CFR 217, the National Forest Management Act, and NEPA; and one that is improperly designed to avoid or limit judicial review of agency decisions. Because the agency has continued, and now continues, to issue project-level decisions for even-aged management while appeals and litigation of the LRMP's (both 1988 and 1990) and EIS's (both the "final" and the "supplement to the final") were and are in progress, project-level relief is the only apparent relief available, and it is appellants' view that it is ludicrous to repeat the same basic points over and over that are contained in the plan appeal and the vegetation management appeal. In fact, NEPA makes plain that the purpose of "tiering" project-level Environmental Assessments to programmatic EIS's is to avoid discussing the same points over and over. If that is the case, then that is also true of the points made in appeals of programmatic documents. Appellants hereby notify the officer reviewing this project-level appeal that we consider the points and documents that are part of the plan and vegetation management appeals to be part of this project-level appeal record and that those points and documents should be taken into account by the reviewing officer and responded to.

EXHAUSTION OF ADMINISTRATIVE REMEDY

Appellants hereby notify the agents and employees of the U.S. Forest Service who process this appeal that appellants intend to interpret the failure of the U.S. Forest Service to rule on this appeal within the time frame specified in 36 CFR 217, including no more than 5 days for transfer of documents, as a denial of this appeal and completion of exhaustion of all administrative remedies by appellants.

APPELLANTS

Sherry Balkenbol is a resident of Polk County, Arkansas, and is an inholder within the Ouachita National Forest and frequent Forest user who has been involved in the Forest Plan development and appeals process since 1985. She is an individual appellant of the Vegetation Management appeal and the 1990 LRMP appeal, a plaintiff in the judicial appeal of '86 LRMP/'90 ALRMP/VMROD/FELS/FSFEL as well as a member of the Sierra Club and Defenders of the Ouachita Forest which have also appealed both decisions.

Appellant Beth Johnson is a resident of Dallas, Texas, and is a frequent Forest user who has been involved in the Forest Plan development and appeals process since 1986. She is a member of the Sierra Club which has appealed both the Vegetation Management ROD and the 1990 LRMP ROD. She is an Interviewer in the above-cited lawsuit. Appellant Defenders of the Ouachita Forest is a mine-based citizens' organization whose members live near and recreate in the Ouachita National Forest. It is a plaintiff in above-cited lawsuit.

Appellant Arkansas Chapter Sierra Club is the locally based entity of a national conservation organization whose members lead numerous recreational trips into the Ouachita National Forest each year. It is a plaintiff in above-cited lawsuit.

RELIEF REQUESTED

In addition to instructions mentioned above to be given to District Rangers that they move forward on processing portions of decisions not objected to, and to the stays of action requested above for temporary relief pending the outcome of this appeal, appellants request the following permanent relief:

Appellants request that for the acreage proposed for thinning and group selection, the EA/decision notice be supplemented to provide a description of the existing disaster class distribution per acre of the stands to be thinned or group select cut.

A description of what the target diameter-class distribution will be after the thinning group selection. Appellants show that this information be provided in terms of both numbers of pine trees per acre in each diameter class and how that distribution would be plotted on a curve. For group selection, the size of the canopy opening should be specified to the nearest one-fourth acre for each stand—i.e. "stand 12, one-half acre group cuts, stand 14, one-fourth acre group cuts"—and the total acreage of canopy to be removed per stand acreage should be specified—i.e. "stand 12, three acres of 15 to be removed in openings of maximum one-half acre group cuts." We do not object to the carrying out of the logging by thinning/group selection; we only wish to obtain important information at this time, before logging removes the ability of the agency to obtain that information, to help us evaluate some concerns we have about the effects of these two methods on the forest resources.

Appellants request that the Decision Notice be amended, or that pen and ink changes be made, such that:

(1) preparation for the proposed 202 acres of selection management and 593 of thinning may proceed, without herbicide use, on the regular schedule as set forth by this Decision Notice (subject to the obtaining of the information requested for thinning and group selection).

(2) the 54 acres proposed for logging by the seed-tree method, and the 61 acres proposed for logging by the shelterwood method be harvested instead by single-tree selection management, without herbicide use, on the regular schedule as set forth by this Decision Notice.

(3) all proposed timber management by herbicide use in the area affected by this Decision Notice be conducted by alternative hand tool (chain saw and machete) means.

If the agency chooses not to grant the amendments/changes requested above, appellants request that before any form of advantaged management or herbicide is applied to the acreage involved in this decision, the Decision Notice and Finding of No Significant Impact must be withdrawn and a full Environmental Impact Statement must be prepared. If the amendments/changes requested above are not made, appellants on behalf of themselves further hereby request (for reasons cited below related to the inadequacy of the FONSI determination) that a hearing with at least thirty (30) days' notice be held in Mt. Ida, Arkansas/Oklahoma, in conjunction with scoping to prepare the draft EIS, and that another hearing with at least 30 days' notice be held in Mt. Ida to provide public comment after the draft EIS is prepared.

STATEMENT OF REASONS

1. For the reasons listed below (and those found in the OWL and other appeals of the 1990 LRMP), appellants challenge the Finding of No Significant Impact (FONSI) for this Decision because it is in error. The FONSI is based on erroneous or incomplete information, in violation of the National Environmental Policy Act (NEPA). As shown below (and in the OWL and other appeals of the 1990 LRMP), the routine FONSI for even-aged management on project-level decisions is a circumvention of NEPA and the National Forest Management Act (NFMA). The damaging site-specific impacts of even-aged pine management and herbicide use are such that they require a full site-specific Environmental Impact Statement, since the LRMP admits that it has not considered such impacts on this site. This is true because among other things, as shown below (and in the OWL and other appeals of the 1990

LRMP), neither the project-level Decision nor the LRMP provides sufficient evidence of completion of the proper inventory of resources of this site (or Forest-wide), plans for proper monitoring of the impacts of management practices on this site (or Forest-wide), proper interpretation and implementation of the diversity provisions of NFMA and its implementing regulations, and proper interpretation and implementation of the optimality/appropriateness sections of NFMA.

The FONSI is based, in part, on the inaccurate claim that the project will not effect health or public safety. In fact, as shown by the appeals of the Vegetation Management ROD/FEIS, the Forest Service has insufficient basis to make that claim, as many of the formulations of herbicides used are untested. Also, as shown in the LRMP appeals, even-aged management will affect health or public safety because it will increase local residents' risk of contracting Lyme's Disease.

The FONSI is based, in part, on the inaccurate claim that the project will not affect any unique characteristics of the geographic area. In fact, as shown below, the Forest Service has not inventoried this particular site, nor the compartment as a whole, for the full range of applicable resources required under NFMA, so the agency has insufficient basis to make this claim.

The FONSI is based, in part, on the inaccurate claim that the effects of the project are not likely to be highly controversial. In fact, as shown by over 400 news articles and columns about even-aged management in the Ouachita Forest in the past 12 months (included as part of the OWL appeal of the LRMP, incorporated herein by reference), each new even-aged management cut and herbicide application is highly controversial in the Ouachita. This is true, in part, because the articles focus not on even-aged management in a particular location in the Forest, but on the total amount of public land already committed to the practice and on the amount of additional clearouts proposed. More than 6,000 comments (15 times more than in 1985) favoring the no-herbicide selection management Alternative V over Alternative W also indicate the continuing controversy over any new even-aged management cut.

The FONSI is based, in part, on the inaccurate claim that the project does not contain highly uncertain, unique, or unknown environmental risks. In fact, use of untested herbicide formulas and widespread use of pine management (of which this is an incremental part) in an ecosystem normally composed of different tree diversity have highly uncertain or unknown environmental risks to wildlife and humans and because of the potential for increased insect and disease outbreaks. The quality of sawtimber is still uncertain from end-of-rotation pine plantation cuts, and to continue to commit almost one million acres, in small increments, to intensive pine management without knowing the quality of sawtimber that will result is highly uncertain. Furthermore, because the Forest Service has inaccurately inventoried this site, it cannot make the determination that the even-aged management and herbicide use proposed in this decision do NOT involve unique environmental risks because it has not considered the environmental values that exist on the site now.

The FONSI is based, in part, on the inaccurate claim that the project will not establish a precedent influencing approval of future actions with significant effects. Committing almost one million acres to pine management is a significant effect, especially since, as shown below, 274,000 acres of that one million is mis-classified as pine when it is really hardwood. Each new even-aged management area is part of that commitment and part of that significant effect. Also, since the Forest Service is overcutting at present on an annual basis in part because of unproven claims about future increases in yields from pine plantations and because of the assumption of continued replacement of space now occupied by hardwoods with commercially favored pine trees, if the Forest Service continues to commit very much more of the timber base to even-aged management, it will be forced to continue even-aged management in the future in order to keep sustained yield forest-wide in the short-term.

The FONSI is based, in part, on the inaccurate claim that the project is not related to other actions with individually insignificant, but cumulatively significant impacts. Massive type conversion, in violation of NFMA, as shown below, is occurring, and this increment is part of the whole picture. Neither the lost of native diversity on this site, nor the cumulative loss of native diversity of the forest as a whole are adequately considered, in violation of NFMA and NEPA.

The FONSI is based in part, on the inaccurate claim that the project will not affect listed or eligible sites on the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources. In fact, neither the EA nor the FSFEIS provides any evidence that such possible resources on this site have been inventoried. The statement in the FONSI that a survey will be conducted and that if any such resources are found they will be protected proves that this is the case. A FONSI can only be properly determined after such a survey has been conducted, not before. The same holds true for the FONSI's inaccurate claims that the project will not adversely affect endangered or threatened species or critical wildlife habitat, because as admitted by the FONSI, no proper inventories of such species or habitat have been conducted in order to make the determination that such species or habitat will not be affected.

For these reasons, the FONSI granted in this decision is wholly inadequate based on the inadequate EA provided, in connection with the inadequate FSFEIS to which the EA and this decision are tiered. Further environmental analysis must be conducted, in the form of an environmental impact statement, to enable a decision-maker to truthfully assess these site-specific impacts.

If the Ouachita Forest will provide something in its Environmental Assessments (EA's) and in its databases other than theoretical claims about impacts, appellants can provide something other than disagreement about claims: we can analyze how you arrived at your figures and whether your analysis is correct. The exchange of information and public scrutiny of the agency's scientific analysis is what NEPA is supposed to be about. It is also provided for strongly in NFMA and its implementing regulations. Our initial analysis of the agency's COMRATS "data" shows that it uses lookback formulas to make claims about impacts.

COMPATS, which is the basis for the Forest Service's site-specific analysis, is known to be riddled with errors and should not be relied upon to generate site-specific EA's. Actual inventories and analysis should be done on-site, and that information should be provided in the EA. For example, as shown in W Exhibit 30 in the LRMP appeal by OWL, the Forest Service's data for Stand 14 of Poteau Compartment 1237 showed the age of "the stand" as more than 58 years old. When an actual random sample of annual ring counts after the stand was recently logged showed the average age at 44 years, a great disparity in the data. Stand 25 of the Womble District Compartment 1676 was shown in the CISC data at more than 71 years old. When the actual average was 54. By claiming stands are older than they are, Forest Service decision-makers are routinely wasting the timber producing potential of stands and are violating NEPA by relying on incorrect site-specific data for their decision-making.

Furthermore, COMPATS and CISC data is collected in such a way, and contains errors, that often bias the analyis and the decision-maker's toward even-aged management. This method of gathering data is arbitrary and violates NEPA. In the example of Stand 14 of Poteau 1237 above, the actual ring count showed a wide variety of ages present, indicating that the attempt to claim "an age" for "the stand" was part of the Ouachita Forest personnel's strategy of attempting to fit a forest with essentially uneven-aged characteristics into an even-aged data-gathering and decision-making mode. According to the Final Supplement to the Final Environmental Impact Statement (FSFEIS) for the Ouachita LRMP, managed even-aged stands are characterized by no greater difference in age between trees forming the main canopy level than 20 percent of the age of the stand at harvest rotation age (p. GS-3). If all the trees in the Poteau 1237 sample wore in the canopy and were allowed to grow to a 70-year rotation, there would be more than a 20 percent difference in age, indicating that the stand does not possess characteristics of even-aged management but the method of recording data, arbitrarily, allows personnel to choose only one "age" to record in the CISC database. It may be argued that by counting only annual rings on stumps after logging leaves the researcher has no way to know if each stump counted had been in the main canopy level of the stand, but further information in the FSFEIS indicates that age of canopy level trees is not the only determining factor. The FSFEIS states that even-aged stands may contain no more than two age classes (p. I-1). In fact, the actual sample of Poteau 1237 does show at least three age classes (at ten-year intervals) on the stand, further indicating that the stand fits much better into an uneven-aged data-gathering system but has been arbitrarily "fitted" into an even-aged mold.

But the greater point here is that the project-level decision-making that is guided by the LEMP is biased toward even-aged management by an overemphasis in the data-gathering on age as opposed to diameter class structure present on the stands. For instance, the FSFEIS, p. I-9, claims "natural stands on the Ouachita National Forest are even-aged." As shown above in the two sample ring-count stands, this claim is not necessarily so. But this claim is misleading because, as shown repeatedly by James B. Baker, Project Leader for the Southern Forest Experiment Station, site classes are at least as important as age classes, if not more so, in managing timber.

4. The ROD, p. 1, for the FSFEIS and the ALRMP, March, 1990, states that at each planning and decision-making level (such as the site-specific project-level at hand), the Forest Service must comply with all applica-

ble laws and regulations. This means that the full letter and spirit of NFMA and 36 CFR 219.1 et seq. apply to this project-level decision and this EA, including all requirements for inventorying and monitoring, requirements for maintaining diversity "in the planning area," etc. As shown below, in no way does this EA meet those requirements, thus violating the ROD. Further, this decision and EA and FONSI violate the statement on p. 1 of the ROD that NEPA be fulfilled at the point of irreversible and irretrievable commitment of the resources to this project on this particular site. Harvesting this site by even-aged management commits this site, from a practical standpoint, to a particular management system with its inherent weaknesses and damages, for longer than the length of one human life, which is for all practical purposes an irreversible and irretrievable commitment of resources. Nowhere on the planet has even-aged management been practiced for more than three rotations, and where it has it has rapidly depleted the productivity of the land unless extraordinary mitigation measures have been implemented, so we must assume it is an irreversible and irretrievable commitment. The use of untested formulas of herbicides also irretrievably commits this site to unknown effects.

5. Any discussion of environmental impacts from seed-tree cutting in this Environmental Assessment is inadequate because it has omitted discussion of at least two major concerns and environmental impacts that frequently occur after seed-tree cutting but which are typically considered impacts of clearcutting. These are ripping and planting of genetically altered pine seedlings. This occurs because seed-tree cutting in the Ouachitas fails to reproduce to adequate stocking successfully at least half the time, and then artificial reproduction is required. Concerns and possible environmental impacts from these actions, and the legal inadequacies of the FSFEIS in regard to these, are well documented in the OWL appeal of the ALRMP. These concerns and inadequacies make an adequate site-specific discussion of these actions mandatory in this EA and Decision. COMPATS provides an inadequate basis for predicting impacts from seed-tree cutting on this location because it fails to take into account the probable or possible ripping and/or planting that will occur if the seed-tree cut fails to reproduce successfully with natural regeneration. For these reasons, this decision is based on inadequate NEPA documentation and therefore violates not only NEPA but also NFMA because this cutting method cannot be determined to be appropriate to this site if the likely impacts on this site have not been adequately assessed. Moreoever, because seed-tree cutting in the Ouachita has a history of failure and often results in the use of ripping and planting and complete removal of all canopy trees as in a clearcut (as admitted in the LRMP/FSFEIS), seed-tree cutting in the Ouachita must meet not only NFMA's appropriateness test but also its optimality test. As discussed below, because the Ouachita by its own admission supposedly has no adequate long-term studies to illustrate the viability of single-tree selection management in this ecosystem, the Ouachita cannot make a comparison of single-tree harvest and clearcutting or seed-tree-with-seed-tree-removal-in-combination-with-artificial-planting. Therefore the Ouachita cannot make the determination that either clearcutting or seed-tree cutting is MORE "favorable or conducive to reaching the specified goals of the management plan," let alone the determination that they are the MOST favorable, as required by the Senate Committee Report's definition of "optimum in NFMA. Therefore the proposed use of seed-tree cutting in this Decision Notice, with its possibility of resulting in this ecosystem in impact very similar if not identical to those of clearcutting, cannot meet NFMA's requirements and thus is in violation of NFMA's optimality section.

Appellants hereby notify the agency that if this cut is carried out and later requires ripping, planting, or other site preparation not discussed in this EA/Decision Notice, the NEPA process must be repeated and a supplemental Decision Notice must be prepared prior to any ripping or planting and appellants hereby request that it be sent out to these appellants and other interested parties.

Mr. MURKOWSKI. Mr. President, the proposed Forest Service regulations streamlining the appeals process is a much-needed improvement. The public will still have the opportunity to comment on all proposed sales.

I cannot support the Fowler amendment.

I had printed in the RECORD a copy of the actual appeal process. it is a preprinted form. Anyone can get a copy of this preprinted form. Simply address it and sign it, and that constitutes the adequacy of the appeals process. No good faith; nothing but an opportunity for obstructionists who are hellbent on one particular goal, and that is to close the renewable aspects of the forests of this country.

This is not a responsible procedure. This is not a procedure that provides any contribution of any kind by the parties filing the protest. There should be some balance proposed in the manner in which these protests are filed.

To have a blank procedure that can tie up thousands of jobs; shut down mills; shut down the economy of communities and affect the lifestyle of hard working American men and woman is irresponsible.

As a consequence, Mr. President, I appeal to every Member of this body to look at this blank procedure that is available. If they take a look at it, they will come to the same conclusion as the junior Senator from Alaska: That this is irresponsible legislation on the part of this body.

I encourage my colleagues to object to the position of the Senator from Georgia.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Georgia is recognized.

Mr. FOWLER. Mr. President, let me state very quickly some facts, despite what was heard from the junior Senator from Alaska and others. First of all, only one in every seven timber sales nationwide is appealed by the public. Second, under the law, the Forest Service currently has the authority to dismiss appeals without any delay or any action, without a decision on its merits, those that are frivolous, and they do that. That eliminates 95 percent of the so-called frivolous appeals, as the Senator from Alaska said, where you fill out a form.

I remind the Senator from Alaska that if you appeal a decision by the Social Security administration about your right to earn your Social Security benefits, you fill out a form. If you are a veteran of the Second World War and you need a new leg, you go to the Veterans' Administration; you fill out a form. These are the basic citizen rights in a free country, in a democracy, to appeal a decision of their government that effects themselves.

This amendment, my friends, is not about any private property rights. It is only about our Nation's lands owned by the citizens of every State, our national forests, our public lands that are being subsidized through below-cost timber sales to make money for private timber companies off of our public lands. My amendment simply tries to codify a citizen appeal process that the Forest Service has voluntarily been using basically for 85 years, since 1907.

I am not one who goes around with editorials in his pocket, but I have searched in vain for anybody who studies this issue who disagrees with it.

I ask unanimous consent to enter into the RECORD these editorials from the West which my friends in opposition would read. Here is one from Eugene, OR, March 24, 1992, "Appeal Ban Won't Help. The Federal Government can stop the blizzard of timber sale challenges in two ways. It can change the laws and leave the Forest Service vulnerable to successful challenges. Or it can follow the laws currently on the books. Closing down the administrative appeals process would not resolve that dilemma but would merely shift the problem elsewhere."

The Oregonian: "Unappealing Changes."

The Oregonian: "Maintain Forest Appeals."

The Register-Guard, Eugene, OR: "Appeal Ban Won't Help."

The Post-Register, Idaho Falls, ID, home State of my friend, Mr. CRAIG: "Cutting the public out." It supports the Fowler amendment.

Lewiston Tribune, Lewiston, ID, the State of my friend from Idaho, Mr. CRAIG: "The Forest Service only has ears for Congress." It opposes the Senator's own position.

And the last one from the New York Times: "Environment Laws Are Eased By Bush As Election Nears."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Eugene (OR) Register-Guard, Mar. 24, 1992]

APPEAL BAN WON'T HELP

Closing the window on administrative timber sale appeals won't help as long as the

door remains wide open. The Department of Agriculture's proposal to ban appeals would simply move fights over timber sales out of the U.S. Forest Service's offices and into the courts. The ban would save neither time nor money.

Agriculture Secretary Edward Madigan proposed the ban as part of an effort to unwind some of the red tape that currently binds the agencies in his department. There's no doubt that administrative appeals of timber sales are a tremendous burden. Three thousand Forest Service timber sales were appealed in the past two years. Appeals must be reviewed by regional foresters or the chief forester, a process that consumes a rising percentage of the agency's energy and resources. It's not surprising that Madigan and the Forest Service would like to rid themselves of the entire process.

But eliminating appeals would not end challenges to timber sales. Environmentalists and others who object to particular sales could still ask the courts to intervene. The Forest Service's record in court does not encourage hopes that a ban on administrative appeals would expedite timber sales. Nor does the legal system's drawn-out process of injunctions, rulings and appeals offer a quick and inexpensive substitute for administrative appeals. Madigan should be looking for ways to keep the Forest Service from being sued, not proposing shortcuts to the courtroom.

Many timber sales reviewed through the administrative appeal process end up in court anyway. Madigan characterized administrative appeals as a "way station" between a proposed timber sale and the courtroom. The process is more than that, and its positive attributes would be lost if challenges went directly to court. Despite the confrontational atmosphere that currently characterizes the battle over federal timber policy, administrative appeals often work as intended by helping the Forest Service identify and correct deficiencies in its timber programs. A ban on appeals would eliminate a potentially productive alternative to a legal battle.

The federal government can stop the blizzard of timber sale challenges in two ways. It can change the laws that leave the Forest Service vulnerable to successful challenges. Or it can follow the laws that are currently on the books. Closing down the administrative appeals process would not resolve that dilemma but would merely shift the existing problem elsewhere.

[From the Oregonian, Mar. 27, 1992]

UNAPPEALING CHANGES

In the name of economic growth, the U.S. Forest Service is proposing to stop allowing people to appeal timber-sale decisions and similar management actions to agency higher-ups.

That's going too far, even with the Forest Service's companion proposal to provide more public comment before final decisions are made. All the prior comment in the world doesn't provide for the review of a decision that an appeals process does.

The Forest Service's problem with appeals is that they have gotten too popular. Agency officials and the timber industry have become frustrated by the delays as virtually all decisions are appealed, then reviews—and sometimes modified—by higher Forest Service authority. Critics of the process contend that many appeals—including some that seem to be college-class projects—are aimed at blocking decisions, not at improving them, and use vague charges of failing to follow required procedures.

But if the Forest Service's problem is with vague or frivolous appeals, it should deal with those precise problems—by requiring specificity or establishing procedures for quickly screening appeals without apparent merit. Preventing all appeals merely feeds the notion that the Forest Service wants to tilt toward business interest without any pesky questions being asked afterwards.

Agriculture Secretary Edward Madigan heightens that suspicion. Dropping timber-sales appeals, he said, is a response to President Bush's order to ferret out regulations that hamper economic growth. Actually, the timber industry and Forest Service officialdom in Washington, D.C., had been trying to make this kind of change far before Bush's order.

True, the Forest Service plans to retain the right of internal appeal for new and revised forest plans. But those plans currently lack the on-the-ground details that come forward with the subsequent timber sales and similar decisions. How, without an appeal, can you make sure those subsequent decisions conform to the broad plans?

Ominously for the Forest Service, another way to challenge a decision will remain—appealing to federal courts. Advocates of the appeals limit hope that the $120 filing fee for a lawsuit will discourage people from going that route. That's not much money, however, and the Forest Service may simply encourage more lawsuits in lieu of appeals: years of delay, in effect, rather than months.

This proposed revision needs revising yet again to retain some public right to seek higher-up review of significant decisions.

Meanwhile, if the Forest Service is going to emphasize advance public comment on decisions, it needs to improve dramatically the ways the public is alerted to pending actions.

[From the Oregonian, Nov. 8, 1991]

MAINTAIN FOREST APPEALS

These are appealing times for the U.S. Forest Service—so many people and groups are appealing its decisions that agency officials say necessary business is getting bogged down in delay, even if higher-ups eventually affirm the challenged decision.

That's why the agency is looking at revising its appeals procedures, including limiting the right to appeal a decision to those who had commented on it ahead of time.

But the number of appeals is also why the Forest Service should retain a broader ability for interested outsiders to seek higher-level review of officials' decisions. After all, about one in 20 of the appealed decisions is reversed, and some of the rest are reconsidered in light of points made in the appeal.

Advance comment is great and should be encouraged. But it's not always easy to find out what's really involved in a potential decision in time to comment in advance. Too, boilerplate comment to hold space for a boilerplate appeal won't gain much.

Forest Service officials say the rising burden is due to some environmental groups' filing virtually blanket appeals of timber-sale proposals. Grounds don't have to be specific, and computers make filing the appeals easy. The resulting internal review provided for by current rules can delay implementing a decision for more than six months, even if the decision eventually is upheld (45 days to make the appeal, 100 days for the next-level official to respond, 60 days if appealed to the next level).

Speed, however, doesn't necessarily make for sound decisions. Appeals can—especially a process that guarantees to decision-makers that somebody's going to be looking over their shoulders. The Forest Service is such a decentralized agency, it's important to assure that peek from above.

The Forest Service hopes to make proposed appeals revisions public next month. Oddly, it is proceeding in a closed way with virtually no public discussion in advance about what it is considering. This closed review raises obvious suspicions that officialdom really is after a way to muzzle environmentalists and will make up its mind, public a proposal in the Federal Register and then seek the required formal comment only after the decision is effectively made.

That's not the way to do it, especially if one goal of the revision is to emphasize public participation in advance of decisions. Some people might have some good suggestions; the Forest Service should at least solicit them before it multiplies hoops for appellants to jump through.

For instance, the Forest Service might consider a two-track appeals process: a formal track with greater specificity and procedural requirements for contenders who are considering eventual litigation; an informal one, similar to small claims court, where a disputant has a forum to make a case easily and cheaply, but also finally.

Meanwhile, if the problem really isn't the appeal but the length of time it takes to review it, there's a pretty obvious solution—don't limit the appeal, speed up the review.

[From the Idaho Falls Post Register, Apr. 3, 1992]

CUTTING THE PUBLIC OUT

A big tree is just about to crash down on the U.S. Forest Service. When the agency announced it was planning to cut down its own public appeals process, it may have ensured even more court tests and more public rancor.

The Forest Service plans to eliminate appeals of timber sales, new gas and oil leases, and grazing decisions on public forests and put a stop to the most effective means the public has to respond to uses of their land.

Forcing environmental or commercial groups into court is an attempt to shift more cost to the public—and this supposedly in the name of cost-cutting. Pretty shifty.

Fortunately, the courts have been a successful haven to challengers, even if it is costly. Rarely has the Forest Service won in court, a testimony to the legitimacy of many of the challenges.

Instead of taking costly time and energy devising laws to barricade itself from public input, the Forest Service should work to avoid appeals by complying with the law from the start. Obviously, it hasn't been doing that.

Secretary of Agriculture Edward Madigan says he will substitute appeals with a 30-day public comment period. Big deal. The law already requires a comment period before most decisions. The Forest Service just wants the public to accept its dictums or, "We'll see you in court." With appeals (which now come after a decision is made) junked, the Forest Service can make any decision it wishes without challenge after public comment.

Ken Kohn, spokesman for the Intermountain Forest Industry Association, said the Department of Agriculture proposal will help protect jobs in towns like St. Anthony. We fail to see how abandoning a public appeals process can make any difference in St. Anthony where the heavily cut Targhee National Forest now requires a major reduction in timbering.

Court records and statements of the agency's own forest supervisors reflect an agency

under political pressure to lay aside its legacy of stewardship for the pottage of marketing ever more trees.

Now is not the time to rob the public of input. The appeals process has, at least, brought some balance between production and conservation on public lands.—JRB.

[From the Lewiston (ID) Tribune, Sept. 4, 1991]

THE FOREST SERVICE ONLY HAS EARS FOR CONGRESS

James Overbay says the U.S. Forest Service, of which he is deputy chief, shouldn't have to put up with meddling members of the public who appeal its timber sales. What does Overbay have to say about meddling members of Congress who first dictate unrealistic sales volumes and then call for the heads of Forest Service officials who fail to deliver?

From reading the report of an interview with Overbay at Missoula the other day, you would think he was in town to defend the independent judgments of Forest Service professionals from outsiders pushing special agendas. During the interview he called for prohibiting appeals of timber sales so that the Forest Service could "move aggressively" to log more trees in roadless areas. He said the service must "tell people that once we make a decision we are not going to re-examine it."

But many people suspect Overbay traveled to Missoula to give Northern Region Forester John Mumma, Overbay's politically beleaguered successor in the region's top job, his walking papers (Mumma announced his "retirement" Friday). The region's recent failure to produce enough logs to keep the timber industry and its beneficiaries in Congress happy has resulted in calls for Mumma's head. And Idaho Sen. Larry Craig has even demanded a monthly accounting from Forest Service Chief Dale Robertson of the region's progress in timber sales.

In full view of these flexing political muscles, Overbay has a lot of nerve complaining about common citizens getting in the way of Forest Service operations. In case he has forgotten, Larry Craig works for the people of Idaho. They do not work for him.

Similarly, the Forest Service works for the American public, not for a handful of members of Congress whose campaigns are supported by timber dollars. It is the public to whom Robertson, Overbay and company owe a full accounting, not only regarding their timber sales but also their personnel decisions.

Yet while Overbay was in Missoula complaining about timber sale appeals, he refused to explain what led to Mumma's supposed retirement. He only said it is not uncommon for top Forest Service officials to be reassigned when they are under fire.

Under fire from whom? It wouldn't be those great foresters in Congress, would it?

If so, it's no wonder Overbay has so little time to hear from the people whose woods these are.—J.F.

[From the New York Times, May 19, 1992]

ENVIRONMENT LAWS ARE EASED BY BUSH AS ELECTION NEARS

(By Keith Schneider)

WASHINGTON, May 19.—As the recession hangs on and the election nears, the Bush Administration has followed a pattern of altering environmental laws and regulations to open more Federal land and the nation's natural resources to development, top Administration officials say.

The pattern emerged last summer, when the White House proposed eliminating restrictions on building and development on half the nation's wetlands. Since then the Administration has fostered a flurry of new proposals to make more of the nation's coal, timber, oil, water and land available to industry and agriculture.

Administration officials say the effort to open natural resources has been aided by President Bush's four-month-old regulatory moratorium in which existing environmental rules are under review and others are being rewritten to reduce their cost to business.

PHILOSOPHY AND POLITICS

Together, the two policies represent the strongest effort to reduce environmental restrictions since the early days of the Reagan Administration, White House officials and critics of the President say.

In public statements and private conversation, Bush Administration officials say this pattern reflects both the philosophical effect of the President's Council on Competitiveness, which is headed by Vice President Dan Quayle, and concern over carrying Western states in the election this fall.

The general thrust of both forces has to shift the balance toward economic concerns instead of the conservationism favored by the main environmental groups.

A SHIFT OF EMPHASIS

"The President has always been in favoring of protecting the environment in a way that is compatible with growth," said David M. McIntosh, the executive director of the President's Council on Competitiveness.

"What you are seeing is a series of decisions that focused on the economic growth side of the balance," he added. "Perhaps what is going on is a shift in emphasis."

Interior Secretary Manuel Lujan Jr. said anti-environmental sentiment among some Western voters also played a role. In the Reagan years these sentiments fueled a movement called the "sagebrush rebellion," which put pressure on the Interior Department to open more Federal land for mining, grazing and logging.

Secretary Lujan has alerted the White House that members of the old rebellion have joined with private land-owners, the timber industry, coal companies and others who rely on natural resources to form a new coalition that calls itself the "wise use" movement.

Mr. Lujan says the Administration should address the movement's agenda to improve its standing with its natural conservative constituency and should not worry so much about sentiment of environmentalists who, he believes, will not support Mr. Bush under any circumstances.

"I have never seen a positive reaction from environmental groups no matter what we do," the Secretary said. "I don't ever expect a positive reaction."

"WESTERN CONSTITUENCY" CITED

In an interview Mr. Lujan, who served from 1969 to 1989 as a Congressman from New Mexico, said he was bringing "the plight of the Western constituency to the White House," and added: "People who live in the West look at the land in a different way than people east of the Mississippi River. Land in our heritage to use and not just lock up and put away, where only backpackers can go. I have been telling the White House staff that our constituency, the conservative Republican constituency, is not pleased at being ignored."

A number of officials agree with Mr. Lujan that the White House is driven by fears that the traditional Republican Party support in the eight Rocky Mountain states, with a total of 40 electoral votes, is eroding. The White House is also following a plan devised by Senator Slade Gorton, a Republican from Washington state, to recapture Oregon, and Washington, the only two Western states Mr. Bush lost in the 1988 election.

Thus, the President's strategy is meant to shore up support among the timber, mining, coal and agricultural groups that anchor the "wide use" movement. Leaders of the movement are pressing for a loosening of policies that they see as brakes on the economy. They also want to protect jobs and families by providing resources that some of the nation's largest industries need to operate.

Last week, in the clearest signs yet that Mr. Bush is taking account of industrial interests in weighing environmental protections, a Cabinet-level committee voted to exempt the Government from the Endangered Species Act and allow the cutting of 1,700 acres of forest in Oregon that provide habitat for the threatened northern spotted owl. Secretary Lujan also proposed legislation, that, if approved, would rewrite the basis of the Endangered Species Act by introducing economic considerations, like the loss of jobs, when deciding if a rare species deserved Federal protection.

Privately, some influential Administration officials agree with the critics that the new policy directives are a sharp departure from Mr. Bush's first year in office, when he proclaimed himself the "environmental President," appointed Mr. Reilly, a leading conservationist, to direct the environmental agency, and won plaudits from conservation groups by blocking construction of the Two Forke Dam, which would have flooded a Rocky Mountain canyon near Denver.

While efforts to change environmental regulations foundered during the Reagan years, the Bush Administration's program has gained some success, particularly in the courts, where the growing number of Republican appointees on the bench have been more sympathetic than their predecessors to arguments favoring industry and property owners seeking to restrict the reach of environmental laws.

Perhaps the most important changes in environmental regulations that the Administration has proposed so far is rewriting rules to limit or eliminate the public's ability to intervene in corporate or government decisions.

In March, Mr. Lujan eliminated the public's decades-old ability to appeal decisions by the Interior Department and to block oil exploration licenses, grazing permits, mining leases and other industrial uses of public lands.

Mr. Lujan said in the interview that useful projects on public lands were being delayed indefinitely by opponents who did nothing more than mail in criticisms, automatically initiating long reviews of the agency's decisions. "It was the 29-cent appeal," he said. "A letter stopped everything. Now if they want to appeal, they go to court."

A month later, Agriculture Secretary Edward Madigan used the same rationale as the basis for proposing to eliminate an 86-year-old rule that gave the public the right to appeal decisions by the United States Forest Service and to block sales of timber on Federal land. The Forest Service, a branch of the Agriculture Department, is preparing to issue the new rule this summer.

"What you see is an understanding by the President that in a recession there is an increased sensitivity to the job side of the

equation," said Michael R. Deland, the chairman of the President's Council on Environmental Quality. "The President has an understanding and empathy for folks out of work. He doesn't want to see additional people put out of work by a rule that does not effectively protect public health and the environment."

Mr. FOWLER. I thank the Chair.

In conclusion, I urge the Senate to reject the motion to table. Do not cut off access to the courts and also say to the public about their own lands, "You cannot appeal."

The timber companies still maintain an appeal at every level of their permit, private companies going on the public's forests to cut the timber for private profit. Not only that, we subsidize it. We build the roads for them. There is $300 million of taxpayer subsidy in this bill alone.

All my amendment would do is say to follow the Forest Service's original recommendation—the decision, as we have debated this, has now been politicized. It has gone over their head—to follow the Forest Service's own recommendation on the appeal process that has been tested, that simply gives to the citizen of the United States an appeal on a decision in his or her national forest in Georgia, Alaska, Idaho. That is all it does. That is all my amendment does.

I urge the defeat of the motion to table.

Mr. SYMMS. Mr. President, the current appeals process too often is a tool for timber harvest hate groups. They use the appeals process to delay decisions and to force unilateral negotiations over an environmental document after there has already been extensive public comment. Participants in the drafting of the decision document are denied further involvement in the process while the USFS and the group or individual who appealed the proposed decision negotiate back-room deals.

The current appeals process is unfair, it wastes millions of taxpayers dollars annually, and could be unconstitutional. These are some of the reasons why the Secretary of Agriculture approved new regulations to reform the Forest Service appeals process.

The Senator from Georgia would have us pass an amendment today that takes us back to more delays, more tax dollars wasted, and fewer decisions made by the U.S. Forest Service. While timber workers in my State stand in unemployment lines, the Senator from Georgia would like Forest Service employees to do more paperwork.

Mr. President, none of us are opposed to due process, but I am opposed to laws, amendments, and regulations that are used by certain groups and individuals to paralyze Federal land management decisions.

This is such an amendment. It is legislation designed for intervenor groups that may have little or no understanding of needs of the local communities in public lands States. We depend on fair decisions by Federal land managers.

Mr. President, hard-working people in Western public lands States just want to be treated fairly by the process of making decisions in National Forests. Frivolous appeals by groups thousands of miles away from a timber sale are bad enough. But, the old appeals process that the U.S. Forest Service is trying to reform requires that the Forest Service negotiate only with that group.

This is unfair. The delay caused and the costs imposed are unfair. Cutting the interested parties out of negotiations is unfair.

Let us not go back to this bad appeals regime. We have the National Environmental Policy Act. The new Forest Service appeals regulations require that only those who commented on the draft decision can appeal it. The new regulations do not do away with appeals, they just make appeals fair to all of the members of the public interested in the proposed decision. On top of this, higher level line officers can still be contacted and still review a lower level line officer's decision.

To conclude, Mr. President, we have a process in place under that act that assures fair and environmentally sound decisions. Let us give it a try. The ink is not even dry on the new Forest Service appeals process and here we are in Congress tinkering already. That is a bad way to implement policy—no public administrator who believes feedback is important in the public policy process would support this amendment.

I urge my colleagues to table the Fowler appeals system amendment.

Mr. BAUCUS. Mr. President, I rise in support of the amendment offered by the Senator from Georgia.

I do so because I believe the administration's proposal takes a meat ax to a problem requiring more delicate surgery.

Last year, almost 400 timber sales were appealed across this Nation. In Forest Service region I, which includes Montana and northern Idaho, approximately 40 sales were appealed. While most of these appeals proved unsuccessful, many pointed out legitimate and serious environmental problems. Both nationally and within region I, over 30 percent of these appeals resulted in the modification or withdrawal of the sale.

Thus, by the Forest Service's own recognition, 1 out of 3 appeals had enough merit to justify some degree of change in the sale.

Moreover, many of these appeals were not brought by extreme environmentalists intent on abusing the system. It is important to keep in mind who uses the appeals system: Hunters, fishermen, ranchers, hikers, cabin owners, and outfitters and guides are just a few examples.

There should be an inexpensive and informal way for American citizens, acting in good faith, to hold the Forest Service accountable. Unfortunately, the administration's proposal fails this fundamental test.

All of this is not to say, however, that the current system works well. I see several fundamental problems that I wish the amendment before us addressed:

First, to all things, there must be a beginning, a middle, and an end. But in many instances, this does not seem to be the case with Forest Service appeals. For example, I believe it is wrong to permit sequential appeals. Once a timber sale has been subject to one round of appeals, that should be the end of it. There is undoubtedly a need for greater finality to this process;

And second, I agree with at least one aspect of the administration's proposal: The need to encourage greater public involvement before a sale is finalized. Individuals who fail to offer meaningful participation during the NEPA process of planning a timber sale should be denied standing to appeal that sale.

Clearly, there is room for improvement in the current system. And I would hope that we could address these improvements by moving legislation through the authorizing committees. However, these improvements should not come at the expense of Americans who have an honest disagreement with their Government—and that is exactly what will happen if the administration's proposal is allowed to take effect.

Thank you, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair informs the Senator his time has expired.

The Senator from Idaho [Mr. CRAIG] is recognized.

Mr. CRAIG. Mr. President, before I move to table, I respond very briefly.

Mr. BYRD. Mr. President, that was not included in the agreement.

Mr. FOWLER. Right.

Mr. CRAIG. All right, recognizing that, I move to table.

Mr. STEVENS. 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 clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Tennessee [Mr. GORE], and the Senator from Iowa [Mr. HARKIN], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] is absent due to a death in the family.

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 Utah [Mr. HATCH], and the Senator from North Carolina [Mr. HELMS] would each vote "yea."

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

The result was announced—yeas 38, nays 57, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—38

Bentsen	Ford	Packwood
Bond	Garn	Pressler
Brown	Gorton	Pryor
Bumpers	Gramm	Rudman
Burns	Grassley	Seymour
Byrd	Hatfield	Simpson
Chafee	Johnston	Smith
Cochran	Lott	Stevens
Craig	Mack	Symms
Danforth	McCain	Thurmond
Dole	McConnell	Wallop
Domenici	Murkowski	Warner
Durenberger	Nickles	

NAYS—57

Adams	Fowler	Mikulski
Akaka	Glenn	Mitchell
Baucus	Graham	Moynihan
Biden	Heflin	Nunn
Bingaman	Hollings	Pell
Boren	Inouye	Reid
Bradley	Jeffords	Riegle
Breaux	Kassebaum	Robb
Bryan	Kasten	Rockefeller
Coats	Kennedy	Roth
Cohen	Kerrey	Sanford
Conrad	Kerry	Sarbanes
Cranston	Kohl	Sasser
D'Amato	Lautenberg	Shelby
Daschle	Leahy	Simon
DeConcini	Levin	Specter
Dixon	Lieberman	Wellstone
Dodd	Lugar	Wirth
Exon	Metzenbaum	Wofford

NOT VOTING—5

Burdick	Harkin	Helms
Gore	Hatch	

So the motion to table the amendment (No. 2902) was rejected.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

THE SCHEDULE

Mr. MITCHELL. Mr. President, if I might have the attention of the distinguished Republican leader, for the information of Senators, the Republican leader and I have been meeting over the past 2 days on a regular basis in an effort to agree on a schedule by which the Senate can complete the important business which remains before it in the short time remaining prior to the forthcoming August recess.

As everyone knows, under the current schedule, it is intended that the Senate will begin its recess at the close of business on next Wednesday night.

I have decided following discussions with the distinguished Republican leader, the chairman and ranking member of the Armed Services Committee, and the chairman and ranking member of the Finance Committee, that the manner in which we will be most likely to accomplish our objective is to proceed to the Department of Defense authorization bill upon completion of the Interior appropriations bill and following that the bilingual voting rights bill.

So the order in which we would now proceed would be the Interior appropriations bill, the bilingual voting rights bill, then the Department of Defense authorization bill, and then the urban aid bill which some refer to as the tax bill reported out of the Finance Committee.

It is my hope, although I recognize that most of my expressions of hope in this regard are proven to be overly optimistic, that we can complete action on the Interior appropriations bill during the day today, proceed to the Bilingual Voting Rights Act bill, which I anticipate we can complete in a relatively short period of time, and then at least lay down the Department of Defense authorization bill this evening, if that is possible, then have a full day tomorrow.

Senators can expect very long days with many votes on each day that we are in session during this period because we have this important business to complete and very little time to do it in.

I have not attempted in this statement to identify all of the measures on which we hope to act. There are other matters involving the appointment of conferees, Executive Calendar matters of nominees, and others that we hope to act on, that, indeed, I am determined to act on. But I have identified the principle legislative matters that we will take up, and we will try to work the other in.

There is, in addition, finally, I should say, the possible discussion of the resolution involving the situation in the former Yugoslavia.

So I wanted at this point to make clear to Senators the current status of matters. It remains my intention that we will complete action on the measures which I have described prior to departing on the recess at the close of business, the two largest and, therefore, time-consuming and very important matters, of course, being the Department of Defense authorization bill and the urban aid bill.

Mr. President, I am pleased now to yield to the distinguished Republican for any comments he would wish to make.

Mr. DOLE. I understand there would be no votes on Saturday.

Mr. MITCHELL. That is what we discussed this morning.

It had been my intention that we would be in session on Saturday with votes, but, as all Senators know, if anyone is determined that there not be votes, there will not be any. The only votes that I could make certain will occur would be procedural votes and I do not see any purpose would be accomplished by that.

Mr. DOLE. Mr. President, I do not have any objection to being here on Saturday, but a number on this side, and I have to believe a number on that side, have made prior arrangements. There had not been any notice in time to cancel some of the obligations they have in their home States.

But certainly there are things we might be able to debate on Saturday and maybe even, if amendments were acceptable, take care of some of those, in either the DOD bill or whatever might be pending at that time, or maybe the Bosnia resolution that the majority leader indicated.

What we have been attempting to do on this side is to limit the debate, particularly on DOD where we have the B-1 debate and the SDI debate and the Trident debate year after year, both on the appropriations bill and the authorization bill; same players, same speeches. It is, unfortunately, the same length of time. We would like to reduce that. And I am working with the majority leader on this side to encourage our Members who have amendments to DOD to try to reduce the amount.

Some of us, frankly, are not wild about hanging around until midnight to hear some of our colleagues speak for 2 hours when they could have said it in 10 minutes. So we would prefer not to be here until 11 or 12 o'clock and hear the same speakers each evening.

It is my hope we can cooperate right now with the distinguished President pro tempore to help him finish his bill and then the bilingual bill, and then there is the matter of certain executive nominations that we have not fully agreed upon.

But I would say to the majority leader, we are willing to cooperate in every way that we can and hopefully cooperate with the distinguished chairman of the Senate Armed Services Committee and Senator WARNER on this side and with the chairman of the Finance Committee, Senator BENTSEN, and Senator PACKWOOD, the ranking Republican member of the Finance Committee.

I hope that our colleagues would understand, if we are going to complete all of this work, which is a pretty big order, that we should all work together to try to reduce the length of time we take on each amendment.

Mr. MITCHELL. Mr. President, if I might just comment on the distinguished Republican leader's statement. I share the view that we should be doing all we can to move these matters along and to reduce the length of time. But I want to say that the virus of lengthy and repetitious debate does not begin with the DOD bill.

I used to be a Federal judge, and I am frequently asked what are the differences between proceedings in a courtroom and proceedings in the Senate. There are a great many, most notable of which is that a court has the unilateral authority to cut off repetitious debate. No such authority exists in the Senate and, therefore, repeti-

tious debate is a regular feature of Senate activity.

I share and concur wholeheartedly in the view that we ought not to be repeating arguments on the B-2 and SDI. I will say there are many other subjects on which we have had the same arguments for more than 3 or 4 years, at least 12 years since I have been here, the same arguments by the same people on the same subjects on a regular basis.

Mr. President, I would like to consult with the distinguished Republican leader for a moment.

I wonder if I might suggest the absence after quorum.

Mr. BYRD. Not at the moment, if I may ask the distinguished majority leader. I want to make a few remarks.

Mr. MITCHELL. Please do so.

Mr. BYRD. Mr. President, there is a way to shut off repetitious debate, and that is to move to table. And if the Senate will vote to uphold tabling motions, we can shut off some repetitious debate here.

There are 20 amendments that are on the list that can be called up. The Senate agreed to limit the list to 20 amendments last night.

We have been on this bill for 2 hours and a half and we have not disposed of a single amendment. There was a motion to table the amendment by the distinguished Senator from Georgia [Mr. FOWLER] and the Senate did not vote to table that amendment. So now there will be an amendment to the amendment. And I hear talk that there will be extended debate if this amendment is not disposed of and that the only way to get rid of this amendment, maybe the only way, is to invoke cloture. That is what I am hearing.

As I have indicated already, this bill, this appropriations bill, in my judgment, attracts more legislative amendments than does any other appropriations bill. And so we were on it all day yesterday. And the problem with legislative amendments, one of the problems, is they are controversial here and then we go to conference and they are controversial there.

I have to say to my colleagues that practically all, if not all, of the members of the Appropriations Committee have been very considerate during the markup and reporting of bills. They have elected not to have long debates on legislative amendments during the markup. They have recognized, if there is going to be a debate on the amendment on the floor, there is no point in having it twice, in the committee and on the floor.

And so I urge Senators to pay attention to what they are voting on, and take into consideration the fact we have to get this bill finished. We ought to finish it today.

And what we are doing is driving us right into a Saturday session. That is what is going on here.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. STEVENS. Mr. President, I deeply regret being at odds with my good friend from West Virginia. For 12 years I have joined him in managing this particular bill, the Interior appropriations bill. But this Senator is literally offended, now, by the process we are going through, because some of us lose our rights when these amendments are offered to an appropriations bill.

If this was a separate bill coming out of the committee, the Energy Committee, it would be subject to a motion to proceed. It would be subject to debate. And it would be subject to the rights of any Senator to have extended debate on the bill itself.

I cannot believe that we should adopt a procedure that gives notice to a Senator that all he has to do to avoid a motion to proceed, to avoid cloture on a bill, is to offer an amendment on the appropriations bill and because of the urgency to pass the appropriations bill the rights of other Senators will automatically be eliminated; not dealt with at all fairly.

This Senator intends, regretfully, to offer a series of amendments to this amendment, to demonstrate the amendments that would be offered if it was a legislative proposal. They are being drafted now. It is not a threat. It is a promise.

This amendment should not be on this bill. And I am perfectly willing to face the Senator from Georgia on a legislative proposal and we will have our debate. We will have our cloture. And we will see what happens to the rights of the public land States. We do not have, standing alone, enough Senators to withstand cloture on any public land issue.

I do not know if the Senate knows that. There are but 17 States that have public lands. And under the circumstances, we face a fight every time we come out here with this bill.

I have just asked the Parliamentarian, could be protect ourselves on the point of order on legislation on an appropriations bill. Unfortunately, because of the current situation, that is probably not there any longer, anyway.

So the only protection we have to see to it the Senate considers the amendments we would offer to this amendment if it were presented as a bill from the committee is to present them now.

I have urged those of us who are affected by this legislation to do so.

I would urge the Senator from Georgia to take it down. I would consent the bill be placed on the calendar, and let us face it as a legislative proposal. But I am not going to permit the loss of rights to the small States of this Union, for those to be abrogated by a procedure that violates rule XVI in the beginning.

This is going to be a long day, I say to my friend from West Virginia. I hope I do not try his patience. But I intend to be sure the rights of our State are protected here on the floor of the Senate.

I, unfortunately, have to state that. Again, we have had amendments that we disagreed with that have been relevant to a provision in the House bill in the past. These amendments we are seeing this year are not relevant to any provision in the House bill at all. They are from an agenda that—I do not know where they came from. They are not voted out by the Energy Committee. They were not even taken up by the Energy Committee that has jurisdiction over this bill.

I say to my friend, I hope I do not try his patience, or that of the Senator from Oklahoma. But I think I know the extent of my rights, and I am going to pursue them.

Mr. BYRD. Mr. President, the distinguished Senator is not trying my patience. I am simply urging the Senate to pay attention to what it is voting on when Senators come to the floor. If we are not able to table some of these legislative amendments, we are going to be here until midnight tonight, and be back on the bill tomorrow. And we are driving this Senate right into a Saturday session.

These are legislative amendments. They ought not be on the appropriations bill under the rules of the Senate. Senators have a right to offer their amendments, but there are also rules that provide against legislation on appropriations bills: rule XVI.

I will have a discussion of that a little later today on the floor, when we have better attendance.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I wonder if I might ask the Senator who is preparing to offer a second-degree amendment if we could get an agreement on the second-degree amendment? Who is offering this?

I yield to the majority leader.

The PRESIDING OFFICER. The Senate majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate proceed to consideration of S. 3114, the Department of Defense authorization bill, upon the disposition of H.R. 4312, the Bilingual Voting Rights Act.

Mr. BYRD. Mr. President, reserving the right to object; what is this?

Mr. MITCHELL. The agreement under a prior order is that upon the disposition of the Interior appropriations bill, the Senate will take up the Bilingual Voting Rights Act.

This seeks to obtain the Senate's consent to proceed to the DOD authorization bill after completion of the bilingual voting rights bill.

Mr. BYRD. The Senator does not anticipate this is going to take much time, at this juncture?

Mr. MITCHELL. This will not take any time, Mr. President. This merely sets up the order of business in the manner which I earlier described.

We will finish the Interior bill. Then we will do the Bilingual Voting Rights Act. Then we will proceed to DOD authorization.

Mr. BYRD. I have no objection, Mr. President.

Mr. STEVENS. Reserving the right to object, and I do not object, does that contemplate a Saturday session for that Bilingual Voting Rights Act? Is that the concept?

Mr. MITCHELL. I had hoped we could finish the Bilingual Voting Rights Act this afternoon, after we finish this bill.

Mr. STEVENS. I see.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I understood that a Senator was going to offer an amendment to the amendment.

Is it agreeable to have a time limitation?

Mr. FOWLER addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield?

Mr. FOWLER. Will the Senator from West Virginia yield.

Mr. BYRD. Yes, I yield.

Mr. FOWLER. This Senator, as always, would be delighted to enter into a time agreement.

But may I beg the indulgence of a minute on the Senator's time to respond to my friend from Alaska?

Mr. BYRD. Surely.

Mr. FOWLER. One of the reasons the Senator from Alaska does not have the point of order that he wished to raise is because, just a week and a half ago, he supported a motion overturning the ruling of the Chair that, in the D.C. appropriations bill, on a matter dealing with assault weapons and home rule in the District of Columbia, there was a point of order of legislation on an appropriations bill.

The Senator from Alaska voted to overturn the ruling of the Chair.

We see this often, as everyone knows. What is sauce for the goose is not sauce for the gander.

But the Senator from Alaska helped make this bed, and now he has to lie in it.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I hope we do not have to lie in that bed very long. And I am going to raise that issue later today; I hope when we have a larger audience here in the Senate.

Can we get an agreement on this?

Mr. CRAIG. Mr. President, I am prepared to lay down that amendment in the second-degree, and I would suggest the cosponsors, most of them, are here on the floor.

We have debated this issue at length. This is a modification that streamlines the process. I would think a total of 30 minutes would be adequate, equally divided.

Mr. BYRD. Mr. President, I make that request, that there be 30 minutes equally divided on the amendment which will be offered by Mr. CRAIG—I assume that Senators know what the amendment does—30 minutes to be equally divided between Mr. CRAIG and Mr. FOWLER.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Idaho.

Mr. BYRD. Mr. President, I thank all Senators.

AMENDMENT NO. 2903 TO AMENDMENT NO. 2902

(Purpose: To modify the procedure for appeals of decisions of the Forest Service)

Mr. CRAIG. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I offer it as an amendment in the second degree.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself, Mr. DECONCINI, Mr. GORTON, Mr. STEVENS, Mr. DOMENICI, and Mr. BURNS, proposes an amendment numbered 2903 to amendment No. 2902.

Mr. CRAIG. 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:

In lieu of the matter proposed to be inserted, insert the following new section:

SEC. . FOREST SERVICE APPEALS.

(a) IN GENERAL.—In accordance with this section, the Secretary of Agriculture shall modify the procedure for appeals of decisions of the Forest Service.

(b) RIGHT TO APPEAL.—Not later than 30 days after the date of issuance of a decision of the Forest Service, a person who was involved in the public comment process for the underlying decision may file an appeal.

(c) DISPOSITION OF APPEAL.—

(1) INFORMAL DISPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), a designated employee of the Forest Service shall offer to meet with each individual who files an appeal in accordance with subsection (b) and attempt to dispose of the appeal.

(B) TIME AND LOCATION OF MEETING.—Each meeting in accordance with subparagraph (A) shall take place—

(i) not later than 15 days after the date of filing of the appeal; and

(ii) at a location designated by the Chief of the Forest Service that is in the vicinity of the lands affected by the decision.

(2) FORMAL REVIEW.—If the appeal is not disposed of in accordance with paragraph (1), an appeals hearing officer designated by the Chief of the Forest Service shall review the appeal and recommend to the official responsible for the decision the appropriate disposition of the appeal. The official shall decide the appeal.

(3) TIME FOR DISPOSITION.—Disposition of appeals under this subsection shall be completed not later than 30 days after the date of filing of the appeal.

(d) STAY.—Unless the Chief of the Forest Service determines that an emergency situation exists with respect to a decision of the Forest Service, implementation of the decision shall be stayed during the period beginning on the date of the decision and ending on—

(1) if no appeal of the decision is filed, 30 days after the date of filing of the appeal; or

(2) if an appeal of the decision is filed, the date of disposition of the appeal under subsection (c).

Mr. CRAIG. Mr. President, this is an amendment to the FOWLER amendment that would establish a streamlined appeals process that speaks to the concerns of the Senator from Georgia and others, as it relates to the right of the citizen to participate in the decisionmaking process of the U.S. Forest Service.

This is an amendment that is cosponsored by my colleague from Arizona, Senator DECONCINI; Senator GORTON of Washington; Senator STEVENS of Alaska; Senator BURNS of Montana; and also Senator DOMENICI of New Mexico.

This is a work product of a blue-ribbon committee in Arizona that Senator DECONCINI was a direct participant in, of a broad base of citizens and interest groups, along with the U.S. Forest Service.

As the Senator from Georgia knows—because this is not, as he has said, just a State or regional issue—it is, in fact, a national issue of national concern, and that is why this administration and the chief of the Forest Service, in proposing new regulations, has attempted to address the issue and has done so, of course, stimulating the reaction of the Senator from Georgia.

This amendment would put in place a process that, first, the person making the appeal must be involved in the underlying decisionmaking process. As the notice goes out for the action to be taken, a notice well publicized by the Forest Service, that individual would have to become involved in the process or, as we would refer to it, establish standing. In other words, not just any individual after the fact could file an appeal from across the country, but if that individual had a legitimate concern, and most appeals are legitimate, and was participating in it and the decision was made which that individual could not agree with, then, because he or she had participated in the first instance, they would have standing. This would eliminate bad faith, frivolous arguments that we have heard and would allow them the right to appeal.

Second, the appeal would have to be made within 30 days of the offending decision; in other words, the time lines that have consternated this process for so long would begin to be tightened under this amendment. They have 30 days in which to file the appeal. Once that was accomplished, this provision would provide that the Forest Service would offer to meet personally with that individual who seeks the appeal to try to resolve the appellate's concern. That meeting would be face to face, or

encouraged to be so, on the site of the appeal or where the action was to take place. They would try to work out their differences, face to face, person to person, trying to resolve the problems that resulted in the appeal in the first place. Once that is accomplished, maybe a resolution would arise at that point in time. But if it did not, if it were not immediately resolved through the face-to-face process, another 15 days would elapse before, of course, a final decision would be made.

The provision makes sure that a trained, disinterested person is involved in the matters of making that decision. A certified hearings appeals officer would hear the facts, if an agreement could not be arrived at, and make recommendations to the responsible deciding officer, which usually is the regional forester, in other words, the same line or chain of process that goes on today under the appeals process but much tightened by the timeframe involved. Once that is done and a decision made, that ultimately will be the decision and the appeal process.

If the appellant disagreed with that decision, they can obviously go to court, as they can today. No one, including this administration, in their proposed streamlined process would attempt to or desire to close the door of using the judicial process, but it does establish standing, it does establish a tight timeframe for the process, and it brings these parties face to face, together, in trying to work out the problems. In other words, the long-range process of mail is discontinued as we work person to person to resolve this. This is the text of the amendment. I think it simplifies, clarifies, and most certainly streamlines a process that has been very difficult; very, very costly; and extermely time consuming.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FOWLER. Mr. President, I yield such time as I use.

The PRESIDING OFFICER. The Senator from Georgia, [Mr. FOWLER].

Mr. FOWLER. Mr. President, let me discuss the amendment with my friend from Idaho. Obviously, we have just seen this amendment. I do not want to go over old ground, but in the rights of appeal section, which is on the first page of the proposal, "Not later than 30 days," et cetera, "a person who is involved in the public comment process for the underlying decision may file an appeal."

I believe I am correct in stating to the Senator that, first of all, the only public comment process is in my amendment. Without my amendment, there is no public comment process. The Forest Service, I understand from our hearings, has a proposal for a public comment procedure and process, but it is not in the law right now. If by any chance the Senator's amendment is adopted, it will not be operable since there is no public comment in the law.

Mr. CRAIG. Will the Senator yield?

Mr. FOWLER. Of course, I will yield on the time of the Senator from Idaho.

Mr. CRAIG. There is a public comment period. The Senator from Georgia is wrong. It is the NEPA process that leads to the decision of the Forest Service that might be appealed. So there is an open public process already in law that the Forest Service follows, and that is the one that is referenced in this amendment.

Mr. FOWLER. Mr. President, I just beg to disagree with the Senator. There is not that process dealing with project-level decisions, which is the heart of this debate. We are not talking about the larger period on the Forest Service plans; we are only talking about Forest Service decisions.

But let me reclaim my time having made what I believe is a key argument. If this amendment were adopted, we would be back to ground zero because, as drafted, it cannot be used.

But this question of standing is one that is very important, and I certainly will not go over this morning's debate except simply to say that many of these presale public comment periods take place, as the Senator from Idaho knows, as much as 2 years in advance of the actual sale. Those of us in America who own the public lands move around, our jobs change. If there was a predecision comment period in the Boise National Forest, in Senator CRAIG's home State of Idaho, I might not move to Idaho to be on the ground to make a public comment in person until a year after that decision has been made.

What do I do? This is my forest. We cannot limit the right of a citizen of the United States to have a part in the decision having to do with their forest.

It is also very interesting. It says that the chief of the Forest Service is going to decide the time and location of the meeting—on page 2. I am a working stiff in Idaho. I pack my lunch pail and I go out to earn my living and pay my taxes, and all of a sudden, there is a decision on the Oconee National Forest and the Chattahoochee National Forest in Georgia, and I see that this is in violation, or I sense it is in violation, of some serious economic laws on the books. I sense that it may be an unwarranted subsidy to a private timber company. How am I supposed to get to the meeting called by the chief of the Forest Service in Georgia if I am in Idaho? The chief of the Forest Service gets to get on a taxpayer-financed plane with his whole contingent of staff, all paid by the taxpayers of the United States, and fly to Georgia to hold the meeting. What does the working stiff in Idaho do? How is he supposed to get there? What if the meeting happens to be when he is supposed to be at work earning his living for his family?

I say to my colleagues, this amendment is a backdoor way of undoing what we just did. And that is not to question the motive of my friend from Idaho, who is a serious legislator and is trying to work out these problems. I give him credit. But the underlying philosophy is what we cannot get in our heads around here.

Every citizen of the United States has equal standing under the law to challenge a decision on the laws of the United States regardless of where he lives.

This is the national legislature, ladies and gentleman. This is not the Atlanta city council or the Boise, ID, City Council dealing with private property. This is the U.S. Congress. These are public lands. A citizen who lives in Idaho has an absolute right to challenge how his lands are being used in Georgia or Alabama or Florida. So this attempt to knock out anybody who does not happen to be living down the street when a public comment period is being held, if there was a public comment period in the law, which there is not under the Craig amendment, is unconstitutional; it is undemocratic, and I go so far as to say it is un-American because we are Americans. We are not Idahoans here; we are not Georgians; we are not Alabamans; we are Americans. These are our lands. We have a right to challenge.

I retain my time.

The PRESIDING OFFICER. Who yields time? The Senator from Idaho.

Mr. CRAIG. Mr. President, let me clarify a few points that I think the Senator from Georgia has exaggerated on just a little bit.

I do not believe the chief of the Forest Service flies down to Georgia for an appeal. I think the line officer in Georgia who made the decision is the individual who is going to participate at that level with that citizen who might be concerned.

We do have a right to make decisions, and the public has a right to be involved. This is a maximum public input process. I think that is important to be said. It is very democratic. I think it is something that all of us recognize streamlines but allows public participation.

I yield 5 minutes to my colleague, the Senator from Arizona.

Mr. DECONCINI. I thank my friend from Idaho.

Let me say to my friend, the Senator from Georgia, the six-pack American in Idaho who has an interest here is not precluded by this administrative procedure of filing suit, because it is taxpayers funds that he can contest the implementation. But I do not think the Senator from Georgia would have any real quarrel with the location to be designated in the vicinity of where the land is affected. That is what is said on page 2 under B:

Time and Location of Meeting. Not later than 15 days after the date of filing of the ap-

peal; and at a location designated by the Chief of the Forest Service that is in the vicinity of the lands affected by the decision.

It seems to me that that is really a bogus argument. What we are talking about here is not throwing the baby out with the bath water. We have a problem and I think the Senator from Georgia knows that. The amount of appeals that are filed, many of them are frivolous appeals. That is all we are interested in getting to. Only 6 percent of the appeals were overruled. So a very small amount of appeals are considered to have validity.

Now, the court system or the administrative system is not supposed to be abusive, and that is what has happened here. My friend from Georgia wants to go back to the old school where anybody can file an appeal. If you want to bring a lawsuit, that is one thing. But why should someone in Arizona wake up in the morning, have a call from a friend in Georgia who says, you know, they are going to issue this forest plan, and the guy in Arizona says well, I am going to appeal that.

That is not good government. That is not what the first amendment to the Constitution guarantees citizens. Somebody should have some interest in this.

And so how does it work? Under this amendment offered by the Senator from Idaho they have to have some standing. They have to be part of the process. I contend the Senator from Georgia is incorrect. The appeal process is not ruled out by this amendment. So there has to be the public process.

Once the public process is instituted, the Senator's amendment indicates that you have to be involved in this decision. So if you filed a letter from Arizona and said look, I think this is bad public policy, then you are involved. But if you are just out in the blue and all of a sudden—have nothing to do with this and never participate in the public process, then chances are you are going to be considered not involved.

The amendment of the Senator from Georgia that we just passed has no bearing, no determination as to having any standing. Anybody can just come in. I do not like this. You cannot open this to 260 million people who want to just file any time they feel, well, my gosh, I just do not like the Government's decision. You have to have some basis.

Now, the Craig-DeConcini and others amendment requires that the appeal be made within 30 days of the period. The Fowler amendment that we just passed is 45 days. So we are restricting it even more. The Senator should be applauding us instead of opposing this amendment.

The Craig-DeConcini amendment provides that the Forest Service attempt to resolve it in a face-to-face confrontation, discussion, negotiation. The Fowler amendment goes back to the old way that there is none.

I am not saying that the Forest Service supports this, because I do not think they probably want to get down there and talk about it. But they should. And the Senator has made that very clear, that if you have—in my opinion, at least—some basis, you should have a chance to be confronted and talk about it. The amendment offered by the Senator from Idaho provides for a formal review of an appeal by a hearing officer.

I ask the Senator for 1 more minute, if he would.

Mr. CRAIG. I yield 1 more minute to the Senator from Arizona.

Mr. DECONCINI. To me that is a very legitimate thing to have, and the amendment of the Senator from Georgia has nothing there.

The Craig amendment provides that the appeal must be decided within 30 days. Again, the Fowler amendment that we adopted here puts 45 days in. We are restricting it even more. The Craig amendment requires that any stay be lifted after the 30-day period, whenever the decision is made. Fowler has 45 days.

Nobody is barred by this to go into court. If you do not like the decision by the hearing officer and the ultimate decision, you still can go to the court, just as you can today. This is a reasonable approach that attempts to only address the problem of frivolous appeals. But it also tightens the period of time. The Senator from Georgia ought to be on our side on this because he has spent a lot of time making sure that people do not get put off, do not get overlooked. They are considered under this amendment.

I thank my friend from Idaho for offering the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, may I ask how many minutes I have.

The PRESIDING OFFICER. The Senator from Idaho has 3 minutes, 22 seconds; the Senator from Georgia 7 minutes, 54 seconds.

Mr. CRAIG. Does the Senator from Georgia wish to use some of that time?

Mr. FOWLER. I will use some of it and let me have the last say.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. FOWLER. I yield myself 3 minutes.

Let me respond to my greatly respected friend from Arizona, and especially that respect extends to the quality of his legal mind and his legal experience. Since he was not able to be here earlier in the debate this morning, I do wish to inform him that the Secretary of Agriculture is actively supporting measures to bar public access to the court system. I quote Secretary Madigan of the Agriculture Department from last month.

Mr. DECONCINI. If the Senator will yield.

Mr. FOWLER. Please.

Mr. DECONCINI. On his time, because it will take 30 seconds.

I am aware of that, and I do not support that. I did listen to the Senator's eloquent debate, and I think he is right. I agree that ought not be the case, so that is really not the issue.

Mr. FOWLER. I knew the Senator would agree. I do not know he was informed. I knew he would agree if he were informed, and I thank the Senator. But that is the problem with the Senator's statement, that there is always the remedy in the courts. Not under this administration. This administration is actively trying to bar the public access to appeal these decisions to the courts. The Secretary of Agriculture—I quoted him earlier:

> We could manage better if we were free from interferences of the Federal courts. We urge Congress to do that expeditiously.

So they are trying to cut off the public not only to have an appeal but to do it in the courts.

Also appealing to the fine legal mind of the Senator from Arizona, I am sure he would never support for instance a proposal that required only people with Arizona license plate to be able to visit the Grand Canyon. Why would the Senator from Arizona never support such an outrageous proposal? Because the Grand Canyon belongs to the people of the United States, all the people of Georgia, of Florida, of Alabama. It is their public park. They have standing wherever they live under all of our laws to go there.

I want to say to both Senators that, yes, the formal review section of your proposal I could agree with. I think it is helpful and proper. But the reason this amendment has to be opposed is on the standing issue. You cannot limit the right of a citizen of the United States to have an effect on a matter concerning his lands.

Mr. DECONCINI. Will the Senator yield for a question? It will be a very short question.

Mr. FOWLER. I am glad to yield.

Mr. DECONCINI. Would the Senator believe someone should be a participant, and does the Senator believe that a nonparticipant in this process, anybody, should have the right to file an appeal? Is that the Senator's position? I just want a yes or no.

Mr. FOWLER. Yes. That is the Senator's position. Let me tell you why.

We cannot keep them from filing a frivolous, if I can have the Senator's attention, appeal but the Forest Service under the law has the right to throw out all appeals that are not based open on merit. They do not have to even make that decision. They can do that.

But the clean answer to the question is again—we are back to philosophy—if I am a citizen of Georgia, and there is

a decision affecting the public lands in Arizona, those are not Arizona lands. I have as much stake, and I have as much interest, and I have as much ownership of the Grand Canyon as does any citizen of Arizona. It would be wonderful if we had a world where everybody could get together 2 years in advance for a public comment period, and all sit down face to face, an ideal world, you and I would, and agree on that. I know the Senator from Idaho would. But the problem is we cannot do that.

Mr. DECONCINI. Will the Senator yield for another quick question? Does the Senator believe that there is any merit to reduce frivolous lawsuits, frivolous appeals? If so, does not this rally address that?

Mr. FOWLER. No. I wish it did. I would be glad to entertain something that did not have the standing question, if you answer to frivolous appeals, the Senator from New Mexico, and the Senator from Idaho, and I have been trying to do that for a long time. You do not know. Frivolous is frivolous. So you have to deal with it when you get it.

I reserve the remainder of my time.

Mr. DECONCINI. Will the Senator yield 20 seconds?

Mr. President, I ask unanimous consent that the Arizona blue ribbon panel report of Mr. Dave Jolly as well as the appeals system be printed in the RECORD.

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

ARIZONA BLUE RIBBON TASK FORCE,
October 18, 1991.

Mr. DAVE JOLLY,
Regional Forester, Southwestern Region, USDA—Forest Service, Albuquerque, NM.

DEAR MR. JOLLY: The enclosed, "Findings and Recommendations of the Arizona Blue Ribbon Task Force," is our report to you in response to our charter of March 28, 1991. It is the culmination of the process of information gathering, discussion, and analysis as we listened to what the people of Arizona had to say about the management of their National Forests.

The Task Force has confirmed that there are major public concerns about implementation of National Forest Land Management Plans (LMPs). These concerns are centered around whether or not an acceptable balance between resource values and uses is being achieved on Arizona's National Forests and whether the values and uses being implemented are the same as those envisioned during the creation of the LMPs.

There are impressions that the rural economy of Arizona is threatened and that the overall health of Arizona's diverse natural resources is declining. A myriad of contributing factors are thought to be the causes, including human presence and intervention in forest ecosystems; years of fire control; the publics' intolerance of multiple-uses other than their own; and an increasing population that causes an even greater demand for valuable renewable resources.

The accumulation of all these factors and impressions has intensified public scrutiny of Forest Service land management activities.

The result of the group's lengthy and unique process is a report that captures important insights about both public and employee attitudes and perceptions toward the Forest Service. It offers an array of information: perceptions, criticism, reinforcement, general recommendations, and specific suggestions for change.

Words alone cannot adequately describe the depth of concern, intensity of feeling, and the amount of frustration we encountered as we listened to dozens of people from all corners of the state. Our discussions were often spirited as we reached new levels of understanding and commitment to our task, and found common ground on which to base our final recommendations.

We offer our report as a guide and as a challenge. It is our hope that you will embrace the recommendations and move wholeheartedly ahead, along with the governor, your cooperators here in Arizona and top officials in Washington, D.C., to turn our ideas into reality—with firmness, professionalism, and credibility.

We offer our cooperation as you review the report and make decisions about what to do next; and stand ready to respond to any questions you may have. Thank you for the opportunity to serve on the Arizona Blue Ribbon Task Force.

Sincerely,

Arizona Blue Ribbon Task Force

Betty Drake, Private Consultant, Scottsdale, AZ.

Lawrence D. Garrett, Dean, School of Forestry, Northern Arizona University, Flagstaff, AZ.

Dexter Gill, Director, Navajo Nation Forestry Department, Window Rock, AZ.

M. Jean Hassell, Arizona State Lands Commissioner, Phoenix, AZ.

Charles Huggins, Secretary-Treasurer, Arizona State AFL-CIO, Phoenix, AZ.

James L. Kimball, Forest Supervisor, Tonto National Forest, Phoenix, AZ (Chairman).

Kathy J. Nelson, Mothers for Clean Water, Tempe, AZ.

David W. Ogilvie, Jr., Silver City, NM.

A. Lynn Ruger, Morenci, AZ.

Merri Schall, Retired Professor, Arizona State University, Pine, AZ.

Duane L. Shroufe, Director, Arizona Game and Fish Department, Phoenix, AZ.

Pete Shumway, Chairman, Navajo County Board of Supervisors, Taylor, AZ.

Dennis Silva, Mayor, Town of Springerville, Springerville, AZ.

James S. Whitney, Retired, Scottsdale, AZ.

Elizabeth Woodin, Arizona Game and Fish Commission, Tucson, AZ.

Karen Yarnell, Flagstaff, AZ.

APPEALS SYSTEM: "FULL RECOURSE—ALONG WITH ACCOUNTABILITY"

FINDINGS

Currently, National Forest management processes can be brought to a halt with little effort and no accountability, and trivial appeals are being dealt with the same as serious ones. Appeals and/or the threat of appeals can stop production of resource dependent businesses even when sound resource decisions are being made. S&Gs are sometimes used for negotiating to prevent appeals, rather than to meet resource needs.

Issue: The appeals system, as developed and implemented by the Forest Service, is not allowing the agency to properly manage National Forest Lands. The system is not a law, but an administrative procedure, yet it has developed into a quasi-legal forum.

RECOMMENDATIONS

The Task Force finds validity, fairness, and justification for the appeals process, provided that the appellant is held accountable and responsible for the actions he/she takes in availing him/herself of this opportunity to participate in a grievance process. It is a right of the public, industry, and agencies to appeal plans and decisions.

Implement a pilot program in which any appellant would have to have been actively involved in the IRM process in person or in writing prior to the formal appeal. In this way, sufficient input and negotiation would have taken place on potentially contested issues with the ultimate goal of precluding the need for an appeal of a plan or decision. Once an appeal has been filed, the recommended procedure would be as follows:

Appeal Request: The individual/group submitting an appeal to the responsible official must do so in writing within 30 days of the decision.

IRM Review: The IRM team must meet with the appellant in person, review the request and try to resolve the concern. This meeting must be arranged at a convenient location and time for both appellant and IRM team. Should the appellant fail to participate in this process, the appeal would be considered invalid. If the IRM team review process is unsuccessful in gaining resolution, the appeal request would then be reviewed by a certified appeal hearing officer.

Hearing Officer Review: The officer, acting as an outside reviewer of the appeal, would have primary responsibility to determine if IRM, NEPA, NFMA, and the associated LMP direction were being followed. The hearing officer's recommendation would be given to the responsible official.

Decision: The responsible official would then either uphold the appeal and remand the decision or deny the appeal and uphold the decision.

Time Frame: The IRM team review, the hearing officer review, and the responsible official decision will take no more than 30 days to complete. A stay may be no longer than 30 days from the day the appeal was filed. (Regional Forester, Congressional Delegation, Chief, Secretary)

Citizen Complaints: In addition to the appeal/hearing process, any individual has the right to complain about a decision. The complaint would be in writing to the responsible official and his/her superior. The process would be very informal and should not be construed as another type of appeal/hearing process. The complaint must be answered and should be utilized as an opportunity for the Forest Service to improve public/agency relationships. There is no specific deadline for filing complaints, but they must be answered within 30 days. (Regional Forester)

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Montana.

Mr. BURNS. Mr. President, listening to the colloquy of my friend from Georgia and my friend from Arizona, I suppose what we are trying to prevent here, when we say frivolous is frivolous whenever somebody, say from Montana, files an appeal on such actions in the Forest Service in Georgia, not living in Georgia, just because it comes up on the computer screen; that the sale is made in the Chattahoochee down in Georgia, he feels that probably Georgia should not cut anyone on public lands. So he files a suit.

This amendment says he has to go down there and file the appeal, and appear down there. He has to bring some kind of credibility to the table, and he

has to do it in person in order to make this appeal stick. That is the only thing we are doing here. We are squeezing down the time a little bit, ratcheting it down, so a decision can be made so we can get on with life.

A while ago I tried to make the argument that even in a 10-year planning stage we have to plan in order to manage these public lands or manage any renewable resource with any kind of sanity and efficiency for the public good.

Basically, that is the only thing this thing does. It says you come down, you look at our practices and what we want to do, if you do not like them, you file the appeal. But you have to appear yourself. That is all we are asking.

If my constituent in Montana does not want to make the trip to Georgia to file his appeal and make his argument, then it should be thrown out as frivolous. I am sure that is what we are trying to get rid of. Between 1980 and 1990, the appeals went up from 133 to 1,134. Half of those were administrative appeals, and nobody, especially this administration, bars anybody from judicial rule of the Federal courts. That is taken out of context. I think it is very unfair because nobody under this Constitution would even attempt to try to do that.

I thank the Chair. I yield the floor.

Mr. BAUCUS. Mr. President, I rise in support of the amendment offered by the Senator from Idaho.

I believe this amendment includes the mechanisms necessary to reform the legitimate problems that currently exist in the Forest Service Appeals Program.

As I stressed in my statement earlier today, there should be a process in which citizens acting in good faith may obtain administrative review of Forest Service management decisions. At the same time, there must be a beginning, a middle, and an end to administrative review.

The Craig amendment heads in the direction of establishing these objectives.

I am encouraged that this amendment requires citizen involvement as a prerequisite to gaining access to administrative review. The inclusion of informal dispute resolution is another positive addition to the Forest Service appeals program.

I remain cautious, however, in my support of this amendment as drafted. It contains many ambiguities and uncertainties that need to be resolved in order to achieve effective reform of the appeals system. So while I will support this amendment because of the several positive, reform-oriented ideas that it contains, improvements are needed in several areas. I intend to consult with the conferees on this bill to give them my views on how we can craft a sound, workable, definitive appeals process.

Thank you, Mr. President. I yield the floor.

Mr. CRAIG. Mr. President, how much time do I have?

The PRESIDING OFFICER (Mr. KERREY). Fifty-three seconds.

Mr. CRAIG. How much time does the Senator from Georgia have?

The PRESIDING OFFICER. Two minutes thirty-nine seconds.

Mr. FOWLER. How much time does the Senator from Idaho have?

The PRESIDING OFFICER. Fifty-three seconds.

The Senator from Georgia has 2 minutes 39 seconds.

Mr. FOWLER. I am glad to give the Senator from Idaho half of my time. We will divide the remaining time equally.

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

AMENDMENT NO. 2903, AS MODIFIED

Mr. CRAIG. Mr. President, the Senator from Georgia has said that there is no tying to a public comment period. Therefore he has said it is not within the law. It is within the law. It is within the process. It is the current process. It makes reference to, on line 9, "the public comment process" which is referenced in NEPA, which is standard law and we understand that. So you cannot say hypothetically it does something that it does not do.

I think the record is very clear that we referenced the process that is current, that the public understands today. That is the public comment process. I think it is very important to understand.

Standing is a valid issue that is used in almost every other appeals process in this country, that you just do not walk in off the street. You become involved. You have a reason to become involved because you see something is wrong. And you are made aware of the error or the wronging of this process because of the public comment period, because of the notification, because of the standards of process that the Forest Service now uses under NEPA.

It is not just for the little project. We know at the hearing process, we know about the public comment period, we know about the printed notification in the paper. That is all standard. That is what this is addressing. That is part of it.

Let me also ask for a clarification of language on page 3, line 11, if the Senator from Georgia would note this, where it says: "after the date of the filing of the appeal". It really means, after the date of the issuance of the decision.

I ask unanimous consent I be allowed to modify that language.

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

Without objection, the amendment is so modified.

The amendment (No. 2903) as modified, is as follows:

In lieu of the matter proposed to be inserted, insert the following new section:

SEC. . FOREST SERVICE APPEALS.

(a) IN GENERAL.—In accordance with this section, the Secretary of Agriculture shall modify the procedure for appeals of decisions of the Forest Service.

(b) RIGHT TO APPEAL.—Not later than 30 days after the date of issuance of a decision of the Forest Service, a person who was involved in the public comment process for the underlying decision may file an appeal.

(c) DISPOSITION OF APPEAL.—

(1) INFORMAL DISPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), a designated employee of the Forest Service shall offer to meet with each individual who files an appeal in accordance with subsection (b) and attempt to dispose of the appeal.

(B) TIME AND LOCATION OF MEETING.—Eech meeting in accordance with subparagraph (A) shall take place—

(i) not later than 15 days after the date of filing of the appeal; and

(ii) at a location designated by the Chief of the Forest Service that is in the vicinity of the lands affected by the decision.

(2) FORMAL REVIEW.—If the appeal is not disposed of in accordance with paragraph (1), an appeals hearing officer designated by the Chief of the Forest Service shall review the appeal and recommend to the official responsible for the decision the appropriate disposition of the appeal. The official shall decide the appeal.

(3) TIME FOR DISPOSITION.—Disposition of appeals under this subsection shall be completed not later than 30 days after the date of filing of the appeal.

(d) STAY.—Unless the Chief of the Forest Service determines that an emergency situation exists with respect to a decision of the Forest Service, implementation of the decision shall be stayed during the period beginning on the date of the decision and ending on—

(1) if no appeal of the decision is filed, 30 days after the date of the filing of the decision; or

(2) if an appeal of the decision is filed, the date of disposition of the appeal under subsection (c).

Mr. FOWLER addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. FOWLER. Mr. President, I allowed that modification, not only out of good will, but because the amendment is fatally flawed. I say to my friend from Idaho, at the conclusion of this, I think when we talk to the Forest Service, he will find that under the present administrative procedures, there is no formal notice and comment period for project level decisions. I believe that will be found to be true.

In light of that, this amendment cannot stand. It is offered as a substitute. If it were adopted, it would undo completely what the body just did in the tabling motion earlier, and it would leave the public, the citizens, with no formal notice and comment period for project level decisions.

I trust that my colleagues will uphold the decision that they made an hour ago. I think it will help the Forest Service immensely to know that we stand on record for a citizen review process that, if not cumbersome, I say with all respect, has worked extremely well.

Mr. President, I move to table the amendment.

Mr. CRAIG. 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 are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Tennessee [Mr. GORE], and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] is absent due to death in the family.

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 Utah [Mr. HATCH] and the Senator from North Carolina [Mr. HELMS] would each vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 50, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—45

Adams	Graham	Moynihan
Akaka	Hollings	Nunn
Biden	Inouye	Pell
Boren	Jeffords	Reid
Bradley	Kennedy	Riegle
Bryan	Kerrey	Robb
Chafee	Kerry	Rockefeller
Cranston	Kohl	Sanford
D'Amato	Lautenberg	Sarbanes
Daschle	Leahy	Sasser
Dixon	Levin	Simon
Dodd	Lieberman	Specter
Exon	Metzenbaum	Wellstone
Fowler	Mikulski	Wirth
Glenn	Mitchell	Wofford

NAYS—50

Baucus	Domenici	Murkowski
Bentsen	Durenberger	Nickles
Bingaman	Ford	Packwood
Bond	Garn	Pressler
Breaux	Gorton	Pryor
Brown	Gramm	Roth
Bumpers	Grassley	Rudman
Burns	Hatfield	Seymour
Byrd	Heflin	Shelby
Coats	Johnston	Simpson
Cochran	Kassebaum	Smith
Cohen	Kasten	Stevens
Conrad	Lott	Symms
Craig	Lugar	Thurmond
Danforth	Mack	Wallop
DeConcini	McCain	Warner
Dole	McConnell	

NOT VOTING—5

Burdick	Harkin	Helms
Gore	Hatch	

So the motion to table the amendment (No. 2093), as modified, was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Idaho [Mr. CRAIG].

The amendment (No. 2903) was agreed to.

AMENDMENT NO. 2902, AS AMENDED

The PRESIDING OFFICER. The question now is on agreeing to the Fowler amendment, as amended.

The yeas and nays have been ordered.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Does the Senator from Georgia wish to vitiate the yeas and nays?

Mr. FOWLER. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. Without objection, the yeas and nays are vitiated.

The question now is on agreeing to the Fowler amendment, as amended.

The amendment (No. 2902), as amended, was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington [Mr. GORTON] is now recognized.

The Senate will be in order.

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

Mr. BYRD. Mr. President, before the Senator makes that suggestion, I ask the distinguished Senator from Washington if he would be agreeable to a time limit on this amendment?

Mr. GORTON. Mr. President, I say to my distinguished chairman, I do not intend to occupy a great deal of time on this amendment. I do not make any threats about filibusters or additional amendments if this one is not accepted.

I do know there are a fairly good number of Members on this side of the aisle who wish to speak to it. I think there are a significant number of Members on the other side who wish to do so.

I prefer at this point not reach one. After we get a little way into it, I will work with the distinguished chairman toward such a time agreement, when I know who all wants to speak.

Mr. BYRD. Mr. President, I certainly appreciate the distinguished Senator's response.

We have disposed of one amendment, and we started on that amendment at 10 o'clock this morning. So we have been on the bill 3 hours and 50 minutes, and we still have 19 amendments to go, with each of them subject to relevant amendments in the second degree.

I hope we will not talk too long on this next amendment. It has been debated time and time again. At some point, I will move to table, if things get prolonged too greatly.

Mr. ADAMS. Will the chairman yield?

Mr. BYRD. The distinguished Senator on the other side has the floor.

Mr. ADAMS. Mr. President, will the Senator from Washington yield, so I might direct a question to the chairman of the committee?

Mr. GORTON. I yield.

Mr. ADAMS. Mr. President, we would agree to a time agreement. The ones on this side who indicated they wish to speak are Senators ADAMS, CHAFEE, LIEBERMAN, BAUCUS, and MITCHELL. That is all I know who wish to speak, and we will try to fit ourselves into whatever time agreement the chairman might propose, because I agree with my colleague, I think we should proceed with this as promptly as possible, and I hope we can get a time agreement.

Mr. BYRD. Would the Senator be willing to have 45 minutes to a side?

Mr. ADAMS. I would prefer—yes, I would be willing to go 45 minutes to a side.

Mr. BYRD. I leave that in the good hands of the junior Senator from Washington.

Mr. GORTON. I simply say to the distinguished chairman that I hope within a few minutes we will come to a time agreement that is within that range.

Mr. BYRD. Very well. I thank both Senators.

Mr. GORTON. Mr. President, I am making technical changes to the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

AMENDMENT NO. 2904

Mr. GORTON. 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 Washington [Mr. GORTON], for himself, Mr. PACKWOOD, Mr. CRAIG, Mr. SEYMOUR, and Mr. BURNS, proposes an amendment numbered 2904.

Mr. GORTON. 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 67 of the bill, strike lines 9 through 11 and insert in their place the following:

"FUNDING OF FOREST HEALTH IMPROVEMENT PROJECTS.—To meet the forest health emergency now experienced on many of the federal forest lands, the Secretary of Agriculture on National Forest System lands and the Secretary of Interior on public lands shall expend such sums as are necessary within available funds from the salvage sale

fund authorized by section 14(h) of the National Forest Management Act of 1976 (16 U.S.C. 472a(h)) and the salvage sale trust fund within the Bureau of Land Management established by this Act to design and implement forest health improvement projects. Such projects shall employ a combination of multiresource management practices, treatments, and protections. Such projects shall be designed to accomplish the objective of improving forest health through management actions that improve stand density and composition, salvage dead and dying timber, remove or treat sources of infection or infestation, reduce excess fuels, and leave remaining vegetation in a condition designed to increase its opportunity to contribute to a healthy, productive ecosystem. In the execution of such projects, the Secretary of Agriculture and the Secretary of the Interior are authorized to use the authorities in the Knutson-Vandenberg Act of 1930 (16 U.S.C. 576) as amended, the provisions of the National Forest Management Act of 1976 (16 U.S.C. 472a), as amended, the Federal Land Policy and Management Act of 1976 (16 U.S.C. 1701 et seq.), and other applicable law.

"ENVIRONMENTAL ANALYSIS.—Any forest health improvement project found by the Secretary of Agriculture or the Secretary of the Interior to be not inconsistent with the long-term management goals and objectives of a land management plan for the administrative unit in which the activity is to occur shall be deemed not to be a major Federal action significantly affecting the quality of the human environment for the purpose of subsection (C) of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)). The Secretary of Agriculture and the Secretary of the Interior shall establish by regulation a policy providing for categorical exclusions from requirements established pursuant to such section for certain types of salvage based on the extent to which the salvage includes selective thinning, minimal building of new roads, minimum loss of healthy standing timber, and other justifying factors.

"ADMINISTRATIVE REVIEW.—Unless the Secretary of Agriculture or the Secretary of the Interior specifically provide for administrative review, citizens of the United States may seek immediate judicial review of a decision by the respective Secretary to conduct a forest health improvement project in the district court of the United States for the district in which the project is to occur. If the respective Secretary provides an opportunity for administrative review, standing to bring an administrative appeal of a forest health improvement project shall be available only to persons who have raised the issue or issues for which administrative review is sought in written or oral comment submitted during the preparation of the project.

"SPOTTED OWL FORESTS.—Notwithstanding the Forest Service Record of Decision of March 3, 1992, 57 Fed. Reg. 8621 (March 11, 1992), the National Forest Management Act of 1976, and the National Environmental Policy Act of 1969, the Forest Service is authorized to allow salvage timber sales in Habitat Conservation Areas and other suitable habitat for the northern spotted owl on the spotted owl forests in Washington, Oregon and California outside any units of the National Wilderness Preservation System and other areas in which timber harvesting is expressly prohibited by statute, unless such salvage will adversely affect spotted owl habitat as determined by the Secretary of Agriculture.

Mr. GORTON. Mr. President, this amendment, to a more significant degree than the amendments which have preceded it, is about people and about people only. It is about people who have been ignored and abandoned, people who are the innocent victims of sophisticated lobbying organizations. This amendment is about a legal system that is so complicated that it can be and has been manipulated in a direction never contemplated or even imagined by those who wrote the statutes that have since been implemented and interpreted in such a way as to cripple a major national industry, destroy entire communities, and devastate the lives and careers of thousands of hard-working, productive American citizens. This amendment will provide a tiny degree of relief for these people.

To put the matter in perspective, during most of the 1980's, approximately 5 billion board feet per year was contracted for harvest and harvested in Washington, Oregon, and northern California. This year, that number has been reduced to some 400 million, only 8 percent of the cut in contrast to the 1980's. And there are no more timber sales in the pipeline, no more in the pipeline at all in the so-called owl forests of western and central Washington, Oregon, and northern California.

The tiny degree of relief provided by this amendment will be to allow the harvest of dead and downed timber; not live trees, but dead and downed timber, representing about 3 percent, 1/33 of that historic cut during the course of the 1980's in those three States. That 3 percent, that modest cut, must be measured against the set of injunctions that will almost certainly prevent any new timber-cutting contracts to take place in the States of Oregon and Washington for at least 2 years, and it must be remembered these are timber sales in perhaps the most productive forests anywhere in the world.

For example, the historic cut in the Olympic National Forest on the Olympic Peninsula of northwest Washington, has been approximately 200 million board feet per year. This year those contracts on the Olympic Peninsula are about 5 million board feet, or 2.5 percent of what historically has taken place.

I do not have the eloquence to describe the devastation that this sudden change has caused in a multitude of communities on that peninsula or elsewhere in Washington, Oregon, and northern California. Most towns are without visible means of support. Families have been broken up. Alcoholism and child abuse is on the increase because of the loss of employment on the part of people who have constructively contributed to the building of America and to the building of homes, the goal of all of us in this body. As a consequence, the relief provided even by this modest amendment is little more than symbolic; perhaps much more symbolic than it is real. It will be real enough for those several hundreds of rural men and women who will find employment during the course of the next year where otherwise there would be no employment whatsoever.

I do not, on the other hand, deprecate the symbolism that serves as another important part of this amendment, the symbolism that the people in this body, and the entire Congress of the United States, do have some concern about people. We must not simply exalt form over substance—speaking in abstractions—while ignoring the plight of productive men and women in the Pacific Northwest.

At this point, to emphasize the degree to which this does apply to people, I ask unanimous consent that three letters, one addressed to the distinguished chairman of the Appropriations Committee, the other two to Senators generally from the Timber Industry Labor-Management Committee, the International Woodworkers of America, and the United Brotherhood of Carpenters, be entered in the RECORD at this point.

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

TIMBER INDUSTRY
LABOR-MANAGEMENT COMMITTEE,
Washington, DC, August 5, 1992.

Hon. ROBERT BYRD,
Chairman, Senate Appropriations Committee, U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: The Timber Industry Labor Management Committee—a unique alliance of management and unions representing workers in the forest products industry—is writing to respectfully urge your strong support for the forest health amendment to the FY 1993 Interior and Related Agencies Appropriations bill to be offered by Senator Slade Gorton.

Existing laws, regulations and policies related to forest health and the salvage of dead and dying timber are *not* working. Consequently, the forest health crisis has reached a critical stage. In order to save our forests from wildfire, disease, and insect infestation, we must break out of the "business as usual" approach to this issue. If forest managers are to have any chance of saving our national forests, congressional action is needed now. We have a forest health emergency in our nation's forests, unlike any previously experienced, which Congress must address this year.

The Gorton Amendment addresses this crisis in an environmentally responsible fashion by: (1) expanding the use of the salvage sales trust fund to include a broader range of forest activities as well as Bureau of Land Management lands; (2) expediting the development of, and administrative review for, forest health and salvage projects; and (3) assuring that spotted owl habitat is not destroyed by wildfire, by allowing salvage activities in owl habitat to reduce fuel loads where such activities will not themselves adversely affect owl populations and habitat needs. You may have seen coverage yesterday on CNN of Oregon wildfires destroying owl habitat.

In conclusion, we strongly urge your support for the Gorton Amendment.

Sincerely,

MARK REY,

Executive Director, American Forest Resource Alliance.

DENNY SCOTT,
Assistant Director, United Brotherhood of Carpenters and Joiners of America.

INTERNATIONAL WOODWORKERS OF AMERICA, U.S., AFL-CIO,
Gladstone, OR, August 5, 1992.

DEAR SENATOR: It is my understanding that Senator Slade Gorton will offer a forest health amendment to the FY 1993 Interior and Related Agencies Appropriations bill, currently under consideration by the U.S. Senate. On behalf of the International Woodworkers of America, U.S. (IWA, U.S.), I am writing to urge your support for Senator Gorton's amendment.

The Gorton amendment will allow for the sale of salvageable timber on public forest land. As you may know, a salvage sale involves trees that are diseased, are bug infested or have been fallen by wind storms. A salvage sale removes diseased and damaged trees, helping to protect the health of the entire forest.

The 28,000 members of the IWA, U.S. understand the importance of forest health. Millions of acres of public forests throughout the West are infested by insects and disease. Wildfire stands as a constant threat to these forests—the dead and dying trees that lay within are kindling that help fuel forest fires. The extreme drought the region is experiencing only increases the likelihood of sweeping fires.

Our members depend on salvage sales to help relieve the ongoing timber supply crisis currently afflicting the Pacific Northwest and Northern California. Forest products workers, their families and their communities are suffering from mill closings and severe job loss due to timber harvest restrictions on federal lands in the region to protect the northern spotted owl. We support Senator Gorton's amendment because it would provide federal land management agencies with increased authority to expedite salvage sales, freeing some raw timber for production.

In addition, the Gorton amendment would allow for and expedite judicial and administrative review of forest health and salvage projects. The amendment also would direct land management agencies to avoid salvage activities where they might have an adverse impact on spotted owl habitat.

We hope you will join the IWA, U.S. in supporting Senator Gorton's amendment to protect the health of our public forests, forest products workers and the northern spotted owl.

Sincerely,

WILLIAM HUBBELL,
President.

UNITED BROTHERHOOD OF CARPENTERS,
Washington, DC, August 5, 1992.

DEAR SENATOR: On behalf of the 550,000 working men and women of the United Brotherhood of Carpenters and Joiners of America, I am writing to urge your support of the amendment to be offered by Senator Slade Gorton to the 1993 Interior Appropriations bill.

Senator Gorton's amendment addresses the urgent issue of forest health. Public forests in the Western United States are being devastated by drought, insect infestation and disease. Forests that include dead and dying timber are open invitations to catastrophic wildfires that endanger wildlife, forest ecosystems and surrounding communities where our members and their families work, live and play.

Many of these diseased trees can be salvaged as raw material for local saw mills. These salvage sales take on increased importance as timber supply continues to dwindle in the Pacific Northwest and Northern California due to restrictions of federal timber sales to protect the northern spotted owl. Our members, who are suffering from the timber supply crisis in the region, desperately need the supply of timber that would be freed by salvage sales. Their situation is critical.

Senator Gorton's amendment would allow the salvage of dead and dying trees, providing some short-term, immediate relief to the ongoing timber supply crisis while protecting and improving the health of our public forests. Importantly, the amendment will prevent salvage that will "adversely impact" forests inhabited by the spotted owl. Indeed, by allowing for the removal of diseased trees that serve as fuel for wildlife in spotted owl habitat, the Gorton amendment will help protect the owl.

I hope you will support Senator Gorton's amendment and help provide for safer, more effective management of our national forests.

Thank you for your consideration.

Sincerely,

JAMES BLEDSOE.

Mr. GORTON. Mr. President, as recently as 3 years ago in section 318 of this same bill, we provided for 1 year of relief, 1 year of new timber sales at a relatively modest level, in order to provide a bridge for these victimized individuals and communities while the Congress of the United States comes up with a long-term solution to timber supply that would allow people to plan for their futures and to plan for their lives.

In the almost precisely 3 years that have passed since the time of the passage of section 318, absolutely nothing has been done by either the Senate of the United States or by the House of Representatives of the United States to provide for that permanent solution. Bills dealing with the entire range of the problem have been introduced in this body and have found their way to two separate committees in this body. No such bill has been reported out of its committee. In the House, the situation is almost the same. One subcommittee and one committee have acted on an extremely modest bill, which has gone on further and which, in my view, will go no further.

So the promise that was made—that Congress would reach a solution during that 1 year from late 1989 to late 1990—has manifestly been abrogated by the Congress itself. The amount of relief provided in this amendment is far more modest than that of section 318 in 1989, but it does at least amount to a modest, minor commitment.

The net result, of course, is that from a harvest level of 5 billion board feet a year to a level of 400 million board feet a year to a level of zero board feet a year is a set of policies which, had it been proposed as a policy here in the U.S. Senate as recently as 3 years ago, would, I am convinced, have been rejected overwhelmingly by Members of this body. Yet, we have allowed it to take place through the interpretation of statutes that have been passed over a period of several decades by this body. Now we have at least an opportunity to provide a small degree of relief and some kind of promise that we will act in the future.

Much of the debate over the last several years, Mr. President, has been cast in terms of owls versus people, people versus owls. I may say that much of the Senate on the west coast of the United States has been on those subjects, and to the extent that it is placed in that fashion, public opinion is overwhelmingly on the side of people.

In March and April this year, two scientific surveys indicated that only 4 percent of voters in the State of Oregon, 6 percent in the State of California—and this is the entire State of California—and 8 percent of the State of Washington indicated that they would accept the sacrifice—10,000 jobs or more in order to save the spotted owl. The cost of jobs is infinitely greater than that, Mr. President, and that amendment, in any event, does not pit owls versus people.

Much of the rest of the debate has been cast somewhat more broadly as being old growth versus people. That is not the case here either.

This amendment would allow the harvest of salvage timber, that is to say trees that have been blown down, uprooted and blown down, laying on the floor of the forest, or which is otherwise dead in habitat conservation areas in Washington, Oregon, and northern California.

It should be emphasized, Mr. President, that of these habitat conservation areas for the spotted owl, only 60 percent of the area is covered by old growth in any event. They go far beyond old growth areas. Seventy-eight percent of the old growth is already located in national parks, in statutorily designated wilderness areas or in Forest Service administrative set-asides. Dead and downed timber, by definition, is not owl habitat. Dead and downed timber, by any reasonable definition, is not old growth.

Moreover, the specific phraseology of this amendment states that this harvesting will not take place if such salvage will adversely affect the spotted owl habitat as determined by the Secretary of Agriculture. And in a last and final attempt to mollify the opponents of this amendment, we have excluded from the notwithstanding language the Endangered Species Act itself. The exemption is from the National Forest Management Act of 1976 and the National Environmental Policy Act of 1969.

Because we firmly believe that this harvest will not adversely affect the spotted owl, we have included the adversely affected language in the

amendment itself and we have avoided any change that is expressed or implied in the Endangered Species Act itself.

As a consequence, this amendment does not undercut the Endangered Species Act. It really does not undercut the provisions of either of the other acts because it does nothing with respect to their application to live trees and to live forests. It affects only salvage timber, timber that is already dead, and timber that cannot wait for a permanent solution because, Mr. President, when a tree is blown down, depending on its species, it is only going to last in any economically viable form for 1 to 3 years. It deteriorates very rapidly from timber that is good for lumber products, to timber that is good only for chips, to timber that is good for absolutely nothing at all.

As a consequence, the only substantive argument that can be made against this amendment, it seems to this Senator, is that for some reason or another, an absolute state of nature is the only proper state for the productive national forests of the Pacific Northwest. Somehow, an attempt to improve those forests, and even to improve the habitat for the prey of the spotted owl, is wrong. Somehow, our opponents argue that we can allow our forests to burn to the ground from natural fires, whether they are old growth or not, but we cannot touch them, we cannot improve them, we cannot use them for the homes we need, we cannot use them for the people who live in these timber communities and whose professions have been built on the national forests.

In addition, Mr. President, this amendment, I wish to emphasize, is not an amendment simply for the Pacific Northwest or for the three northwest States. It is an amendment for the entire country.

This bill also includes very significant language with respect to the funding of forest health improvement projects. We simply, in our statutes, have not given our forest managers enough authority to deal with these problems, a consequence of which is that those forests are in serious decline in many parts of the West and I suspect in many other parts of the country as well. The prescription is not an absolute lockup of those forests, which would be considered malpractice if they were human. The prescription, rather, is treatment, salvage, and reforestation. The amendments will allow the Secretaries of Agriculture and Interior, in their respective jurisdictions, to look forward with the objective of treating forest health problems before they reach epidemic proportions.

Let me give one simple illustration from my own State. In the Okanogan National Forest of northwestern Washington, more than 200,000 acres of trees were killed by the spruce budworm in the last year alone. More than 50 percent of the forested land in the Okanogan National Forest is infested with dwarf mistletoe and forest diseases. The Forest Service disclosed in its EIS for that management plan, that the forest "has entered the initial stages of a mountain pine beetle attack. If left to run its course, most of the mature live pine will be killed in the next 10 to 20 years."

On the Olympic Peninsula, a University of Washington forest entomologist, Robert Gara, surveyed the very blowdowns that serve as the basis for the second part of this amendment. Professor Gara concluded that those blowndown trees are being infested with Douglas fir beetles, ambrosia beetles, flat-headed, and round-headed wood borers at an alarming rate and, in some instances, these pests are beginning to infest adjacent standing green trees.

Professor Gara said:

> From a biological viewpoint, I recommend immediate salvage of these and similar areas. The entire Pacific Northwest is undergoing a drought. Douglas firs and other forest tree species will be weakening and more easily killed by insect attacks. Of particular concern is the increase of Douglas fir beetle populations and their potential effect of opening large areas of old growth forests and, in this manner, downgrading northern spotted owl habitat.

This amendment will, both specifically and generally, improve the health of our forests. This amendment will also improve spotted owl habitat, rather than the opposite being the case.

The solution, of course, is a strategy that combines treatment, salvage, and reforestation. This amendment allows the Secretaries of Agriculture and Interior to design and implement forest health improvement projects in order to accomplish the objective of improving forest health, using money which they get from the salvage of the very dead and downed timber about which we are speaking.

The amendment will allow the Forest Service to salvage blowdown timber in spotted owl habitat unless it adversely affects that spotted owl habitat. Present injunctions under present laws require that the Forest Service cannot salvage that timber unless it enhances spotted owl habitat, a proposition that simply cannot be proven. But what foresters can say is that salvage operations can be performed in a manner that does not adversely affect that habitat.

This amendment will not destroy that habitat and it will not cause the building of more roads. It will, in fact, allow the removal of trees that are no longer good for the prey on which the spotted owl lives and will provide potentially for habitat at sometime in the future.

We are not talking about the last of the old growth forest, Mr. President. We are not talking about old growth forest at all. We are not really talking about the survival of the spotted owl. We are, on the other hand, talking about the survival of people and communities that deserve a great deal more attention and a great deal more support in this body than they have received during the course of the last half-decade or so.

To return to basics, we are talking about caring for people, the kind of people who have essentially been unrepresented in this body. We are speaking about extremely modest relief for those people, but a great deal of hope for them. We are not impinging on either the spotted owl or on old growth. To deny this modest proposal is to exalt form over substance, to ignore working people who are in desperate need. To approve the amendment is to offer modest relief and real hope to real people. This time it is appropriate to listen to the people and not to the professional lobbyists.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, I rise in strong opposition to this or any amendment that would accelerate the timber salvage program in the national forests of Oregon, Washington, and California.

This amendment will only serve to aggravate the forest management crisis in the Pacific Northwest. It is not a solution to real, on-the-ground management problems. It only furthers the Bush administration's efforts to weaken current forest management and environmental laws and to overturn recent Federal court injunctions.

Such action is completely unnecessary. Acting Assistant Secretary of Agriculture John Beuter testified on July 28 before the Senate Energy and Natural Resources Committee that the Forest Service has full statutory authority today to conduct salvage sales in national forests. Language currently in the fiscal year 1993 Appropriations Committee's Interior bill reaffirms that authority.

The problem this amendment attempts to remedy is not that there are a lot of dead and dying trees that must be cut and removed from the forests. The problem, as described by the chief of the Forest Service in a briefing to Senate staff on June 19 of this year, is that the Forest Service's past management practices, including its past salvage sales programs, have altered the nature of many forest ecosystems and have left them in a poor condition to withstand natural catastrophes. And this is not a small problem: Up to 75 percent of some of our eastern forests have been affected, causing severe threats to the economic future of timber-dependent communities and to the health of salmon populations and other fish and wildlife species.

The national forests of eastern Washington and Oregon were cited by the

chief as the clearest example of why the Forest Service needed to change to a more ecologically sensitive approach to forest management. The chief and his staff described how the Agency's past management changed the forests from a drought- and fire-resistant mix of many different species to thick stands of fewer species that are highly susceptible to disease, drought, and fire.

The chief described the necessary remedy as a carefully planned effort by Forest Service scientists to immediately begin restoring the forests to their premanaged condition, a process the chief said could take 100 years. In order to achieve this desired future condition, the Forest Service will need to conduct salvage sales and other standard forest management activities, but only as part of a carefully designed plan to return to the original mosaic of diverse tree species.

This amendment would promote the old, traditional salvage approach that focuses only on individual tree health, not the long-term health of the entire forest. Accelerating the cutting of trees without having planned what the future landscape and mix of tree species must be will further delay and possibly destroy the opportunity to restore the health of our forests.

Unless carefully planned to restore forest health, salvage programs pose a significant threat to forest ecosystems. They can increase erosion, disturb, and compact the soil, injure live trees, and destroy wildlife habitat. The Scientific Panel on Late-Successional Forest Ecosystems, commissioned by two House committees, concluded in its report on Northwest ancient forests:

> Any late successional/old growth areas reserved should be managed to maintain and/or enhance their ecological integrity * * *. In general, removing merchantable timber—including salvage—from reserved late successional/old growth areas is not appropriate to meet this objective.

This amendment is contrary to such sound, scientifically based management. It would override Federal District Court Judge William Dwyer's injunction that bars logging of any kind in spotted owl habitat in the Pacific Northwest. Dwyer's injunction was issued because the Forest Service violated its statutory responsibilities in spite of court orders and congressional directives to obey them. Using the appropriations process to override this injunction would be sanctioning such violations and rewarding the Forest Service for its repeated refusal to obey the law.

One of the provisions in this amendment would allow expedited NEPA review for salvage sales that are consistent with forest management plans. However, this completely fails to recognize that many of the existing forest management plans never contemplated the epidemic level of infestations and catastrophic fire conditions we are experiencing today.

This amendment would also override the National Environmental Policy Act by removing the Secretary of Agriculture's existing discretion under NEPA and directing him to establish categorical exclusions for certain types of salvage sales. This would thwart the agency's present efforts to use its existing rulemaking authority to develop the new ecosystem management approach recently announced by the chief.

Mr. President, this amendment also incorporates provisions that would limit administrative and judicial review of salvage sale decisions by the Forest Service. This concept of restricting review of proposed agency actions is a dangerous precedent that has been soundly rejected by the Senate before. I urge my colleagues to reject such a drastic remedy again.

I support the Forest Service's efforts to improve its process for obtaining public comments during the planning phase of management actions, but I am absolutely opposed to provisions such as those in this amendment that limit review of a proposed action once it has been announced. The appeals process has not caused significant delay but rather has greatly improved the quality of Forest Service decisions. On this ground alone, I urge my colleagues to defeat this amendment.

Mr. President, the authorizing committees with jurisdiction over the national forests in both the Senate and the House are currently considering legislation to deal with this and other forest management issues in Oregon, Washington, and California. Indeed, the Senate Energy Committee will meet this week to markup one of the pending bills. An appropriations amendment is unnecessary and would interfere with efforts by the authorizing committees to develop a more comprehensive program to resolve the forest management crisis in the Pacific Northwest.

I urge my colleagues to vote against this amendment. It will aggravate rather than solve the problems it attempts to address. It will only accelerate business as usual at a time when carefully planned change is needed.

Mr. President, we are going to have a great disagreement on the facts that have been stated by the junior Senator from Washington, and so I hope my colleagues will listen to this because it has a long history.

I rise in strong opposition to any amendment that would go backward, as this one would, to out-of-date forest practices, and it is cleverly worded but that is what it does, and prevent the modern technology changes that are being made by the Forest Service and are attempting to be made against strenuous opposition by Cabinet Secretaries and others in the administration.

This is not a change to go forward. This amendment takes us backward. It would repeal part of the judicial review processes, destroy the new plans which the Forest Service is trying to apply science to save the forests against the political pressures from above. It not only is legislation again on an appropriations bill, in violation of rule XVI, but it is very bad legislation.

I hope we will turn it down because we have legislation pending in the House, in three committees, we have legislation pending in the Senate, and we need a change but not a program of accelerated salvage in the national forests of Oregon, Washington, and California.

I want to talk a minute about section 318 and about this delay, because the Forest Service is already—and this is the fact—selling the salvage rights in the 703 million board feet of blowndown timber in those forests—517 million board feet have already been sold. Of the remaining 185 million board feet, 115 million board feet is in spotted owl habitat—to protect the old forest which has been designated by the Forest Service to maintain the ecological integrity of the forest.

Now, Judge Dwyer, the judge who was referred to by the junior Senator from Washington as issuing this order, is a fine district judge. His appointment was made by President Reagan, and he was supported by former Senator Dan Evans, by Senator GORTON and me, and he ordered that there be no harvest or salvage in the spotted owl habitat.

Now, we have been referred by the junior Senator from Washington to section 318. He was not here at that time, but Senator HATFIELD, the fine Senator from the State of Oregon, and myself were on the Appropriations Committee, and at that point we tried to give time——

Mr. GORTON. Will the Senator yield?

Mr. ADAMS. I will be happy to yield.

Mr. GORTON. This Senator, indeed, was a Member of the Senate at the time of section 318.

Mr. ADAMS. I am sorry. He was not a member of the Appropriations Committee at that time.

Senator HATFIELD and I did propose a delay to give the Forest Service time to put their plans into perspective and make their plans modern. In other words, to change into the modern technology.

I am going to quote now from this fine district judge who was appointed by President Reagan and was supported by Senator GORTON and myself, and he is a fine judge, as to why it is that he has put in these injunctions. I quote from his opinion of July 21.

> The record in this case and in *SAS* v. *Evans*, 952 F.2d 297 (9th Cir. 1991), shows a long history of delays by the Forest Service. The National Forest Management Act set a 1985 target date for the adoption of standards and

guidelines for all national forest units. 16 U.S.C. §1604(c). That date was not met. In October 1989 Congress directed in section 318 that the agency have a spotted owl plan in place by September 30, 1990. That was not done. In *SAS* v. *Evans*, 771 F. Supp. 1081, 1090–91, the agency sought sixteen more months and was afforded eleven more months to issue an EIS and ROD. The job was not done in compliance with NEPA. The agency has argued that it need not do what the laws plainly require it to do, *See, e.g.*, *SAS* v. *Evans*, 952 F.2d 297, 301–302 (9th Cir. 1991). In light of this history, a timetable is essential.

This judge, this Senate, this Appropriations Committee has tried everything possible to say to the administrative agencies you must comply with the law and you must get this job done. We have had delay after delay after delay.

I want to speak a minute about the jobs that are involved and what is happening. At one time it was necessary, and the Senator from Oregon is on the floor now. Senator PACKWOOD and myself voted later and finally got some correction to this, but at one time we had a great recession in the Pacific Northwest forests and it was necessary to export logs, so we supported export logs. We were trying to give jobs to people out there.

But this export went all out of control. You talk about loss of jobs. We lose 5.5 jobs for every million board feet of raw logs that are exported.

And last year, last year in Washington State alone more than 2 billion board feet of raw logs were shipped overseas. That is 12,000 jobs, far beyond anything that Senator GORTON has referred to.

And let us talk a little bit about why jobs have been falling in the forests. It is not the spotted owl. That is not the issue at all. In the 1980's, when the forest harvest in the Northwest was driven up by the administration it rose from 3.6 billion board feet per year to 5.5 billion board feet, a completely nonsustainable increase. Do you know what happened with jobs? We lost 26,000 jobs. The jobs are being lost in the forest through technological changes, and the companies' practices. That is what is causing the job loss. The timber supply came far down the line in terms of how we are losing jobs.

Let us take, for example, logged exports. I was tempted in the prior debate, but I stayed out of it so we would be in this, to ask these Senators who were talking about the Fowler amendments, and so on, whether they were opposed to log exports. They are not opposed to log exports. They want to export logs, too. This is greed, it is pure greed.

Since the 1960's, log exports rose 31 percent and the number of domestic processors was cut in half. You see, the number of mills has reduced because the number of workers needed to produce 1 million board feet of lumber has dropped by 1.5. Increased productivity is projected to eliminate 33,000 additional jobs over the next 2 decades regardless of the Endangered Species Act. So that is why Senator LEAHY and I on the Senate side have introduced a bill with a number of cosponsors which goes to the problem of technological change in the forests.

Now, this amendment runs flatly against it. The Forest Service has the power to conduct salvage operations. As I mentioned before, they have already sold out for harvest 503 million board feet of the 703 million board feet already there.

What we have is a crisis of management in the Pacific Northwest which is being back-doored and being harmed by the Cabinet level and above. The Forest Service is trying to change.

I used to work for the Forest Service when I was 16. We had a lot of practices then that we do not follow anymore. We cannot follow them anymore. The timber products are expanding in size, the lumber markets move back and forth across the borders. We now export an enormous number of logs from Canada. But we are exporting our finest logs in the Northwest off private lands to Japan.

It was only by the efforts of Senator PACKWOOD, myself, and others, that we finally stopped log exports because the very people that are saying that they want this salvage operation have also shipped the logs out.

You cannot hold water on both shoulders like that. You cannot ship the best logs out and say you want to salvage something that is on the floor of the forest and equate it to jobs in any way or to help with the forest.

I would like to talk about that for a minute because the health of the forest is what it is all about. If this forest is not there for our children and our grandchildren, we have done a great disservice to the Nation, to our children and to our children's children.

This is recognized by people who are professionals in the field. It is even recognized by some of the people working in the Department because, for example, Assistant Secretary of Agriculture John Beuter testified on July 28 before the Senate Energy and Natural Resources Committee that the Forest Service has full statutory authority today to conduct salvage sales in a national forest.

Language currently in the fiscal year Appropriations Committee Interior bill reaffirms that authority. The chairman and myself and others on the committee worked carefully on that language. It provides that this statutory authority is reaffirmed.

So there is no need to pass a salvage bill. They have all the authority they need. They are trying to pass, in the Forest Service, on to a new type of management practice.

You may ask why is this amendment offered? It is because the Forest Service, the courts, the people on the ground, the people that are working day by day in the forest, know they have to change. They have to change the past practices because of the problem we have in the Northwest forest, is the Forest Service past management practices, including also past salvage sales program. They are trying to sell it. They have plenty of authority to change it. They are changing it. But the past programs altered the whole ecosystem of the national forests.

It is time for change. The change should not go backwards. It should go forward. This amendment would prolong the path. It would abandon all the new scientific approaches which we have asked for and received.

The Forest Service in the past left our forest in poor condition. I agree with the Senator, the junior Senator from Washington, about the fact that there is bug infestation, there is danger of fire and that is because the Forest Service with its past practices left a terrible state of affairs in the eastern part of our State. Some 75 percent of our State's forest has already been affected and this threatens the economic future of timber-dependent communities.

Why did it happen? They cut the ponderosa pine. Its timber is bark resistant to fire, it stands tall. It is able to resist drought. It is able to resist disease. These were cut and instead you have had allowance of a growth species of timber that are subject to drought, infestation, and fire. That is what is occurring now. The Forest Service recognizes this. It is trying now to change it.

The forests of the eastern part of Oregon and Washington were cited by the Chief of the Forest Service as the clearest example of why the Forest Service needs change, to move to a more ecologically sensible approach to forest management. I will change those words and say to try to put those forests back into the State they were in when they could resist fire, bug, and drought. The Chief described in detail how the agency's past management changed the forest. They went from a drought and fire resistant mix of many different species with the ponderosa pine being the key to fixed stands of fewer species.

These new strands are highly susceptible to disease, drought, fire. Indeed, you are seeing this right now on television. You watch television tonight, you can see forests in Idaho, Oregon, and Washington burning as well as in California.

This is caused by these past practices that were bad, that the Forest Service is trying to change, which this amendment would prevent. The Forest Service knows how to salvage. It knows how to go in there. It has to change its practices because it finds what it did in the past on salvage was wrong.

The Chief of the Forest Service described what was necessary. He said there has to be a carefully planned effort by Forest Service scientists to immediately begin to restoring the forest to the premanaged condition.

Why is that? To manage to get as much timber as possible out, not multiple uses, not management—just as much as you could cut. This process the Chief said could take 100 years. But in order to achieve this condition, the Forest Service needs to conduct salvage sales and other standard management activities but only, Mr. President, as part of a carefully designed plan to return to the original mosaic of the diverse species that grow where they should and resist where they can, and are proper to the portion of the country in which they grow.

Let me repeat. Salvage must be done only as a part of a long-term plan, not a slash and grab job. That is what this amendment is doing.

The Forest Service is already harvesting over 500 million board feet. What they want to do is go into the old forests marked by the spotted owl habitat. It is a slash and grab job. Why do this? We are already salvaging. We already know how to do that. The Forest Service knows how to do that.

Our job now is not to have short-term policies like this, but to look at the long-term policies of how we keep this forest productive for timber harvest, productive for salmon, productive for bird and wildlife, protective for huntsmen, fishermen, salmon. This is a multiple use forest. This is what it is all about. This is why you have seen all of these amendments and why I am fighting this amendment.

I do not think this amendment should be on here. I think the authorizing committees should operate on this. I do not like seeing these on appropriations bills. I hope the chairman tables it. We should not have it on here at all because if you start accelerating the cutting of trees, and this salvage without having planned what the future landscape and mix of the species will be, this will destroy all future opportunity for health in our forests.

It is going to take careful planning to restore forest health, and salvage programs such as this are a real threat to any plan to save the forest. Why? They increase erosion, they disturb and compact the soil, they injure live trees, and they destroy wildlife habitat.

All of this is done unnecessarily by statutorily demanding that the agency do something that it already has the power to do and already is in the process of carrying it out.

What the Scientific Panel on Late-Successional Forest Ecosystems really says is you try to build your forests back up. You have in it older growth, you have in it middle-aged growth, and you have in it new growth.

I can remember years ago planting forests when I worked for the Forest Service. They are now full grown forests. Part of this system, we often cut it. We often cut it in the Northwest.

Two House committees asked a scientific panel to look at this.

They concluded in the report on Northwest ancient forests:

> Any late successional/old growth areas reserved should be managed to maintain and/or enhance their ecological integrity. * * * In general, removing merchantable timber (including salvage) from reserved late successional/old growth areas is not appropriate to meet this objective.

So the scientists have looked at this. They say do not do what is being required here. The Forest Service has been convinced. We have too many political people out there, too much greed running in the land.

This amendment is contrary to that opinion and it would override the judge's opinion which he has tried again and again to get the time spent to have them develop the things that are necessary.

Using the appropriations process to override this injunction would be sanctioning past violations. I do not want to take a lot more time, because it is necessary that we move this bill forward. But this amendment fails to recognize that many of the forest plans are completely out of date. This amendment, despite the change made in it at the last minute, still injures the Environmental Policy Act by removing discretion under NEPA.

It would thwart the Forest Service's present efforts to use its rulemaking authority as announced by chief of the Forest Service. It would prevent and limit the review of salvage sale decisions of the Forest Service. That is dangerous.

All of you who stand for judicial and proper review of decisions should vote against this amendment. This idea has been soundly rejected by the Senate before, and I urge my colleagues to reject this drastic remedy again. The appeals process has not caused significant delay. In fact, the Forest Service itself says it has improved the quality of its decisions.

It is necessary that we give the authorizing committees a push, that they should be coming over from the House, trying to get the bill now. And Senator LEAHY and I have a bill here to match with it, to take care of these very complex matters within the forests.

I urge my colleagues to vote against this amendment, because it would aggravate the problems of the forests of the Pacific Northwest. It preserves outdated practices at a time when carefully planned change is needed. We have to have change to meet the fact that we have people out there now, all over. We have to help the people in the forest communities, preserve their livelihoods, and they cannot do it—if we were to cut the whole forest in 5 years, we would be here again doing the same thing.

I ask unanimous consent that the opinion of Judge Dwyer of July 21, 1992, be printed in the RECORD at this point.

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

[U.S. District Court, Western District of Washington at Seattle, No. C92-479WD]

SEATTLE AUDUBON SOCIETY, ET AL., PLAINTIFFS *v.* JAMES R. MOSELEY, ET AL., DEFENDANTS, AND WASHINGTON CONTRACT LOGGERS ASSOCIATION, ET AL., DEFENDANTS, INTERVENORS

ORDER ON MOTIONS FOR STAY PENDING APPEAL

Defendants James R. Mosley, et al. ("Forest Service") and defendants-intervenors Washington Contract Loggers Association, et al. ("WCLA") have filed notices of appeal from the Memorandum Decision and Injunction of July 2, 1992 ("July 2 decision") (Dkt. #181), and from the Order on Cross-Motions for Summary Judgment, etc. ("May 28 order") (Dkt. #138). The Forest Service and WCLA now move for a stay of the injunction pending appeal. Plaintiffs Seattle Audubon Society, et al. ("SAS") oppose a stay. All materials filed in support of or opposition to the motion have been fully considered.

The court may suspend or modify an injunction during the pendency of an appeal. Fed. R. Civ. P. 62(c). The standard, set out in Lopez versus Heckler, 713 F.2d 1432, 1435–36 (9th Cir. 1983), is similar to that employed in deciding whether to issue a preliminary injunction. The prospects for success on appeal, the possibility of irreparable injury, the balance of hardships, and the public interest must all be weighed.

There are two parts to the injunction issued on July 2. One part enjoins the Forest Service from auctioning or awarding additional timber sales in Regions Five and Six that would log suitable habitat for the northern spotted owl until revised standards and guidelines in compliance with the governing statutes are adopted and in effect. *See* July 2 decision at 18. A stay of that part of the order would allow additional logging sales in old growth habitat areas in the national forests to go forward despite the ruling that this cannot be done without a legally-adopted plan. The resulting harm would be irreparable. Nothing has been presented as to the prospects on appeal, or as to relative hardship or the public interest, that would justify a stay. See July 2 decision at 11–15.

The other part of the injunction directs the Forest Service to prepare a new or supplemental environment impact statement ("EIS") in compliance with the National Environmental Policy Act ("NEPA"), 42 U.S.C. §4321 *et seq.*, curing the defects listed in the May 28 order; requires the adoption of a new record of decision ("ROD") following completion of the EIS; and directs the Forest Service to file by July 14, 1992, its proposed schedule for the completion of those steps. *See* July 2 decision at 17–18. The filing of the schedule has been deferred pending a ruling on the present motion. *See* Order Granting Forest Service's Motion to Shorten Time and Setting Schedule on Motion for Stay Pending Appeal (July 13, 1992) (Dkt. #191). In asking that this part of the injunction be stayed, the Forest Service argues that the court has no power to order it to perform specific tasks or to complete them by a specified time, that the time for compliance in any event should be left to the agency's discretion, and that compliance will be expensive and difficult and should be deferred pending appeal.

The Supreme court has held that a district court has the authority to "order the relief it considers necessary to secure prompt compliance" with the law. Weinberger versus Romero-Barcelo, 456 U.S. 305, 320 (1982). *See also* Amoco Prod. Co. versus Village of Gambell, Alaska, 480 U.S. 531, 545. Federal courts have often found it necessary to order administrative agencies to take particular steps, *see, e.g.*, Abramowitz versus EPA, 832 F.2d 1071, 1078–79 (9th Cir. 1987), and to do so by specified times, *see, e.g.*, Alaska Ctr. for the Environment versus Reilly, — F. Supp. — 1992 WL 145000 (W.D. Wash. June 8, 1992); Sierra Club versus Ruckelshaus, 602 F. Supp. 892, 898–99 (N.D. Cal. 1984). To hold that courts cannot do this would invite lawlessness; an agency could escape its statutory duties simply by procrastinating. *See* July 2 decision at 16–17, and cases cited.

The record in this case and in SAS versus Evans, 952, F.2d 297 (9th Cir. 1991), shows a long history of delays by the Forest Service. The National Forest Management Act set a 1985 target date for the adoption of standards and guidelines for all national forest units. 16 U.S.C. §1604(c). That date was not met. In October 1989 Congress directed in section 318 that the agency have a spotted owl plan in place by September 30, 1990. That was not done. In SAS versus Evans, 771 F. Supp. 1081, 1090–91, the agency sought sixteen more months and was afforded eleven more months to issue an EIS and ROD. The job was not done in compliance with NEPA. The agency has argued that it need not do what the laws plainly require it to do. *See, e.g.*, SAS versus Evans, 952 F.2d 297, 301–302 (9th Cir. 1991). In light of this history, a timetable is essential.

To comply promptly with the July 2 injunction is well within the Forest Service's capability. It has the scientists who can do the job. The injunction simply requires a new or amended EIS in compliance with NEPA, curing the three defects specified in the May 28 order. One of these is the need, expressed by the Forest Service in the current EIS, to reassess the viability rating if the Endangered Species Committee were to authorize Bureau of Land Management timber sales on Oregon that would jeopardize the spotted owl. The Acting Assistant Secretary of Agriculture for Natural Resources and Environment stated in a declaration dated May 21, 1992, that he had "directed the Forest Service to contact the EIS team to consider the effect of the ESC decision on the viability assessment" and had been notified that "it would take four to eight weeks" to get a report back to him. *See* May 28 order at 13. It thus appears that the needed information could be quickly gathered if it has not been already. There is also no reason why the alternatives could not be reviewed expeditiously in light of the Anderson and Burnham report. As to the low viability rating for other vertebrate species quoted in the current EIS, the Forest Service argues that it should not have to do a separate viability study on every such species; but the court has already made clear that there is no such requirement. *See* July 2 decision at 9. What is required is that the plan adopted not be one which the agency knows or believes will probably cause the extirpation of other native vertebrate species in the planning areas.

Difficulty of compliance will not permit an agency to avoid its duties under NEPA. *See Calvert Cliffs' Coordinating Comm., Inc.* v. *Atomic Energy Comm'n*, 449 F.2d 1109, 1115 (D.C. Cir. 1971). But in any event the difficulties claimed here are highly exaggerated, and not such as to justify the further delay that would result from a stay.

For the reasons stated, the motions for a stay of the July 2, 1992, injunction pending appeal are denied. The Forest Service has asked that a week be allowed for it to seek a stay in the court of appeals. Two weeks will be allowed for that purpose. Accordingly, the date for the Forest Service to file its proposed schedule for completion of the steps required by paragraph VII-A of the injunction is extended to August 4, 1992; any comments on the schedule by the other parties will be due on August 7, 1992.

The clerk is directed to send copies of this order to all counsel of record.

Dated: July 21, 1992.

WILLIAM L. DWYER,
U.S. District Judge.

Mr. ADAMS. Mr. President, I urge my colleagues to vote against the amendment. I hope we can promptly arrive at the end of this debate.

Mr. BYRD. Mr. President, we have now been on this amendment 43 minutes. I see the distinguished Senator from Oregon [Mr. PACKWOOD] who wishes to speak, and the distinguished Senator from Montana [Mr. BAUCUS] and the distinguished Senator from Vermont [Mr. LEAHY] who both wish to speak.

I wonder if we can reach a time agreement on the amendment, so we can have a disposition of it one way or the other. How long would the Senator from Oregon need?

Mr. PACKWOOD. I was prepared to speak only 10 minutes, until I heard the senior Senator from Washington. I think I may need 30 minutes.

Mr. BYRD. The Senator from Oregon wants 30 minutes. How much time does the Senator from Montana desire?

Mr. BAUCUS. Ten minutes.

Mr. BYRD. The distinguished Senator from Vermont?

Mr. LEAHY. Mr. President, if it would help, I could do mine in 6 minutes, if I could go soon.

Mr. ADAMS. In addition to the ones the Senator has requested—and that time is to be taken into account—Senator CHAFEE wanted 10 minutes. He is not here, so I can speak for him. Senator LEAHY is here, so he can speak for himself. Senator LIEBERMAN wanted 5 minutes. Senator BAUCUS wanted 10 minutes. Senator MITCHELL wants 5 minutes and, of course, I have already had my time.

I would like a few minutes to close, if I could.

Mr. BYRD. How much time would the Senator need to close?

Mr. ADAMS. I will need 2 minutes to close. Senator WIRTH wanted 5 minutes.

Mr. BYRD. How much time does the Senator from Vermont need?

Mr. LEAHY. Mr. President, I tell the distinguished President pro tempore that if I could go next, I could do it in 6 minutes.

Mr. GORTON. Mr. President, I say to the distinguished chairman of the Appropriations Committee, as the sponsor of the amendment, this Senator would like to close for about 10 minutes. The junior Senator from Idaho has said that he can make his remarks in 5 minutes. I would rather make that 7. I do not want to restrict him.

I am told that both the junior Senator from Montana and the junior Senator from Alaska wish time. I am not informed at this point as to how much. I think probably I would be willing to agree to 10 minutes each, and I rather suspect they will not need that long.

Mr. LEAHY. I tell the distinguished Senator from West Virginia that if I could go soon—I am supposed to be somewhere else—I could do it in 6 minutes.

Mr. BYRD. If the Senator could not go soon, how long would it take?

Mr. LEAHY. Considerably longer.

Mr. BYRD. The Senator from West Virginia does not have the power of recognition.

Mr. LEAHY. I believe the Senator from West Virginia is going to make a unanimous-consent request which may include at least the order, and perhaps the next person or so to be recognized, and that might take care of the situation.

Mr. BYRD. I did not intend to do that.

Mr. LEAHY. I am sorry. I misunderstood the Senator.

Mr. PACKWOOD. If the Senator will yield, I am happy to let the Senator from Vermont go first, if we can get an order of recognition. I think I was on my feet and here first, but that is fine if he wants to go for 6 minutes, if I could have a time limit of 30 minutes to go after him.

Mr. BYRD. Mr. President, I have a total request here of 115 minutes. I ask unanimous consent that the remaining time on this amendment be limited to not more than 2 hours, which is 120 minutes. Senators have already indicated, and I have indicated, the time limits. I hope someone at the desk has been taking it down. So I ask unanimous consent that the time be limited to 2 hours. Actually, it is 115 minutes.

I will restate that.

I ask unanimous consent that the time be limited to not beyond the hour of 4:30. That is 1 hour——

Mr. PACKWOOD. Reserving the right to object, Mr. President, I think Senator GORTON——

Mr. BYRD. And I ask that Mr. LEAHY be permitted to go next, and that Mr. PACKWOOD follow Mr. LEAHY.

The PRESIDING OFFICER (Mr. DODD). Is there objection?

Mr. PACKWOOD. Reserving the right to object.

Mr. GORTON. Mr. President, may I inquire of the distinguished President pro tempore, was he setting both a time for a vote, or the termination of debate, or was he incorporating that in all of the request for specific amounts of time to be made?

Mr. BYRD. May I say to the distinguished Senator I took note of all the

times the various Senators mentioned, including the Senator from Washington, who indicated there were two Senators who wanted, I believe, 7 or 8 minutes, and he suggested 10 each. I put down the 10 each. He will remember who those Senators are.

Mr. GORTON. Under those circumstances—and they are Senators MURKOWSKI, BURNS, and CRAIG, about whom I asked separately. As long as each of them is protected with up to 10 minutes, together with mine, and the 30 of Senator PACKWOOD, we will have no objection.

Mr. BYRD. So there will be no confusion, I suggest that we restate the times. I ask unanimous consent that the Senator from Vermont have 6 minutes, to be followed by the Senator from Oregon [Mr. PACKWOOD] for not to exceed 30 minutes; and that the remaining time be allotted as follows: 10 minutes to the Senator from Montana [Mr. BAUCUS].

Will the Senator from Washington help me?

Mr. GORTON. Yes. Ten minutes for the Senator from Idaho [Mr. CRAIG]; 10 minutes for the Senator from Montana [Mr. BURNS]; 10 minutes for the Senator from Alaska [Mr. MURKOWSKI]; and 10 minutes to close for this Senator.

Mr. BYRD. Now will the senior Senator from Washington help me?

Mr. ADAMS. Yes.

Senator CHAFEE has requested 10 minutes; Senator LEAHY has requested whatever time is agreed upon with the chairman; Senator LIEBERMAN has requested 5 minutes; Senator BAUCUS needs 10 minutes, the senior Senator from the State of Montana; the majority leader, Senator MITCHELL, requests 5 minutes; Senator WIRTH requests 10 minutes.

Mr. BYRD. Mr. President, I assume somebody has been taking this down. Certainly, the official reporter has.

I ask unanimous consent that further time for the debate on this amendment be limited to the total of the times that have been specified by various Senators here in this colloquy, and that at the conclusion or yielding back of that time, a vote occur on or in relation to the amendment, and that no second-degree amendments be in order.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Washington reserves the right to object.

Mr. GORTON. Mr. President, I ask the distinguished President pro tempore, because of some errors which I have noted in preparing the amendment, this Senator reserves the right to modify the amendment.

Would this request preclude him from doing so?

Mr. BYRD. It would. The Senator presently has the right to modify the amendment, because no action has been taken thereon; am I correct?

Mr. GORTON. That is correct.

Mr. BYRD. I ask unanimous consent that the Senator may do so. How soon will he be ready to modify it?

Mr. GORTON. I hope within 5 or 10 minutes.

Mr. BYRD. I ask unanimous consent the Senator be allowed to modify his amendment, notwithstanding the consent agreement, if it is entered into, if he offers the modification within 10 minutes.

Mr. ADAMS. Mr. President, we have to know what we are operating with. If the Senator wishes to do it, we would like to have it ready, Mr. President.

Mr. GORTON. I am happy to.

Mr. PACKWOOD. Mr. President, if I may ask a question. As with the President pro tempore, I was trying to listen to all the times. If, by chance, that takes us past 4:30, we will be vitiating that request and using the time until it is yielded back, and vote?

Mr. BYRD. Yes. The second takes precedence over the first. I was not sure.

Mr. PACKWOOD. I was not either. I thank the Chair.

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

The Senator from West Virginia.

Mr. BYRD. Mr. President, I am informed that the total of the times that have been specified here is 2 hours and 6 minutes, which will put us up close to 5 o'clock. It would be more nearly 4:45 or 4:50; something along there.

I thank all Senators.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would like to speak just briefly on this amendment, and express some of my concerns.

This amendment is really nothing more than a Trojan horse. On the outside, it appears reasonable. but if you look at the inside, that is where the flaw exists.

This amendment promises to open our ancient forests to logging, to weaken our environmental laws, to hamstring management of the national forests, and to limit the rights of the citizens of the United States to access to the courts.

Also, I point out to my colleagues, cutting down dead or dying trees for salvage is not the exact science that many here want us to believe. The nature of the Forest Service's current rating system to decide whether a stand of timber is dead or dying is ambiguous, and therefore open for abuse.

Nobody knows how many live old-growth trees may be cut down to allow loggers to cut and remove a salvage tree from the forest.

The ancient forests used to cover a large, large part of the United States, including the Green Mountains of Vermont. but today, they are mostly gone.

Actually, until we had some recent court cases, what is left was being cut at an alarming rate. It is not just the environmentalists that are raising this cry. Many foresters themselves see that the current logging rates in the Pacific Northwest and across the Nation are not sustainable. Soon the ancient forests will be gone, and they will be out of jobs.

The last remaining ancient forests are part of the same heritage that includes the Grand Canyon, Yosemite's Half Dome, and Old Faithful. Our old-growth forests are unique and special. Once they are gone, they are gone for all time.

This is more than just a fight to save trees or save an owl. It is a fight to save a very special, unique ecosystem, which houses a diversity of plants and animals, some of which are found nowhere else in the world.

The salmon industry, for example, does support the rural economy of many, many communities in the Pacific Northwest. And it was in the ancient forest in the Pacific Northwest where they found the Pacific yew. Its bark contains the active chemical that is used to produce taxol, a drug proven effective in treating ovarian cancer. In fact, it saved the life of a Vermonter from Rutland.

In 1989, Senator HATFIELD and I agreed between ourselves there would be no more ancient forest riders to the Interior appropriations bill. Obviously, any Senator can have an amendment on any issue. But this is the third time since then that I have had to oppose this kind of amendment, either in committee, on the floor, or in conference.

The Senate has rejected, however, since 1989, efforts to place forestry riders that would weaken environmental laws on appropriations bills.

Aside from the procedural problems, there are problems in the amendment itself.

The proponents of this amendment accurately point out that the forest health problems in parts of northern California and the Pacific Northwest have reached dangerous levels. I have been told that forests on the east side of the Cascade Mountains—which were alive this spring—will be dying by summer's end. For this reason, I believe we must provide for a salvage sale program which provides for the orderly and ecologically sound removal of dead and dying timber.

This amendment contains two fatal flaws—one that affects ancient forest and one that affects national forests from coast to coast.

The first flaw is with ancient forests. The amendment lets the U.S. Forest Service override court injunctions that prohibits timber harvesting in spotted owl habitat unless it improves such habitat.

The second flaw is that the proponents of this amendment claim that

it will improve the health of the forests. But the amendment affects more than forest health; it affects national forests from coast to coast and would:

Allow exclusions from the National Environmental Policy Act requirements;

Limit citizens ability to question Forest Service decisions; and

Limit citizens access to the courts.

I do not think that we should take such a drastic step as a rider to an appropriations bill; not to change the rights of every single citizen in this country.

There is a way to develop a salvage program, one that is sustainable and environmentally sound. That is the kind of program that Senator ADAMS and I have included in S. 2895, the ancient forest legislation that we have introduced.

I should note that the chairman of the full Appropriations Committee, Senator BYRD, included language in this year's appropriations bill directing the Forest Service to develop a salvage program that meets our environmental laws. This language is responsive to Senator GORTON's concerns, while protecting the environmental laws that are so important to our Nation's well-being.

Mr. President, what we have here is not a good amendment. This amendment does not do what people say it will do, but does far, far more things than the amendment admits it will do.

I said earlier—and I will close with this—the amendment is nothing more than a Trojan horse. On the outside, it appears reasonable. But on the inside, it promises to open our ancient forests to logging, to weaken our environmental laws, to hamstring management of national forests, and to limit citizens' access to the courts.

I would say, as a chairman of the Senate Agriculture, Nutrition, and Forestry Committee, this is bad legislation. It is a major policy step done in the guise of a rider on an appropriations bill.

It does not belong here. This is not the place to decide this kind of policy. But even if this was the proper vehicle to decide it, this is not the way to go.

Mr. President, if I have remaining time, I reserve the remainder of that time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oregon seeks recognition.

Mr. PACKWOOD. Mr. President I believe that the Senator from Washington had to get his revised amendment in within 10 minutes.

I ask unanimous consent that I might yield to him for the purpose of offering his amendment without losing my right to the floor.

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

AMENDMENT NO. 2904, AS MODIFIED

Mr. GORTON. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has the right to modify his own amendment, and the amendment is so modified.

The amendment (No. 2904, as modified is as follows:

On page 67 of the bill, strike lines 9 through 11 and insert in their place the following:

"FUNDING OF FOREST HEALTH IMPROVEMENT PROJECTS.—To meet the forest health emergency now experienced on many of the Federal forest lands, the Secretary of Agriculture on National Forest System lands and the Secretary of Interior on public lands shall expend such sums as are necessary within available funds from the salvage sale fund authorized by section 14(h) of the National Forest Management Act of 1976 (16 U.S.C. 472a(h)) and the salvage sale trust fund within the Bureau of Land Management established by this Act, to design and implement forest health improvement projects. Such projects shall employ a combination of multi-resource management practices, treatments, and protections. Such projects shall be designed to accomplish the objective of improving forest health through management actions that improve stand density and composition, salvage dead and dying timber, remove or treat sources of infection or infestation, reduce excess fuels, and leave remaining vegetation in a condition designed to increase its opportunity to contribute to a healthy, productive ecosystem. In the execution of such projects, the Secretary of Agriculture and the Secretary of the Interior are authorized to use the authorities in the Knutson-Vandenberg Act of 1930 (16 U.S.C. 576) as amended, the provisions of the National Forest Management Act of 1976 (16 U.S.C. 472a), as amended, the Federal Land Policy and Management Act of 1976 (16 U.S.C. 1701 et seq.), and other applicable law.

"ENVIRONMENTAL ANALYSIS.—Any forest health improvement project found by the Secretary of Agriculture or the Secretary of the Interior to be not inconsistent with the long-term management goals and objectives of a land management plan for the administrative unit in which the activity is to occur shall be deemed not to be a major Federal action significantly affecting the quality of the human environment for the purpose of subsection (C) of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)). The Secretary of Agriculture and the Secretary of the Interior shall establish by regulation a policy providing for categorical exclusions from requirements established pursuant to such section for certain types of salvage based on the extent to which the salvage includes selective thinning, minimal building of new roads, minimum loss of healthy standing timber, and other justifying factors.

"SPOTTED OWL FORESTS.—Notwithstanding the Forest Service Record of Decision of March 3, 1992, 57 Fed. Reg. 8621 (March 11, 1992), the National Forest Management Act of 1976, and the National Environmental Policy Act of 1969, the Forest Service is authorized to allow salvage timber sales in Habitat Conservation Areas and other suitable habitat for the northern spotted owl on the spotted owl forests in Washington, Oregon and California outside any units of the National Wilderness Preservation System and other areas in which timber harvesting is expressly prohibited by statute, or in Forest management plans unless such salvage will adversely affect spotted owl habitat as determined by the Secretary of Agriculture.

Mr. GORTON. Mr. President, I will explain it briefly before Senator PACKWOOD speaks up. This strikes the paragraph on the second page of the amendment dealing with administrative appeals, because we have already, in the last set of amendments, determined what the appeal structure of the Forest Service would be. So there is no longer the reference to administrative appeals in this amendment.

Mr. ADAMS. Mr. President, will the Senator yield for a question?

Mr. GORTON. Yes.

Mr. ADAMS. Is that the part that starts "administrative reviews" and runs down to the place where it says "spotted owl forests"; is that correct?

Mr. GORTON. The Senator is correct. That language is stricken.

Second, it inserts, seven lines up from the end of the entire amendment, the phrase "or in the Forest management plans."

So, in other words, we will keep this out not only of national parks and statutory wilderness areas, but in the many set-asides which already are run by the Forest Service itself.

Mr. ADAMS. That goes after the word "statute" and before the word "unless"; is that correct.

Mr. GORTON. It does.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I thank the Chair.

I am not quite sure where to start here, having heard the reference to the Endangered Species Act as a loss of jobs through productivity and old growth, because none of those are exactly relevant to the amendment at hand.

Let us take the concept of old growth first, and that is exactly the right term. There are no original trees on this continent. There are no original trees in the world. There are older trees.

But if nothing else happens to them, eventually old trees die. More likely before they die, they burn. And the history of the world is rampant with forest fires. So let us not get into the argument about somehow we are going to be cutting down virgin forests. These are not original trees.

Second, the Endangered Species Act—and this amendment touches it only modestly—has become the hallmark of a philosophical debate about jobs, and we have not exactly touched the issue yet involved.

And before I touch it, I want to speak to what the senior Senator from Washington said about productivity and we are going to lose jobs anyway. And he talked about the number of jobs going down and disappearing in the timber industry, and indeed they are. They are disappearing on the farms, too.

At the turn of the century, however, half the people in this country were involved in feeding themselves and the other half. Today you have 2 or 3 percent of the people in this country actually involved in farming, and they are feeding the rest of us and a fair portion of the world. And we regard that as progress, because the productivity of the farm has gotten so good.

There are fewer people today in the steel industry than there used to be, and yet we turn out more steel per man-hour than we used to. The same is true of any industry. And it has happened in the timber industry. So jobs, indeed, are going to gradually disappear in all industries as productivity improves.

That bogeyman, however, should not be used to cover the problem of the Endangered Species Act. And here is the problem with the act. If someone files—and this act is petition driven, as we call it—any citizen can go out and scratch out a petition, turn it in to the Government and say, "Here, I think this bug or this flower or this bird is disappearing and will soon be endangered or threatened, and I want the Government to investigate it and reach a conclusion," and the Government is required to do it.

So you do a biological study, and at the end of the biological study, you either decide that the particular bug or plant or flower is endangered or threatened or it is not.

Let us say the study says, yes, biologically, it is threatened or endangered. At that stage, you then start to design a recovery plan to bring whatever the endangered or threatened species is back to a place where it can be delisted as being endangered or threatened. That is the recovery plan.

In the case of the timber area and the spotted owl, while you are doing the recovery plan, you set aside what is known as critical habitat, the area you have to manage very carefully to hope to bring the species back to a revitalized status where you can take it off the list.

You are not allowed to consider economics when you are designing critical habitat or the recovery plan if, and this is an important if, if the consideration of economics would lead to the extinction of the species. So your recovery plan has to be designed, not just primarily, but solely for the recovery of the species. And only can you consider economics where you can have the species recover and consider economics. If you cannot do both jobs, payment to schools, payment to counties—out.

In the case of the northern spotted owl, this is what we will be up against. And, as I say, this amendment is relatively modestly connected to this.

A petition was filed that the spotted owl was endangered or threatened. It was found it was. A recovery plan was designed. That recovery plan will soon go into effect, which will cost about 35,000 jobs in northern California, Oregon, and Washington, the bulk of them being in Oregon. These are 35,000 jobs in addition to whatever other jobs are going to be lost because of an increase in productivity.

Now, I have made my position on this very clear. I am not prepared to trade off 35,000 jobs for the spotted owl. I will go without the recovery plan and keep the jobs and take a chance that the owl would survive anyway because the recovery plan does not guarantee the owl will survive. And no recovery plan can guarantee the owl will not disappear. It is just a question of probability.

In addition to 35,000 jobs lost, it is about $170 million lost in payment to counties, because the counties get a portion of the value of the tree when it is cut. It is about $500 million a year lost because the Treasury takes money when the trees are cut. And this has nothing do with lost revenues because people are out of jobs and do not make any money. If they do not make any money, they do not pay taxes, or businesses do not make a profit so they do not pay taxes. I think it is too great a price to pay for the owl.

But now let us put that aside and get down to the actual amendment that we are talking about. We have a problem in the West, and I think we are going to have it in many other areas partially because of the drought, partially because of disease. Where as you used to fly over mile upon mile upon mile of green forests, you now fly over and it is mile upon mile upon mile of brown. It is dead or dying. We call it D&D. It has been infested mainly with bugs that are killing the trees. In some cases the trees are standing still. In some cases, because it does not take much to blow down a diseased tree, they are on the forest ground.

I want to show you an example. This is a 43-year-old white fir. It has been dead approximately 6 months. At the moment, you could still use it 100 percent to cut into lumber, or you could chip it, run it through a chipper, and what comes out, for those who are not familiar, it looks like a gigantic sawdust pile but slightly coarser. You chip it. This could be used for either one, 6 months dead, 43 years old.

This is the same species. These were cut just a month ago near La Grande, OR, same sizes, white fir. Actually, it is an older tree than the one I just showed you. This is 57 years old, dead approximately 2 years. It is useless. It cannot be used for lumber. It cannot be used for chips. It is useless.

And I wish that you could feel the weight of these. The one that I showed you first weighs about twice to two-and-a-half times what this weighs. And this is lying on the forest floors in Oregon and Washington just waiting for a match.

I want you to think of the things you use when you build a fire. Do you know the kind of wood you throw on a fire? If you throw on a light piece of dead wood, it will kindle just like that. You throw on a fresh, green, wet piece of dead wood, once you get it going, it is a fine piece of firewood, but getting it going is another matter.

The forests in eastern Oregon and eastern Washington are absolutely rife with this dry, light, dead wood laying there waiting for the match. And it is going to come. And then we are going to have recriminations in this Senate about why did we not do something.

This amendment is designed to try to do something. We would like to go in and salvage this dead timber, salvage it while it is still usable.

And I might emphasize here we import in any given year 20 to 30 percent of our lumber from Canada. We do not have enough lumber in this country anyway to take care of our own needs. At least we would take this timber that is on the floor of the forests, or standing but dying, and make lumber out of it for decks and houses and the other things we use lumber for. It is called salvage.

Now, under the Endangered Species Act, you cannot take it out of these habitat conservation areas, HHC's, we call them, part of the critical habitat. You cannot take it out of there unless it is going to lead to the enhancement of the recovery of the spotted owl. Well, they initially were said to live in old-growth forests. These forests are not going to be growth of any kind, new growth, old growth, or anything else. They are going to disappear very quickly. But it cannot be technically, legally said that, if we salvage this timber, it is going to lead to the recovery of the owl. It is not going to hurt. It is not going to help. But it does not meet the technical standard of law.

So, for the purposes of this salvage, we would like to say, let us salvage this timber. That is exactly what the amendment calls for.

I wish we could have a debate, a real debate on the Endangered Species Act and the management of our forests. This is not that issue today. That issue will come one day. It could come this year if we bring up the Endangered Species Act for authorization. It runs out at the end of this year. We may have to bring it out and battle it out on appropriations bills year by year.

I want to correct a misimpression the senior Senator from Washington left with us when he said the Forest Service is selling all kinds of timber.

First, they are not selling as much as he would give you the impression they are. But second, sales does not mean harvest. The Forest Service puts it up for sale, they go through a bid process, it is sold to the highest bidder. They usually have a number of years after they bought it to cut the timber down,

take it out, pay what they bid on it. But at that date, as soon as the sale is over and somebody wants to harvest, you are hit with a lawsuit. And at the moment most of the timber in the public forest in the Northwest is tied up in these lawsuits.

I am not one who necessarily blames the courts for this. I think the courts perhaps are correctly interpreting laws that we ought to change. Here we stand in this Congress, all the time, and we rail at the courts for making law. I think in this case they have read the act. The Endangered Species Act is very clear about recovery. They have read the law and they have said all we can say under this law is that any plan has to lead to the recovery of the species, and economics does not count if it is not going to lead to the recovery of the species. Here is an injunction.

That law we ought to change. But that is not a debate for this moment.

What we are asking here is that we be allowed to salvage timber that will have a very short life or it will not be salvageable at all. Second, if it is not salvaged soon, if it is not taken out of this forest floor, or leaning against the next tree ready to go down when the next wind comes, if we do not do that you will see a forest fire from northern California through Oregon and Washington and Montana the likes of which we have not seen in generations.

We can manage forests well. One of the good examples I can give you is an area in Oregon called the Tillamook Burn. In the 1930's a great portion of those forests burned down. When you look at the pictures out of the thirties, it is hillside upon hillside upon hillside of black snags. Nothing green. Every tree gone, a stump here and there.

In 1944, Oregon passed a bond issue and said we will reforest this area. And all of us who were young at that time went out as Cub Scouts or Boy Scouts on Saturdays and we planted trees. It was the civic thing to do.

The forest is now completely replanted. If you were to drive someone through the Tillamook Burn and show them the sights, drive from Portland toward the Pacific Ocean through the Tillamook Burn, at the end of it they would say where is the Tillamook Burn? You would say you have just driven through it.

It is now hillside upon hillside of green, 30-, 35-, 40-year-old timber. That forest is going to be managed principally, but not solely, for timber production. There are already campsites in it. You can hunt in it, fish in it. There are deer in it; all the normal game you would find in any other forest is there.

But it is a perfect example of the way you can manage a forest if you have to do it. I wish we could manage our United States' forests on the same basis, but the laws prohibit that. I say that is a debate for another time also.

I will say this. From time to time the laws are such that you are faced with one of two alternatives. You either change the law or you say for purposes of this particular thing that we want to do, by statute, given this particular situation, we will just say the law has been met.

This is what we did when we built the Alaska pipeline. There were tremendous environmental objections to it. It would not have been built with the laws then on the books, so we passed a law that simply said: By this statute we say that the building of the Alaska pipeline meets the standards of the Environmental Protection Act, period. That cut off any lawsuits. Had we not done that we would not have oil coming from Alaska today at a time when we vitally need it.

As we look at these forest laws we can do one of two things. We can change the law. Or we can say for purposes of the action we want to take right now, we are simply going to overlook the law because the situation is so critical.

All the Senator from Washington is asking is that we be allowed to salvage timber without having to prove that the salvage is going to lead to the recovery of these species. All he is asking is that we do this now to avoid an emergency. If we do not avoid it, as sure as we are on this floor today the emergency is coming and we will be here on this floor asking for an appropriation of $50 or $100 million to fight the fires and replant and relocate people whose houses have been burned down and jobs that have been lost and pointing the finger at each other and saying why did this happen?

Here is the chance to avoid this happening, hopefully. Because if we pass this today and it passes the House, we are already in the fall season. This is a modest amendment that does not answer the major problems of forest management in the Northwest. But it will allow us to put people to work who will not otherwise be at work in just the three public forests; in eastern Oregon, about 5 million acres, 5 million acres—50 to 70 percent of it is dead or dying. And people out of work crying for jobs, and trees standing not 5 miles from where they live are on the floor, not 5 miles from where they live, that would produce jobs and lessen the danger of catastrophic fire. And the present laws prohibit anything being done.

I very much encourage support of the amendment of my good colleague from Washington, who is asking just a modest step to help this country. I reserve the remainder of my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, do I have time allocated under the agreement?

The PRESIDING OFFICER (Mr. SIMON). The majority leader has 5 minutes under this order in addition to 10 minutes as under leader time.

Mr. MITCHELL. Mr. President, I urge my colleagues to oppose this amendment. If this amendment is enacted, it will exempt salvage timber sales in the Pacific Northwest's National Forests from the requirements of the Endangered Species Act.

The amendment instead would prohibit such sales if the Secretary of Agriculture determines that they would adversely affect spotted owl habitat.

But timber salvage sales would be allowed under this amendment even if they would violate the Endangered Species Act's mandate to ensure that Federal actions are not likely to jeopardize the continued existence of a species. Actions resulting from sales that cause a threatened or endangered species to be killed, which would otherwise be prohibited under the Endangered Species Act, also would be allowed.

This amendment is not limited to the spotted owl. No other species listed currently or in the future under the Endangered Species Act, not even the bald eagle or salmon, will be protected from timber salvage sales under this amendment.

The Senator from Washington has said that this amendment would not harm the spotted owl or other endangered or threatened species. But what reason, then, is there to override the Endangered Species Act unless it is to be freed of its restrictions?

This amendment's response to the longstanding Federal requirements governing the management of Federal lands and the protection of threatened and endangered species is to suspend them.

U.S. District Court Judge William Dwyer, who was appointed by President Reagan, concluded much the same thing about the approach taken by the Reagan and Bush administrations in complying with these requirements.

He wrote in a ruling a little over a year ago that "[m]ore is involved here than a simple failure by an agency to comply with its governing statute."

Judge Dwyer found that the record showed "a remarkable series of violations of the environmental laws," and characterized these violations as "a deliberate and systematic refusal by the Forest Service and the FWS [Fish and Wildlife Service] to comply with the laws protecting wildlife."

The judge concluded that this was "not the doing of the scientists, foresters, rangers, and others at the working level of these agencies. It reflects decisions made by higher authorities in the executive branch of Government."

Timber sales in spotted owl habitat on National Forest lands currently are barred by Judge Dwyer until the administration complies with the requirements of the National Environmental Policy Act and the National Forest Management Act.

But the pending amendment would override Judge Dwyer's injunction and frustrate his efforts to enforce this Nation's environmental statutes. In doing so, it would reward the administration's repeated failures to comply with the law.

The result of this failure to follow the law has been costly. It has increased uncertainty and squandered opportunities to ease the impact to timber workers and their families and to protect the spotted owl, salmon, and other species dependent, in part, on old-growth forests.

Any short-term relief that might be provided to the people of the Pacific Northwest by this amendment's suspension of the Endangered Species Act and court injunctions, as welcome as that might seem to some, is likely only to intensify future problems.

I urge, instead, that the relevant committees of jurisdiction work together to develop a comprehensive plan that provides for long-term, sustainable timber harvests and conservation of old-growth forests and the species that depend on these forests, and that assists timber dependent communities.

I urge my colleagues to reject this amendment. I thank my colleagues for their courtesy.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I also urge my colleagues to reject this amendment, and I say so because essentially this is a last-minute legislative attempt to override a judicial decision and override our Nation's environmental laws without any significant examination or hearing as we are beginning our home stretch drive toward recess and adjournment.

Very briefly, this amendment overturns a decision which a Federal court made holding that the Forest Service did not apply the environmental laws of our Nation adequately, therefore, granted an injunction. This amendment essentially, with respect to so-called salvage sales in owl habitat, attempts to overturn that court decision on an appropriations bill. This is not the way we should be conducting business. We have just seen this amendment roughly a couple hours ago and the amendment is again an attempt to override a decision by a Federal judge who found that our Forest Service did not comply with the law.

The Senator from Oregon says: Well, it is not the court's fault, it is the fault of the Congress. The Senator from Oregon fails to mention the third branch of Government, the executive branch. The Forest Service did not follow the law. The court now says the Forest Service must now follow the law, it must properly issue an environmental impact statement, it must follow the law so the Forest Service can, in an orderly manner, comply with their environmental statutes to decide which sales should be up for harvest and which sales not.

In addition, although the Senator from Oregon claims otherwise, this amendment does, in fact, more than touch upon the Endangered Species Act. The amendment expressly states that the Forest Service may put up for bid timber, salvageable timber in owl habitat if the Agriculture Secretary, in his discretion, decides that such salvage sale will not adversely affect spotted owl habitat. That is a process that is totally contrary to the process of the Endangered Species Act.

If the Senators from Washington or Oregon wish to amend the Endangered Species Act, they should offer amendments to amend the Endangered Species Act in the appropriate form at the appropriate time. It is clear that this Congress will be dealing with the Endangered Species Act not this year but next year. That is the time to deal with matters such as this.

In addition, it is clear that the Forest Service still can put up for bid salvageable timber in nonhabitat areas in Oregon, Washington, and California. The injunction only applies to owl habitat. It did not apply to other areas in our Nation's forests which are not owl habitat.

In addition, the Senator from Oregon talks about in the old days you used to be able to fly over the Pacific Northwest and see miles and miles and miles of forest. And now he says when you fly over, you see brown, diseased timber. I fly over the Pacific Northwest often and it is true. What you see down below is not necessarily dead and diseased timber—there is a little of that—what you see is miles and miles and miles of clear cuts. It is astounding. I ask people when they fly over the Pacific Northwest from my State of Montana, over to Idaho, Oregon, Washington, to look down, hopefully, on a plane that is not 30,000 or 40,000 feet up, and you will be astounded at the vast amounts of clear cut down below, and that primarily is what has caused diseased timber.

As a result of clear cuts, we now have even growth forests, whether it is ponderosas that are planted or whether it is other species planted. They are not multispecies forests, they are much less healthy forests, and that is why when bugs go in the timber is more susceptible to diseases. That is what has happened. It is the managing of the forest. It is partly the private industry management of the forest, and also partly part of the Forest Service management of the forest that caused the problem.

I remind Senators, essentially, we are faced with part of this problem because the executive branch and the Congress, all public officials involved, have put this problem off. Twenty years ago the States of Washington and Oregon warned us about the owl. Did anybody pay attention to it? No. Washington did not. Oregon did not. The Federal Government did not. And Congress did not. Year after year, we sweep the problem under the rug, we do not deal with it. It becomes riders on appropriations bills.

Now the day of reckoning is upon us. Now we have to finally make decisions. We put the decision off for so many years, and that is why with a very short time span facing us we are now faced with potential dire consequences. We did not plan ahead, which is to say if we adopt this amendment, we will be rewarding passing the buck, rewarding pushing off the problems, sweeping the problems under the rug, rewarding administrations that did not follow the law, rewarding, in a certain sense, incompetence and failure of not only the executive branch but, in some sense, the Congress to deal with these problems when we knew the problem was coming many years ago and we did not do so.

Finally, let us not forget, here it is, this is Thursday, we have a lot of legislation ahead of us. This is supposed to be an appropriations bill. This is not a spotted owl bill, this is not an endangered species bill, this is an appropriations bill. We should not reward, by voting for this amendment, efforts to come in at the last moment with very significant legislation which we have not seen before, we have not debated before, we do not know what its consequences really are and adopt it. We should not do so. There is a process under which we should deal with these kinds of matters.

I must say, too, parenthetically, this amendment says it is up to the Secretary to decide. On one hand I can read this as saying the Secretary cannot allow any salvage sales in habitat areas if it has any adverse effect whatsoever. I doubt that is the intent of the authors of this amendment. But that is how it reads.

The recovery plan that is operating in the Pacific Northwest will adversely affect some owl habitat. This amendment on its face could be interpreted to read as being much stronger, that it can have no adverse effect on owl habitat. I know that is not the intent of the authors. I am pointing out it is very unclear, we do not know what we are doing here, this was done at the last minute and thrust upon us and it is legislation on an appropriations bill. For all those reasons, I urge us not to adopt this amendment.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, there are several portions of the remarks of the Senator from Montana that I would like to associate myself with, the remarks that we have not acted decisively over an extended period of time to resolve what is, by anyone's obser-

vation, a critical situation growing in the forested public lands of the Pacific Northwest. We saw forests grow literally sicker by the day, by the month, by the year, as bug problems built, as drought continued, as the health of those forests resulted in a building up of fuel that could at some point in time bring us to a crisis situation, but because it was an unroaded area, because of other reasons, some of them cited by my colleague from Montana, we chose not to do anything about them.

As of last night, just in the course of the last month to month-and-a-half, but as of last night in my State of Idaho, in forests—two, particularly—that are generally southern facing forests that are really experiencing the brunt of a 7-year drought, we have lost over 130,000 acres to wildfire.

Our Governor is recognizing now a near state of emergency. These are the very forests that, in large part, are the kind the Senator from Oregon talked about, that you can fly a long way and see nothing but brown, dead, dying trees.

In the wildfire environment there, a year ago we lost homes, people nearly lost their lives in one fire. It is a phenomenally serious problem. But because of certain circumstances in unroaded areas, the Forest Service largely finds itself with its hands tied for all kinds of considerations. It is a question, species of animal or plant that might be endangered?

Let me suggest that in a sick, dead, or dying forest, if that animal is there and that is that animal's habitat, that animal is endangered because the forest itself is endangered. There has been no effort because there is allowed no effort to create the kinds of uneven stands that build health and vitality in a forest environment of which my colleague from Montana spoke. That is why you will find my name as a cosponsor of this legislation.

This Congress must awaken to the fact that it has a stewardship responsibility, not just to protect the environment—that clearly is one of our responsibilities—but it also has a responsibility of recognizing that our forested lands are also a source of great wealth for this country, and that in a balanced and wise use way we can in fact assure the spotted owl and habitat for watershed quality production for the salmon and other habitat for a variety of other species that are under question at this moment as to whether their life cycle is in jeopardy.

All of that is a part of our responsibility. But our responsibility does not, in my opinion, rest by standing on the floor and suggesting we do nothing, suggesting that this is a bill out of the dark. It is not. We have held hearings. I believe the Senators from Oregon and Washington have been trying to be heard on this issue for 3 years at least, and yet this Congress would choose to do nothing. That is not good stewardship in any sense of the word. That is a sheer act of irresponsibility.

I remember several years ago when I was questioning the Director of the Park Service because of the phenomenal buildup in Yellowstone Park about a year from the time of the great fires in Yellowstone. He assured me they were taking care of the problem when, in fact, they were doing nothing.

Now, they had on the books for management purposes the concept of controlled burning, but it was only a concept because the bias in the internal management of the Park Service was that of doing nothing; let Mother Nature take her course. And she did. She nearly destroyed one of the crown jewels of the Park Service in this country.

Now, we would be led to believe that it was a grand environmental event, and that after that grand environmental event, all kinds of magnificent things began to happen. And the phoenix of the grand Yellowstone Park began once again to rise up out of the ashes. Well, truly they were ashes.

Now, I have been there of recent, and I suggest she is having a very difficult time arising.

In decades and years to come, she will make it back. But if man had had reasonable opportunity to manage, we would have a live, vital, and growing Yellowstone Park today. And that will be true in the forested lands of the West if we are but allowed to manage in reasonable fashion under the prescripts of this amendment and the laws and the procedures under which our Forest Service is required to manage today.

This is a good amendment. This does respond to the issue at hand. This will help Idaho and other States that, caught in the grip of drought, are losing their forests. This will build the kind of dynamics inside the environment that truly bring health once again, not to a dead and dying environment, but to a vigorous, young, and renewing environment that becomes the basis for the salvation of a variety of species that by our unwillingness to act are truly endangered.

I strongly support this amendment, and would retain the remainder of my time.

The PRESIDING OFFICER. Does anyone seek the floor?

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment offered by my colleague from Washington. Rather than helping to solve the problems afflicting management of our national forests, I am afraid this amendment would actually exacerbate those problems. Instead of fostering compliance with our Nation's environmental laws, this amendment would circumvent them.

My friend and colleague from Washington describes his amendment as necessary to remove dead and dying trees from forests in order to control the spread of forest diseases and insect pests and to reduce the chance of forest fires. But these problems are due in large measure to the failures of past forest management practices, the very practices that this amendment would continue.

As the Senator from Oregon [Mr. PACKWOOD], pointed out on November 25 of last year, 1991, when he introduced a similar amendment on the floor of the Senate, at least two of the reasons for these problems are the suppression of forest fires and the way in which these forests have been cut.

I quote from Senator PACKWOOD:

> The combined effects of fire suppression, selective harvesting of the most valuable species of trees, prolonged drought, and successive insect epidemics have led to this alarming situation.

Mr. President, I am afraid that this amendment would revive those same management practices. It would repeat the failures of the past by accelerating logging in the future.

Let there be no misunderstanding, Mr. President, this amendment will accelerate logging on our national forests. While the type of logging authorized by this amendment is called salvage, it is still full-scale logging. Its environmental effects like any other logging include destruction of wildlife habitat, reduced water quality, and erosion. Salvage logging may remove the large, dead, and dying trees, but just as full-scale logging does, it leaves behind a slash which is primarily responsible for forest fires.

Mr. President, the most disturbing aspect of this amendment probably is that it circumvents the requirements of our Nation's environmental protection laws. It would exempt numerous logging operations from the National Environmental Policy Act which requires Federal agencies to assess the impact of their actions on the environment.

This amendment would also undermine the Endangered Species Act by opening the habitat of the northern spotted owl to salvage logging and it would substitute the opinion of the Secretary of Agriculture for that of the U.S. fish and wildlife biologists as to whether or not an endangered species is at risk.

By weakening the laws which protect our Nation's environment, this amendment would reward what U.S. District Judge William Dwyer has described as "a deliberate and systematic refusal" to comply with these laws, reflecting, again I quote, "decisions made by higher authorities in the executive branch of Government."

Mr. President, rather than rewarding these actions of the administration, and the previous one, in defying the

law, we in Congress should be insisting on strict compliance with the laws that we have enacted to protect our environment and to manage our great natural resources wisely.

The Endangered Species Act has been much maligned of late with that controversy, with the controversy that presently surrounds it, and the enormous amount of misinformation that is being disseminated about it. And I find it troubling that we should be considering an attempt to change this law in some measure to rewrite it on this floor just before we recess.

If only for that reason alone, as well as the others that I have cited, Mr. President, I urge my colleagues to oppose this amendment.

I thank the Chair. I yield the floor.

Mr. MURKOWSKI. Mr. President, I have listened to the debate at length with regard to the issue that is being offered by the Senator from the State of Washington. I find this an extraordinary presentation of misstatements. What we have before this body is a concentrated effort by America's environmental community to simply stop logging on our national forests. That is their objective. That is their commitment.

I look at the gridlock that this country is in, its inability to continue to expand the economic base through sound resource jobs. I look at the issue of labor as it affects the reality associated with whether we can have sound forest management practices in the sense of harvesting timber, and I find it rather amusing because on the one hand we have the clear-cut position of the extreme environmental community.

Lacking is the voice of organized labor which obviously represents the interest of the working man and woman, whether they be in the automobile plants of America, or in the forests, or in the sawmills. More often than not, we find perhaps by coincidence the issue of the environmental community and organized labor standing side by side. I wonder if at times organized labor is being led. But I find it extraordinary that organized labor is not out in front on this issue recognizing the harsh reality associated with the men and women who depend on the timber industry for their survival, for their prosperity, for the future of their children.

I am in support of the amendment being offered by the Senator from Washington. I think anyone who would sit and read this amendment would recognize that this amendment addresses sound forest management practice. What we are dealing with on this floor is the emotional issue where one Senator will stand up and criticize the application of clear-cut procedures because that Senator does not like the looks of a clear-cut.

History will show that the area from northern California through the State of Oregon, through the State of Washington, on up into southern British Colombia have been devastated for generations by forest fires that burned out of control until they stopped as a consequence of rainfall. Then along in the early 1800's those fires began to be checked.

We talk about ancient growth. it is a misnomer. There is no such thing as ancient growth. There are some timber stands that are older than others. The senior Senator from Oregon portrayed to the Energy Committee some time ago charts showing forest fires that took place generations ago that were uncontrolled. These charts clearly showed that the timber we look at today, whether it be ancient growth or old growth, is second, third, or fourth growth.

A forest is like a wheat field, only the cycle is longer. The trees grow, the trees die. the environmentalist say my State of Alaska is full of virgin timber. Surely it is virgin timber, yet 30 percent is dead or dying. You go in the forest, walk through areas, that have never been logged, however you see old logs decaying and dying.

What we are talking about here is a salvage fund authorized under the National Forest Management Act to improve the forest health, through management actions, improve stand density, compensation, salvage dead and dying timber, remove or treat sources of infestation, and reduce excess fuels that cause fires.

Good heavens, anybody that is in favor of sound management has to support this bill. Yet the other side is coming from the environmental point of view; says absolutely nothing; it is all right evidently for the beetle to kill the spruce but it is not all right for mankind to go in there and try to help the forest, remove the dead vegetation, the dead trees that are dying, use them for something productive, and stop the movement of the spruce beetle.

It is just incredible the general concept that exists in this body of Members who are emotionally moved to believe that the concept of clear cuts are terrible. Clear cuts are a practical management technique used in harvesting the forest. As you fly over all parts of the Cascades in the Pacific side, you see clear cuts. They have been occurring for decades. It is a practical technique. The second growth is much denser, much better than the initial growth.

That is the problem we have in Alaska where all we have is a virgin growth; no second growth of any consequence. The few areas that we have cut as late as the Second World War have tenfold per acre the volume of timber. It is new timber. It is healthy timber.

These are myths that we are dealing with in this body. But yet they emotionally rise up and say this is some kind of charade, this is some kind of an effort to pull the wool over the eyes of an issue that really speaks for itself, and that it is that somehow this is not good forest management practices.

This is good forest management practice. It is management practice professed by professionals that spend their lifetime in the forests recognizing the adequate way to harvest the resource.

If we look at reality, in my State of Alaska, in 1991 an aerial survey detected the spruce bark beetle infestations on approximately 375,000 acres. That is 585 square miles. That is 8½ times the size of the District of Columbia. That is an increase of more than 130,000 acre over levels that were infested in 1990.

On the Kenai peninsula in Alaska the spruce bark beetle has killed trees on more than 700,000 acres since 1970, or some 35 percent of the forested lands on the peninsula. How big is that? Nobody around here really knows. It does not mean anything to them. Well, 700,000 acres is 1,093 square miles. That is an area as big as the State of Rhode Island. That is just in one area of my State.

The greatest threat to the health of the Kenai peninsula forest is the population of the spruce beetle. We have been unable to address it because of the demand of the environmental community who said "Don't touch that timber." Is that sound forest management practice? The beetle simply moves on to the next timber.

I am giving you figures of the spruce beetle only. There are many other areas of disease in Alaska.

We have not talked much about blowdowns. The wind does not blow much except in this Chamber. But in reality, in the forests of Alaska, the wind does blow. We had billions of board feet lost in the Thanksgiving blowdown of 1968. Millions of acres were lost. What happens to that timber when it falls down? It begins to die, to deteriorate. There are those that say that is part of the natural evolution, and it should be left alone. That is hypocrisy.

It is all right for the beetle to kill the timber but man cannot salvage it. Come on. That is ridiculous.

I think the environmental community should face up to its responsibility concerning the problem and try to solve the beetle problems in my State, the blowdown, the diseased timber on the west coast of the United States. There is no reason to have these lost jobs, the soil erosion that is a reality, and the increased fire hazards associated with it.

What we need is to move out of this myth of emotion and bring sound, scientific knowledge into our forests.

I support the Gorton amendment.

It allows for timber salvage in Alaska.

It allows expedited environmental review of salvage plans.

And it allows expedited environmental review of salvage plans.

And it allows timber salvage in spotted owl habitat.

I support all these improvements in forest management practices.

I implore my colleagues to apply basic reason to the issue before us.

Mr. WIRTH. Mr. President, it was a privilege to chair a hearing of the Public Lands Subcommittee of the Energy and Natural Resources Committee on a version of this amendment.

This provision is different in some respects from the one we had the hearing on. The initial amendment was focused just on the salvage problem in eastern Oregon and eastern Washington. That was what we were attempting to focus on in the legislation upon which we had a hearing.

There is, from the testimony that we heard, a significant problem there. There is a lot of beetle kill. There is a significant salvage problem, and that was described to us by Mr. Beuter, the Assistant Secretary of Agriculture in charge of Forestry.

So as we went through the hearing, I asked Mr. Beuter—and I will read from the transcript, if I might. I asked Mr. Beuter:

What is in the law now to preclude you from what you say has to be done in the way of salvage? Why are you not already doing this? If this is important to do, why are you not already doing it?

In other words, do you need this legislation in order to do the salvage? Mr. Beuter's response was:

We are already doing it.

Later on, Mr. HATFIELD came in and said:

Then why have you not been able to execute your preparation in fiscal 1992?

Mr. Beuter: The answer to the question is there is nothing in this amendment that would enable us to do things that we are not already doing.

In other words, the Forest Service can already do all of this salvage. Forest Service said they do not need this language. They can already do the salvage sales they need to do.

In fact, Mr. Beuter told us that they already have a significant amount of activity in the pipeline now.

So we have established, through the hearing, very clearly, on the initial and more modest amendment, that it was not needed. The Forest Service can already do this. Mr. Beuter, the Assistant Secretary in charge of Forestry, told us they can do it.

Therefore, you have to say to yourself, Mr. President, there must be something else in here; there must be some other reason for having this amendment in front of us today. It is not because of salvage, because Mr. Beuter is already saying we can already do all of these things. So what is the other reason for this amendment?

Well, we sort of uncovered the fact that the initial amendment did not make a lot of sense. Thay do not need it. So the amendment has been changed, and what do we find now? We find now that the original amendment was a Trojan horse. Open up the Trojan horse, and out come the soldiers. What are the soldiers?

One, a NEPA waiver. We have in this a waiver that says in forests all across the country—not just where we were originally told the severe problem was, in eastern Oregon and eastern Washington. We found there is a NEPA waiver so you do not have to do an environmental statement to do salvage sales. Say there is a major blowdown or a major beetle kill; you do not have to do an impact statement on it cutting that timber. You do not have to go through a public review process. If the public thinks you should not be doing this in their community, it need not be reviewed by the public. You do not even have to do a broad public notice.

That is what is in this Trojan horse. Effectively allowing the Forest Service not to do an EIS or all of the other items we ought to do in an accountable, democratic society.

What this is is the timber industry coming around and saying: we want to be allowed to go in there without these formal agency reviews or public comment. I am reminded of the Council on Competitiveness. You know, the back door to get out of environmental and public safety regulations; the back door in the White House. This is another back door.

We should not do this. There is no reason for doing this. We do not need it. The Forest Service told us they did not need it. What are we doing? We are making a different kind of a statement about what we think a democratic society ought to be. We are making a different kind of a statement about the checks and balances in a democratic society. We are making a different kind of a statement about public review. We are making a different kind of a statement about public notice.

Mr. President, I cannot imagine that my colleagues are going to vote to support this. This does not have anything to do with salvage rules±.

The Assistant Secretary in charge of forests told us—I read the transcript—that they are already doing it. He said: "We are already doing it," and "The answer to the question is that there is nothing in this amendment that would enable us to do things that we are not already doing."

What is afoot here is a totally different agenda, which is to waive the National Environmental Policy Act; you do not have to do an EIS, public notice, or a public review process.

And then, to add insult to injury, at the end of this comes the very clear reason as to what this amendment is all about. We have a section called "The Spotted Owl Forests." And the purpose of that obviously is to waive the Endangered Species Act. That is what this is all about. Let us waive the National Environmental Policy Act and get rid of the Endangered Species Act.

That is what this is about. This is a Trojan horse, a fake; this does not have anything to do with being able to do salvage sales. It is not a salvage agenda. The Assistant Secretary told us they can already do everything that has to be done in terms of salvage.

Mr. President, I ask unanimous consent to have printed in the RECORD pages 37, 38, and 39 of the testimony, when Mr. Beuter, the Assistant Secretary of Agriculture, came up and told us—this is a transcript of the hearing of last week—they can already do these things.

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

[Transcript of hearings before the Subcommittee on Public Lands, National Parks and Forests, U.S. Senate, July 28, 1992]

HEARING ON THE HEALTH OF THE EASTSIDE FORESTS IN OREGON AND WASHINGTON; AND AMENDMENT #1442 TO S. 1156, THE FEDERAL LAND AND FAMILIES PROTECTION ACT OF 1991

Senator WIRTH. Thank you very much, Mr. Jamison. I think what we might do is proceed to questions and then the other witnesses that are here, I understand, are prepared to help or add their perspective in answer to the questions.

Can I ask you, first of all, is the Forest Service now conducting any salvage operations in this impact area described by Senator Packwood?

Mr. BEUTER. Yes. The Forest Service is doing the best they can to get out salvage. Some forests are further ahead than others, but there is an extensive salvage program underway in Eastern Oregon.

Senator WIRTH. What does the amendment allow you to do that you currently cannot do?

Mr. BEUTER. Well, the amendment would confirm commitment, to some extent, to speed up the process that these activities are part of the total forest health package.

Senator WIRTH. In other words, you can already do this, and the memo would just encourage you more to do this. Is that right?

Mr. BEUTER. Well, the amendment firms up the need. The thing that is not widely understood is that time is of the essence in these activities.

Senator WIRTH. Well, is there anything in the law now that precludes you from doing what the amendment calls upon you to do?

Mr. BEUTER. To some extent, I think much of what this amendment has is already allowed under the law.

Senator WIRTH. What is in the amendment that you cannot already do? You have spoken to the urgency of the problem, as has Mr. Jamison. What is in the law that precludes you from currently doing what you have argued urgently requires to be done?

Mr. BEUTER. Well, the amendment addresses, for example, the aspect of time being of the essence, the point that we may need more of an understanding—

Senator WIRTH. What is in the law now that precludes you from doing what you say has to be done? In other words, why are you not already doing this? If this is important to do, why are you not already doing it?

Mr. BEUTER. We are already doing it.

Senator WIRTH. Then what is in the amendment that we are having a hearing on and going to a lot of trouble to consider—what is in the amendment that provides you with authority that you do not already have or obviates items that are in the law that currently preclude you from doing this?

Mr. BEUTER. Well, I think to some extent, I think, Cy Jamison pointed out what the law is explicitly with regard to BLM.

Senator WIRTH. Well, just from the perspective of the Forest Service. Now, presumably you all have been attending to this problem and it has been of concern, now what is there that this amendment does that you cannot already do? May some of your colleague have an answer they can give us.

Senator HATFIELD. Will the Senator yield for just a moment?

Senator WIRTH. I would be happy, Mark.

Senator HATFIELD. Mr. Beuter indicated that they are preparing for fiscal year 1992 timber sales as far as salvage is concerned. Maybe we can get to the crux of that question by asking of that 400 million board feet that you have prepared or have recommended for salvage in 1992, how much of it has occurred, and what are you preparing for 1993? Some 450 million more board feet, correct?

Mr. BEUTER. Yes.

Senator HATFIELD. Then why have you not been able to execute your preparation for fiscal year 1992?

Mr. BEUTER. Well, the answer to the question is there is nothing in this amendment that would enable us to do things that we are not already doing. It would speed up the process.

For example with regard to appeals, with regard to a clarification of the NEPA requirements, that would be necessary to—

Mr. WIRTH. Mr. President, this amendment does not have to do with salvage or with the eastern part of the Cascades. It is not needed to do salvage sales in eastern Oregon or eastern Washington. It is the timber industry attempting to loop around and solve what it believes is a problem: public notice and public review. They are saying we do not want to have that. We just want access to the national forests, and not just in Oregon and Washington, but all across the country.

This is also about the waiver of the Endangered Species Act, a totally different agenda, which I know that the Environment and Public Works Committee is reviewing. It is an extremely complicated and difficult issue.

The Endangered Species Act is the most aggressive anywhere in the world, protecting species. Believing in the protection of species, believing in biodiversity, some of us think that his should be a resounding and wonderful and proud commitment by the American people. Others want to erode it away. Let us debate that.

I know the Senator from Montana is having hearings on this, and is looking at this. But let us not undo this act in an amendment to an appropriations bill, under the guise of being able to take care of some salvage sales.

In summary, Mr. President, this amendment has nothing to do with salvage and salvage sales.

The Assistant Secretary of Agriculture told us that. I have put his quotes, the questions and his answers, in the RECORD.

Senators should be aware that this amendment applies to national forests in their States. If it passes, environmental impact statements can be waived; public notification can be waived. I cannot believe people want to go home and say, "I waived public notice" to people who live around the forests. "Do not worry about the timber guys who will be there. Let's get rid of the Endangered Species Act and slip that through the back door, too."

If I have not made myself clear, I hope we vote against this amendment.

Let me go through this again, Mr. President. I had the privilege of chairing a hearing on an earlier version of Senator GORTON'S provision. That earlier provision only affected timber salvage sales in eastern Oregon and Washington—this proposal we have before us today affects all national forests, everywhere.

Basically, his proposal waived the National Environmental Policy Act, waives the right to administrative appeal, and limits judicial review for these sales.

At the time of the hearing, I supposed that the purpose of this was related to the very specific situation in eastern Oregon and Washington, where there's been a long drought that has caused some serious insect infestations in the weakened trees there. Salvage sales, as most of my colleagues know, are sales of areas of forest designed to harvest dead or dying timber before it rots or burns.

So we know that there has been a big increase in forest health problems on the east side of the Cascades, and there might well be far more need—or at least opportunity—for salvage sales than there has been in the past.

Now, the remarkable thing about all this is that when I asked the Forest Service witnesses at the hearing if the bill was necessary to accomplish a very ambitious program of salvage sales in these forests, they said no, it wasn't. They said they had a large volume of these sales in the pipeline, and that they were coming along just fine. That was the testimony of Assistant Secretary Beuter.

That's not to say that there aren't controversies about some of these sales—I know for a fact there are, and there will be. But the key here is that the Forest Service did not believe these waivers of existing law that all other timber sales across the country have to meet, and the restrictions on appeal and court challenges, were essential to their program of selling dead and dying timber on the east side of the Cascades.

Given that, Mr. Chairman, I hope we will refrain from rewriting these laws on an appropriations bill, given my conclusion that there was no urgent need to do so.

There's no urgent need to do so in the Northwest, where we know that there's been a far greater forest health problem than normal. So it is even more unlikely that we would need to do so everywhere else in the country.

Now, Mr. President, there's one more thing in this provision, which goes way beyond where Mr. PACKWOOD'S original bill went. It says that the Forest Service shall allow salvage sales in spotted owl habitat.

Now, remember that the salvage crisis was supposed to be on the east side of the Cascades—and that the owl is on the other side of the mountains, on the west side. And remember that salvage sales, while they are directed at cutting areas that have dead trees, aren't restricted to dead trees. They don't go in and just harvest dead trees. No, they clearcut, and the timber companies are happy to take many living and perfectly healthy trees in addition to dead trees. In many salvage sales, the healthy trees far outnumber the dead trees.

So here we have an override of virtually all our environmental laws, virtually everything, on the basis of having some dead trees in an area. Frankly, Mr. President, that would be a huge step backwards in our approach to our national forests. I urge my colleagues to oppose this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks the floor?

Mr. ADAMS. Mr. President, I rise to ask how much time remains on each side.

The PRESIDING OFFICER. Different amounts of time have been allocated to different individuals: Senator PACKWOOD, 12 minutes; Senator BAUCUS, 2 minutes, 20 seconds; Senator CHAFEE, 10 minutes; Senator MITCHELL, 40 seconds; Senator GORTON, 10 minutes; Senator CRAIG, 2 minutes; Senator BURNS, 10 minutes; Senator ADAMS, 2 minutes.

Mr. ADAMS. Mr. President, I see that Senator CHAFEE has arrived on the floor, so I will yield the floor so he may speak.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, before I begin, I remind my colleagues that, once again, we are proceeding to legislate on an appropriations bill. That was an argument that was used against the Fowler amendment last evening. I voted to table the Fowler amendment because of that, and it seems to me that we ought to remember that when there is legislation on an appropriations bill, whether we agree with it or not, we should make some attempt to maintain a consistent position.

I will admit, Mr. President, that I probably have not been totally consistent on this myself. But, nonetheless, I inherently do not like legislation on

appropriations bills and, to the extent possible, try to avoid them. And that, as I mentioned, was one of the reasons that I voted to table one of the Fowler amendments.

It seems to me that this is a very, very complicated issue that we are dealing with. Certainly, it is not an original issue. The Senator from Oregon and the Senator from Washington have dealt with this for many years. I know it has been an extremely troublesome one, and, of course, the root of it is that the forest officials, U.S. Government officials, have failed to abide by the law. And that is the real problem. That is what provoked the Judge Dwyer injunction, as we are all aware. I do not think anybody would dispute that. That is why it came about. It is too bad that in the beginning they did not obey the law and move along in a methodical fashion, or perhaps we would not be involved in all these difficulties now.

Mr. President, this amendment by the Senator from Washington would waive or affect—and I use that word "affect" because, clearly, there is a dispute on this, and in discussions with the Senator from Washington, he has indicated that he does not believe that his amendment affects the Endangered Species Act. I have trouble reading it that way, and it just indicates that people can sincerely disagree on the provisions of legislation.

But I do not think that the proponents of this measure would disagree that it waives the National Environmental Policy Act or the National Forest Management Act. What it would do is allow the harvesting of timber in an area which has been determined by scientists to be important habitat for an endangered species, in this instance the spotted owl. There would be a gain, and there is no question about that, and that is, of course, obviously the reason that the distinguished proponents of this measure are so fervently for it. How long term the gain will be I do not know. Obviously, they are from the area.

I just wonder if the real problems that have arisen in the area—which I will not claim great familiarity with—have not come out because of really disastrous policies as well as cutting in these national forests. Now, the areas available are reduced and so, for the preservation of jobs, it it sought to open up these lands.

I recognize clearly that that is not the measure directly before us now. The measure directly before us now deals more promptly with the so-called fallen timber.

I would like to first state that I sympathize and can understand the problem that the Senator from Washington has in his desire to help those communities. I understand that the Senate appropriations bill provides local governments with some extra money to replace the timber receipts that they are losing, but clearly that is not enough and clearly it does not provide for the money that would come from the jobs available should there be a thriving logging community available.

Mr. President, I see nothing wrong with allowing salvage sales that are truly environmentally sound. In fact, they are being allowed. The information that I have is as follows: Over the past several winters in Oregon and Washington, 700 million board feet of timber have blown down. According to the Forest Service, 75 percent of that, or 515 million board feet, have been or soon will be sold for harvesting. Only a small amount, 25 percent of the total 115 million board feet, of this timber is located in spotted owl habitat conservation areas. These areas were defined in the Interagency Scientific Committee report, the so-called Thomas report, as important habitat for the owls where timber harvesting should not occur. A separate technical committee of scientists evaluated the proposed salvage sales in this area and rejected them as inconsistent with the Thomas report. The other salvage sales have been allowed to go forward.

It seems to me one point that is important to note—and I am not quite sure why the proponents did this—is that the application of this amendment, as I read it, is not limited. All Forest Service and all BLM lands, not just those in the Pacific Northwest, are covered by the first part of this amendment.

This amendment would exempt any qualifying salvage sale from the requirements of the so-called NEPA, National Environmental Policy Act, and direct the Forest Service to prepare environmental assessments rather than the full environmental impact statements for these sales. Already under the National Environmental Policy Act, we have provisions for the preparation of assessments in lieu of full-blown environmental impact statements in appropriate circumstances.

The question again becomes why are we treating salvage sales differently from other sales? The nature of the forest health improvement projects—and those are words directly from the amendment as proposed by the Senator from Washington—forest health improvement projects that would be exempt from NEPA under the Senator's amendment is not well defined. The amendment states only that the projects should "improve forest health through management actions, including salvage."

Mr. President, this is different from other legislation dealing with this matter. For example, in the House, in H.R. 4980, the bill there limits the salvage sales that would be eligible for the expedited review that I have discussed under the so-called NEPA. It would limit those salvage sales for expedited review to lands on which 60 percent or more of the trees are currently dead or expected to die soon, where the trees threaten human life or property or increase the risk of fire, and where salvage sales would improve the long-term health of the forest.

The House bill is extremely broad. There is no question about it.

But it has some criteria. The Senate's amendment gives the Forest Service unlimited discretion to use salvage sales as a method to open unenvironmentally sensitive areas to full-scale logging activities.

Now I know there will be a dispute here; the argument, that they are not large-scale logging activities, they are salvage sales.

But I think we ought to stress, Mr. President, that salvage sales are not necessarily environmentally benign. Salvage is done in many cases by clear-cutting and can destroy or degrade habitat or damage watersheds. Salvage sales require the construction of roads and the use of the same heavy equipment as other timber sales and can indeed cause environmental harm.

And I might point out, Mr. President, that when we are talking about what these forest health improvement projects are, and I quote: "Such projects shall be designed to accomplish the objectives of improving forest health through management action that improves stands, density and composition." I can only believe that stands and densities go beyond salvage.

Now, Mr. President, at a recent hearing before the Energy Committee on the salvage sale issue, the assistant Secretary of Agriculture, Mr. Beuter, testified that the Forest Service already has adequate statutory authority to conduct salvage sales in national forests and that this amendment is not needed.

In addition, the Appropriations Committee report accompanying this bill already directs the Forest Service to "pursue aggressively salvage opportunities while complying with existing environmentally mandates."

It seems to me this is a fair and reasonable approach. That is why I question the need for this sweeping amendment.

Finally, Mr. President, I think we should take a long look at the consequences of our actions.

I must say it is no secret to anybody in this body that I have been a long-time proponent and supporter of the Endangered Species Act and those acts that are supportive of the direction of the Endangered Species Act. I know that the Senator from Washington will vigorously argue that we are not dealing with the Endangered Species Act. And, indeed, in our discussions he had indicated that to an extent this may well be strengthening of the act, although I have trouble following that argument totally.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. CHAFEE. Mr. President, I ask unanimous consent to proceed for 2 more minutes.

The PRESIDING OFFICER. Is there objection? The Senator from Rhode Island is recognized for 2 additional minutes.

Mr. CHAFEE. Mr. President, this is part of an issue that has, as I mentioned before, been before us for some time.

It is my fervent hope, Mr. President, that somehow, in that section of the country that is so important to all of us and to our Nation, we could arrive at a solution that has those forests producing what we call sustainable yields. Our environmental laws, I believe, allow ecological sound salvage sales to go forward. I do not believe this amendment is necessary. I am not in favor of it.

But, Mr. President, regardless of what happens with this amendment, which I shall vote against, I hope that a long-term solution can be developed so every year we are not back on this problem.

Certainly everything I could do with the limited powers, whatever I might have, I would devote to being able to achieve that goal. Because I hope that as we lecture the rest of the world, and particularly the South American and Central American nations, that there is not necessarily a choice between the environment and jobs.

That is the theme we are carrying. That is the language we use in connection with Amazonia. Those of us who have been there, have met with the Brazilians and others. And all we are saying is, it is not necessarily a conflict between environment and jobs. I hope we could put behind us this conflict that seems constantly to be there in this particular section that says it is either the environment or jobs. And, indeed, some have said, and very sincerely, that if it is a choice of the spotted owl or if it is a choice of jobs, it is a tragedy, but the spotted owl has to go. So be it.

Well, I hope that is not necessarily the choice we have to make. I hope we do not have to destroy the owl. And by the way, it is not just the owl. There is a whole series of other species including the salmon, as those who come from the area well know, that could be threatened as well.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator's time has expired.

Mr. CHAFEE. If I might have 1 more minute.

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

Mr. CHAFEE. Madam President, clearly if we destroy the forest there will be no jobs. Once again, the solution to this problem is sustainable yield, and I hope we can all work toward that goal. I thank the Chair.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized for 10 seconds.

I am sorry. The Senator is recognized for 10 minutes.

Mr. BURNS. Thank you, Madam President.

Auctioneers sometimes can get it done in 10 seconds, but we will not go into that mode today.

Madam President, I doubt if I will take my 10 minutes. I just want to remind this body that no matter how much logic you put up about this issue—and I am like my colleague, Senator CHAFEE, I wish there was some way that we could resolve this and the issue would go away. But we cannot, because there will always be those who will crowd the system just a little bit. And as long as that goes on, you will always have controversy.

The only way that you are going to have this problem go away is to put all the public lands into private lands, just sell it. And then we can hound on the private landowner and we can encroach on him.

This is not an owl issue. This is not even an endangered species issue. This is a common sense issue, that we take the dead and dying trees and the windfalls that are on the ground and make some use of them for the American people, of which it is coming off of their lands. That is the issue here. There is no other issue.

Now you can put a lot of words and you can make a lot of flowery speeches, but basically that is the issue: Can we use those dead and dying trees now, and the blowdowns, to the benefit of this society? And I think that is one of the calls of public lands and how they are managed, is to be used to the benefit, highest benefit of the American society. So it is not an Endangered Species Act.

I do not know how many people saw the fires of 1988 across Montana. I think I heard the Senator from Idaho awhile ago sort of describe to you what happened in Yellowstone Park. Let me tell you that we will never see Yellowstone Park again like it was prior to 1988. There are people who will say that was a great environmental event. I can take you up there right now and tell you it was not a great environmental event. In fact, if there is anything, there is a sin being committed there right now because it is overgrazed. They have too much livestock on it. Too many buffalo, too many elk, too many everything, and we are in a dry year again.

So, basically, it is this: They cannot harvest the dead and dying or the windfalls in wilderness-designated areas or in areas where there is sensitive wildlife habitat without some consultation with the U.S. Fish and Wildlife Service. And it does not make sense. In Montana where we have the problem with the mountain pine beetle, it does not make sense just to let that rascal go clear through our forests and take them all. It does not make sense at all.

If we had a disease in this society, we would not allow that to happen if it was among people. If they were the dead and dying, we would be taking some action.

I cannot help it. I do not know why we would allow this on our public lands and among this precious resource that we have that benefits so many Americans.

There are three things that make a forest fire. Take one of them away and you do not have a forest fire or a wildfire. You need three things: Air, fuel, and heat. That is all you need—fuel. And what we have in these blowdowns, these dying and dead trees, is a very, very explosive fuel that when ignited, it just goes. We have seen the fires of the Bob Marshall Wilderness, and of Yellowstone Park—we could not get those fires under control at any stage because of the extreme heat and the extreme amount of fuel that was available to burn in the underbrush. So, if science tells us the endangered specie has a place, then science would also tell us that we should harvest the dead, dying, and the windfall.

By the way, those folks who would want to apologize to those families in those communities who kind of need the job, I do not see those folks going out there and looking those people in the eye and saying: I am sorry, we are not going to let you do it.

Why do you not drive down to one of those little communities one time, look at their families, and walk into their schools and tell them: No, we are not going to let you cut. We are not going to let you salvage harvest.

What little money they get from the excess profits tax or whatever that comes back to the communities does not mean anything when you talk about payroll, paying for pickups, homes, schools, raising kids, and putting food on the table. They do not even touch it.

So I would want those who would be a little skeptical on the purpose of this to go down there and talk to those families. I do not see a lot of folks doing that, jumping in the car and going down there and meeting with those folks—and especially with some of the very good families who are members of these wood products unions, members of the AFL-CIO, who support this amendment. You go down and tell them that they cannot work, they cannot cut, and they cannot provide for their families.

So, this is not an endangered specie debate. It is not even close. It is a debate on whether we should go in and help Mother Nature out and take out

those dead and dying trees and get these forests back in the production that they should be in. I support this amendment and I urge my colleagues to do so.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon has 12 minutes.

Mr. PACKWOOD. Madam President, I want to correct some misimpressions that have been left here today. First there is reference to clearcutting by several speakers, as if it were evil. Let me explain what clearcutting is as opposed to selective cutting. Clearcutting is where you will take 10, or 20, or 30, or 40 acres and you cut all the trees in it, and when you are done you replant. You have, as you see from the air, or anywhere else, a large square—usually a square, not always. Then next to it 10, 20, 30, 40 acres of green trees that have been left. Then you will see another 10 or 20 acres that have been clearcut. Those are called clearcuts. You do not clearcut hundreds of miles. You do it on a patchwork basis.

The reason you do it, and it is done mostly on the west side of the Cascade Mountains—the Cascades in Oregon are to Washington what the Sierras are to Nevada; it is a string of mountains. You do it on the west side because the principal timber is Douglas-fir and that does not grow well in the shade. It is called shade intolerant. Indeed, if you clearcut it, it would grow—it would grow, but it would be inferior than if you cut it and it has direct Sun when you replant it. When you have pine it is not normal to clearcut. Pine trees are not shade intolerant. You selectively clearcut, take a tree here, there, there, there. It is a different form of what they call silviculture—management. The clearcut looks bad and indeed clearcutting can be done badly. If you are on a slope and there is a stream at the bottom of the slope and you clearcut right down to the stream, you are going to have a whale of a lot of mud and silt, when it rains, going down that clearcut into the stream. That is bad management practice.

But the reason for the clearcut is so that you can grow your forests better.

The Senator from Montana and the Senator from Rhode Island made reference to the Forest Service was not following the law. Perhaps they were not, although it is not quite as easy as all that. Up until the passage of the Wilderness Acts, they really only started in the midsixties, we managed all of the public land on what we called a multiple-use basis and we directed the Forest Service, the Bureau of Land Management, to manage it for recreation, stream enhancement, fish and wildlife protection, timbering; and they would set aside some parts for recreation, some parts for stream enhancement, and they managed it on a multiple-use basis. We said to them, this is the goal of the timber you are to get out, and we set goals. Each year would be so many feet—board feet as we call it.

That worked, by and large, pretty well. But now here is where problems started. I said earlier we do not produce enough lumber in this country to meet our needs. We have for the better part of a quarter of a century imported anywhere from 20 to 30 percent of our lumber from Canada because we do not produce enough in this country. Let us say the Forest Service, as an example, had 20 million acres they were managing and they set aside 4 million acres of it for recreation, for nontimber purposes. So they had 16 million acres for timber. Out of that they figured they could produce a certain amount of board feet, managed on what we call a sustained yield basis: you cut the trees, you plant the trees, you cut the trees, you plant the trees.

Then Congress comes along and says of that 16 million acres we are now going to put 3 million of it in wilderness in addition to the 4 million that has already been set aside for other purposes. It is clear now you are not going to get as much lumber off the remaining 13 million acres as you were going to get off the 16 million acres. And over the last 20 years we have been setting aside for nontimber purposes more land.

Then along came the Endangered Species Act in the midseventies. The Forest Service was not used to dealing with it. It had not had it on the books before and the Forest Service is still trying to produce as much lumber to meet our needs as they can within the bounds of what they regard as respectable forestry. And there is an honorable difference of opinion on the issue. If you take two Ph.D.'s from any school in the United States who do not work for the environmentalists or the timber companies and say: How many trees can we cut off this land? They will differ when you give them the same goal: Sustained yield, trees forever. They will differ in their judgment as to how many trees you can cut. It is an honest, academic, fair difference.

The Forest Service is trying to produce the levels of timber that we had told them to get. But, on top of that we impose the Wilderness Acts, and Endangered Species Act, and Environmental Protection Act and other things, things that limit their ability to do it. And I am not going to argue whether they ran afoul of the law or not. The courts said they did. This was not malicious, evil, greedy civil servants—because that is what they were. Career Forest Service people, trying to do the public good. But the court said you are not managing the forest properly in accordance with the Endangered Species Act or the Environmental Protection Act, or the Wilderness Acts, or all the other acts we imposed upon them.

I am not going to quarrel with that. I think the courts have probably interpreted the laws correctly and if we do not like the laws we should not blame the Forest Service because they did not quite understand them as they were being passed. We should say if we do not like the laws the way the court is interpreting them we should change them; not blame the courts.

So that is one. Forest Service, if they did violate the laws they did not do it maliciously.

Second, we are told we should not legislate on an appropriations bill, and that is indeed the rules of our Senate. The Endangered Species Act, however, which I would like to change, runs out this year. I thought we had the votes in the Senate until Senator GORE was selected as a Vice-Presidential nominee. He is perhaps the leading environmentalist for the Democrats, and I do not think, given the ticket this year, they would want to change the act in the midst of the campaign.

But our only chance to change it is on an appropriations bill if we want to do it this year. The act is not going to come up for renewal and it runs out this year. It is a catch 22 situation, you tell us not to do it on this bill but then they do not bring up the act, which is the act itself, for renewal. So what do you do, say tough luck? Well, we are just trying to use whatever vehicle we can to do this amendment.

Last, and my good friend from Rhode Island said I hope it does not have to come down to a choice between the owl and jobs—well, that is what it has come down to.

I want to emphasize again, under the Endangered Species, Act, if any kind of bug or plant or bird is declared threatened or endangered, then the Government has to come up with a recovery plan that leads to taking that, in this case the owl, off the endangered list. You have to have a recovery plan that makes the population of owls come back up.

You are entitled to consider economics, jobs if you want to call it. It you can consider jobs and make the owl come back up so it is no longer endangered, you can consider both of them. But you cannot consider jobs if, in order to do it, you have to shrink the recovery plan to such a level that the owl might disappear. You cannot then consider jobs.

When the recovery plan for the owl was designed, there were a number of areas that were left out of what we call the critical habitat. You can continue to log on those because it was determined by the Fish and Wildlife Service that we could have a recovery plan and leave some areas out. But they finally said, we have reached a critical threshold below which we cannot go in the management of these lands or the owl will disappear.

So they drew a plan, as all of this acreage that is no longer going to be on

limits for forestry—my hunch is in a few years not on limits for anything else—and it is going to cost about 35,000 jobs in northern California, Oregon, and Washington and it is an either/or situation. We are not down now to the situation where maybe we can protect the jobs and the owl. Any land that can be left out of the recovery plan and still used economically has been left out.

So the question becomes: Is the owl worth 35,000 jobs—and I will emphasize—family wage jobs? These are not minimum wage jobs. Many of them are unionized jobs. That is why the unions are so strongly on our side of this issue. These are jobs for kids coming out of high school, 18 years of age, and will pay anywhere from $8, $9, $10 an hour starting wage, and in a town of 15,000 in southern Oregon, that is not a bad job.

So while my friend from Rhode Island wishes this was not a contest between jobs and owls, it has become one and you have to make a decision as to which side you are going to come down on. I simply said if I am going to throw 35,000 decent people, 40-, 45-year-olds who worked in the mills and woods, 20, 25 years, married their high school sweetheart, had a couple of kids, they vote, bowl on Wednesday night, and teach their kids to hunt and fish and they are good environmentalists; they are out, told to be retrained, and go to work in the electronics industry 300 miles away for $6 an hour when they are making $15 an hour, that is the choice.

That is not the choice this amendment poses, but it is the choice that eventually we will have to make. Those who will not change the Endangered Species Act cannot attempt to finesse it by saying I hope we do not have to make a choice. We do have to make a choice. The question is who is going to come down on the side of people? Who is going to come down on the side of birds? On occasion, those are the hard choices you have to make.

I thank the Chair.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana has 2 minutes.

Mr. BAUCUS. Madam President, this amendment essentially only comes down to this: We have heard a lot about the Endangered Species Act, which some of the proponents of this amendment say really is not involved here, essentially it does not come down to whether to allow salvageable timber sales, that is to allow timber sales to go in and salvage timber. That is not this debate. That is not this issue. Of course, the Forest Service can go in and ask timber companies to put up bids for salvage timber. That is not this issue.

This amendment really is whether to allow salvage sales on areas that are prohibited by law and prohibited by court injunction. That is owl habitat. There is a lot of salvage timber in this country—in Oregon, Washington, and California—that is not covered by Judge Dwyer's injunction as Forest Service lands. So this amendment is not whether to allow or not allow salvage timber sales.

This Senator, along with the other Senator from Montana, last year, on an appropriations bill—I might say to the Senator from Oregon—directed the Forest Service to go in and salvage, to offer sale on salvage timber in Montana so long as it was consistent with all environmental statutes. Of course, that was in the law. I must say not much timber was taken out because the Forest Service did not, frankly, do what I thought it should do. Nevertheless, it was an effort to take timber consistent with our environmental laws.

So I say to Senators, Madam President, if they want salvage timber to be harvested, that is fine. This amendment allows that, except this amendment wants to go further and asks the Forest Service to go in and take salvage timber in areas that are off limits by court injunction and by environmental statutes, and that is why I oppose this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The senior Senator from the State of Washington has 2 minutes.

Mr. ADAMS. Madam President, I will summarize for our side, in opposition to this amendment. It is my understanding Senator GORTON wishes to close. At the end of that, I am going to make a motion to table. I discussed this with the chairman of the full committee. On that motion to table, I ask for the yeas and nays.

Mr. BYRD. Madam President, I ask unanimous consent that it be in order to order the yeas and nays at this time.

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. ADAMS. Madam President, I will be very brief because I think the debate has been very direct. I am simply going to summarize.

The language in the Interior appropriations bill, as voted out of committee, already allows salvage, and it is consistent with current law. It says: Timber salvage activity in spotted owl habitat is to be done in full compliance with existing environmental and forest management laws. Under those laws in the western part of the State, the 1991 storm left 703 billion board feet of blown-down timber. Of that, 517 billion board feet have already been sold.

So this program is moving ahead. This is not a salvage amendment. It has been well stated by the Senator from Montana, by the Senator from Colorado, and others, that this is sort of a Trojan horse. Salvage is going ahead. They are going with a plan.

This amendment is unnecessary, but even more so, Madam President, it is dangerous. It would override the present law and the court orders. It would override the National Environmental Policy Act. It would override the work of the existing authorizing committees who are proceeding.

We need change in our public forest management policies, but his amendment will simply promote and continue outdated practices. The amendment is another greedy detour and we need to keep focused on developing a long-term forest health plan. Salvage is going on under these plans. Salvage should take place but only with proper planning, not by overriding laws like the Gorton amendment would do.

So, Madam President, I hope that my colleagues have listened to this debate and they will vote with the motion to table which I will make as soon as Senator GORTON has completed his remarks.

It is absolutely essential at this point that we understand this is a complicated issue. This should not be on an appropriations bill, but it is there, so we are going to move to table it. I hope my colleagues will vote with the motion to table the Gorton amendment.

Madam President, I am prepared to yield back the remainder of my time if the Senator from Oregon will, so the Senator from Washington can summarize and we do not have to answer any further argument.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I will yield back the remainder of my time.

Mr. ADAMS. I yield back the remainder of my time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The junior Senator from the State of Washington.

Mr. GORTON. Madam President, it is hardly a surprise that during the course of the declining days of a Presidential election year, a significant number of Democrats would trash the President and the Secretary of Agriculture and the Forest Service, but it astounds the conscience that in order to punish their political opponents those same Senators would sentence working people and small communities to despair, devastation, and depression. It is precisely that sentence which the Democrats propose for very real people in the name of an abstraction.

Madam President, laboring people all across the United States desperately request the passage of this amendment. Organized labor has done so in a formal and written fashion in letters that have already been made a part of this

RECORD. They know which side is speaking for jobs and for working people.

Unorganized employees across timber country from one end of this Nation to another are asking for this amendment, both for its reality and for the symbol of hope that it provides.

Small independent mills are desperate for this amendment. This amendment makes no difference to the large companies that have huge landholdings on their own, unaffected by these rules.

The reasons that have led to this amendment, on the other hand, have already bankrupted dozens of small and independent mills and placed tens of thousands of people on the unemployment rolls in timber country.

But we deal with abstractions. We have heard chairman after chairman say "give the authorizing committees a chance. Let us work this out. This is a violation of this statute, that statute or another statute."

These are bloodless terms. They ignore the plight of real people. To speak about giving authorizing committees, which have done nothing, which have not produced a sentence, a phrase, a comma on this subject in more than 3 years, a chance is to make the old phrase that the chances of success are somewhere between slim and none an exaggeration. This is an exaggeration of the possibilities that there will be any such relief this year or, for that matter, I suspect next year.

Madam President, is this amendment about the spotted owl? No, Madam President, it is not. It specifically states that none of this logging will be done if it adversely affects the spotted owl. Is this amendment about old growth? No, Madam President, it is not. This amendment is about dead and downed—wind-blown-down timber rotting on the floors of our forests. It will not authorize the harvest of a single living old growth tree at any place throughout the amendment itself.

Is this amendment, as the majority leader said, about the Endangered Species Act? No, it is not about the Endangered Species Act. The two statutes mentioned as being overridden for the narrow purposes of this amendment specifically do not include the Endangered Species Act, for the very reason that the legal injunction under which we operate at the present time is not based on the Endangered Species Act at all.

Incidentally, the Endangered Species Act itself, which seems to be holy writ, has been "amended," as defined by the Democrats, at least a dozen times in this appropriations bill. At least a dozen times the bill states that "notwithstanding any other provision of law. * * *" So, if this were such an exemption, which it is not, it would not be something new to this act.

No, the Democratic opposition to this amendment stems from the psychology that forests appropriately are only valid when they are absolutely untouched by the hands of human beings. The Democrats imply that if trees fall to fire, that is fine; we will let it burn. If trees fall to wind storm, that is fine. If trees are victims of insects, that is fine. The only thing that the Democrats cannot allow is the productive use of our forests to create jobs and housing for the people of the United States. That is literally all.

Democrats evidently love employment as long as that employment does not use any natural resources and does not produce any waste. Under those circumstances, Madam President, we will have few people employed in the United States by anyone other than the Government itself.

As we debate this issue, 200,000 acres of timber are on fire in the State of Idaho. This is a full one quarter of the size of the State of Rhode Island. Fires are raging in Montana. Fires in eastern Oregon have driven 150 families from their homes.

This is what this amendment is about: it is about the use of salvage to, among other things, prevent and control fire.

Madam President, when we vote on this motion to table in a few moments, I want to make clear that a vote to table is a vote for fire, one of mankind's greatest scourges over the years. This amendment is designed, among other things, for the productive use of what is otherwise nothing but dry tinder for forest fires, forest fires that are raging as we debate this amendment.

This debate is Orwellian. We have now slashed by more than 90 percent the harvest of timber from productive lands on the forests of the Pacific Northwest, and the Democrats tell us that number has got to go to zero. They tell us we must work on these mythical authorizing bills, which never appear before us. And in the meantime, people can be driven from their homes; they can lose them to mortgages; they can lose their jobs; they can lose their communities; they can be forced into alcoholism and child abuse; but we have to wait for the authorizing committees. We can do nothing, not even for a year, to provide them with any kind of help or any kind of support.

Do not blame the courts, Madam President. The laws that the courts have used to terminate an industry are passed by this body, and this body can make exceptions to those laws. One small exception to provide some hope, one small exception to provide a few jobs, one small exception to prevent forest fires is before you right now. That is the issue on this next vote.

Mr. SEYMOUR. Mr. President, as California enters its seventh consecutive year of drought, the State is facing a forest health crisis. Dead and dying trees have created the ideal environment for wildfires. Something must be done if we are to avoid a fire of catastrophic proportions.

Already we are seeing reports of massive fires burning throughout the West; 200,000 acres in California, Idaho, Oregon, Washington, and Nevada have burned. It is only going to get worse.

Currently, the U.S. Forest Service is trying to increase salvage sales in California. These sales are intended to dramatically reduce the amount of fuel remaining in California's forests, thereby reducing the chance and severity of fires. These salvage efforts have a second but equally important benefit, they provide jobs to a forest industry that has been devastated by judicial injunctions on timbering.

Unfortunately, the Forest Service Salvage program is not working. In my State of California alone, there is over 1 billion board feet of dead and dying timber. The Forest Services does not even plan on harvesting half that amount. And frankly, from past experience, I would be surprised if a quarter of available and identified salvage in the state of California is harvested before it burns or rots.

There are many problems with the Forest Service Salvage Program, and I believe that the Forest Service can do much more to expedite salvage operations. I have been working with the Department of Agriculture to implement such changes.

That being said, changes in the law are also necessary. Currently, the Forest Service is unable to implement a rational salvage plan for spotted owl forests.

The Gorton amendment attempts to give the Forest Service the authority it needs to implement an expedited salvage plan. Senators will likely hear from many environment organizations urging them to vote against the Gorton amendment and prevent salvage operations.

The logic of these groups, though, is flawed. The Sierra Club Legal Defense Fund states in a flier they are circulating in opposition to the Gorton amendment that expedited salvage operations will impact areas that are already severely impacted by drought or disease. Well, I hate to break it to the Sierra Club, but salvage is the cutting of dead and diseased trees. If these trees are left standing the very same insects that infest them will spread to healthy trees. The Sierra Club goes on to say that the immediate consequences of the passage of the Gorton amendment will be "an increase in fire caused by logging." Again, I have to wonder if these people have ever been in a forest. First of all, dead trees, not logging, increases the chance of fire. Second, salvage operations reduce the threat of fire.

Some people still believe that forests are static ecosystems. If we simply leave them alone, they will remain forever as they are today. Unfortunately,

forests just do not work that way. Forests are dynamic, not static, and without management, they die when there are pest infestations and they burn when there is a drought.

Mr. President, California is in a drought. Let's try not to let it burn. I urge my colleagues to vote for the Gorton amendment.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The senior Senator from the State of Washington.

Mr. ADAMS. I move to table the Gorton amendment.

Mr. BYRD. Madam President, will the Senator withhold that for 1 minute?

Mr. ADAMS. I withhold.

Mr. BYRD. Madam President, I hope that floor staffs on both sides of the aisle will alert Senators that following this vote, I want to try to ascertain what amendments remain to be called up, and Senator STEVENS and I will address the Senate with respect to certain precedents and Senate rules. I hope that Senators would stay around and hear what is said.

I thank the Senator for yielding.

Mr. ADAMS. Madam President, I move to table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2904. The yeas and nays have been ordered. The clerk will now call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Tennessee [Mr. GORE], and the Senator from Iowa [Mr. HARKIN], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] is absent due to a death in the family.

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 Utah [Mr. HATCH] and the Senator from North Carolina [Mr. HELMS] would vote "nay."

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

The result was announced—yeas 60, nays 35, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—60

Adams	Cranston	Kasten
Akaka	Daschle	Kennedy
Baucus	DeConcini	Kerrey
Bentsen	Dixon	Kerry
Biden	Dodd	Kohl
Bingaman	Durenberger	Lautenberg
Boren	Ford	Leahy
Bradley	Fowler	Levin
Breaux	Glenn	Lieberman
Bryan	Graham	Metzenbaum
Bumpers	Grassley	Mikulski
Byrd	Hollings	Mitchell
Chafee	Inouye	Moynihan
Cohen	Jeffords	Nunn
Conrad	Johnston	Pell
Pryor	Roth	Smith
Reid	Sanford	Specter
Riegle	Sarbanes	Wellstone
Robb	Sasser	Wirth
Rockefeller	Simon	Wofford

NAYS—35

Bond	Gorton	Packwood
Brown	Gramm	Pressler
Burns	Hatfield	Rudman
Coats	Heflin	Seymour
Cochran	Kassebaum	Shelby
Craig	Lott	Simpson
D'Amato	Lugar	Stevens
Danforth	Mack	Symms
Dole	McCain	Thurmond
Domenici	McConnell	Wallop
Exon	Murkowski	Warner
Garn	Nickles	

NOT VOTING—5

Burdick	Harkin	Helms
Gore	Hatch	

So the motion to table the amendment (No. 2904) was agreed to.

Mr. ADAMS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senator is correct. We will have order, please. Order in the Senate. Senators please clear the aisles.

All conversations on the floor should cease.

The Senator from West Virginia is recognized.

Mr. SARBANES. Mr. President, the Senate is still not in order.

The PRESIDING OFFICER. The Senator is correct.

Please discontinue the conversations or take them into the cloakroom.

Mr. BYRD. Mr. President, I have two matters I wish to discuss while we have some Senators here.

The second matter concerns the remaining amendments that are to be called up. I would like to know what Senators are serious about calling up those amendments.

But the first matter I think is of sufficient concern that it should have the attention of all Senators.

Senator STEVENS and I wish to address our attention to it.

I have, first of all, a prepared statement for the purpose of being concise and brief, which I will read. And then if Senators wish to discuss if further, I will be prepared to do that.

ORDER OF PROCEDURE

UNANIMOUS CONSENT AGREEMENT

Mr. BYRD. Mr. President, I rise to address the procedural situation concerning legislative amendments proposed to general appropriations bills.

On July 27 of this year, the Chair sustained a point of order against an amendment offered to S. 3026—a Senate bill—making appropriations for the Departments of State, Justice, Commerce and related agencies. An amendment was offered to repeal the provisions of the District of Columbia Code which imposed strict liability on the manufacturers of assault weapons. A point of order was made against the amendment on the grounds that it was legislation on a general appropriations bill, and the Chair sustained the point of order.

However, the sponsor of the amendment appealed the ruling of the Chair, and the Senate voted not to sustain the ruling of the Chair. Any vote by the Senator on an appeal from a Chair's ruling on a point of order establishes a precedent to guide future Presiding Officers. This precedent could have serious consequences for the rules of the Senate and the precedents which interpret those rules and which guide Presiding Officers in ruling on points of order.

The amendment at issue was clearly legislation—no doubt about it—because it repealed existing law, and in no way affected appropriations. But the vote of the Senate on the appeal represents the Senate's decision that such language, which was legislation, was not legislation. No other issue was articulated in the debate on the appeal. All debate concerned the substance of the amendment.

I was not, at the time, fully aware of the implications of the precedent being set. I did, however, vote to sustain the Chair.

There is nothing in that debate that suggests any qualifications on the effect of the vote to overturn the Chair. The Senate voted that an amendment that was clearly legislation does not violate rule XVI's prohibitions against adding legislative amendments to general appropriations bills. Consequently, future occupants of the Chair would be constrained not to sustain any point of order against a legislative amendment to a general appropriations bill. A valuable protection of the rights of individual Senators would be lost, and a significant Senate rule eroded.

Additionally, may I say, the authorities and powers of authorizing committees in this body would likewise be impaired.

It might be hoped that future Presiding Officers would simply ignore this precedent, and continue to rule based on the preponderance of earlier precedents. However, a vote by the Senate on an appeal established a precedent of the highest probative value and would guide future Presiding Officers unless reversed or qualified. If future Presiding Officers could ignore this precedent, one could then fairly ask which precedents would Presiding Officers follow, and which they ignore?

Let me suggest that the facts of this particular case were unusual in that

the Senate was considering a Senate-originated appropriations bill, not a House-originated appropriations bill. Since the House of Representatives has historically claimed the right to originate appropriations bills, the Senate rarely considers such a bill which originated in the Senate. A century of Senate precedents has established the right of Senators to propose legislative amendments to general appropriations bills if the House of Representatives has opened the door by legislating on a related issue first. If this had been a House appropriation bill and if the House had opened the door, then a legislative amendment would be in order in the Senate if such amendment were germane to the House legislative language.

Under the Senate's precedents, if a point of order is made against an amendment to a general appropriations bill on the grounds that it is legislation, a Senator—if he does so before the Chair rules—can raise the defense of germaneness. A Senator must first show that there was some language passed by the House that was arguably legislative to which the Senate amendment could possibly be germane. However, under rule XVI, all questions of germaneness involving general appropriations bills are decided by a vote of the Senate. Such votes have no precedential value. Consequently, in a great number of instances where the issue of legislation on appropriations is raised—and in most instances it is never raised—but when such points of order are raised, then a Senator has a right to raise the question of germaneness and the Chair is required to put that question before the Senate.

So, in the great number of instances when legislation is offered in the Senate to a House appropriations bill, the issue is deflected to become a vote of the Senate as to whether the amendment is germane to House-originated legislation. Such vote is generally understood to be a vote on the merits of the amendment, the judgment of the Chair is not called into question, and no procedural precedent is established.

But no such opportunity for a vote of the Senate on germaneness existed in the case under discussion. Had the Senate been considering a House-originated appropriations bill, it is very likely that the issue would have been resolved without creating this unfortunate precedent.

Therefore, Mr. President, I ask unanimous consent that notwithstanding the vote of the Senate of July 27, 1992, future Presiding Officers not be bound by that precedent, and that they be free to rule on the question of legislation on appropriations based on the vast preponderance of the precedents established prior to that date.

Senator may reserve the right to object if they wish to comment at this point.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Reserving the right to object, and I shall not object, the Senator from West Virginia and I have had conversations about this, and I have conferred with the two Parliamentarians because of my feeling as a member of the Rules Committee that the impact of the purported—the record advice that would be given by the Parliamentarian to any Presiding Office was as the Senator from West Virginia stated: That the Senate's actions on the Smith amendment, which repealed a provision of District of Columbia law, not a provision of Federal law—and as the Senator from West Virginia indicated, it was a Senate-originated appropriations bill and therefore not subject to the concept of germaneness, a very unique circumstance—that the Parliamentarian would advise the Presiding officer as the Senator from West Virginia has indicated, that such action in effect would have vitiated the current provision of rule XVI that permits a point of order to be raised against legislation on an appropriations bill.

I think the action taken by the distinguished President pro tempore is entirely in order. As a member of the Rules Committee, I urge the Senate to see to it that this is adopted. And I hope that it is sufficient to satisfy the feelings of the Parliamentarians concerning the action that the Senate took on the Smith amendment.

I do not know if my friend from West Virginia would permit it at this time, but I would be constrained to ask the Parliamentarian if the statement and unanimous consent requested by the Senator from West Virginia would, indeed, have the impact that we all seek? And that is to assure that the provisions of rule XVI remain intact and that the Smith amendment not be considered a precedent for the purpose of in any way altering the effect of rule XVI concerning points of order on legislation on an appropriations bill. Would the Senator permit me to make that request at this time?

Mr. BYRD. I yield for the purpose of the Senator making a parliamentary inquiry to the Chair.

Mr. STEVENS. I make that parliamentary inquiry to the Chair: Is the Parliamentarian prepared to accept such a unanimous-consent request as in fact restoring the total vitality of rule XVI, according to the precedents of the Senate prior to the Senate's action on the Smith amendment?

The PRESIDING OFFICER. That would be the effect of granting the request.

Mr. STEVENS. I do not object, and I thank the Senator from West Virginia.

Mr. FORD. Mr. President, I reserve the right to object but I will not object.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Let me join with my good friend and colleague the Senator from Alaska in support of the President pro tempore's motion. We do not look at the institution anymore. We look at the emotion behind the amendment and whether it will be a good or bad 30-second political ad. Somehow we are going to have to come back to what this institution really means and the procedures that are here.

I think it is unfortunate that we lay all of this burden for all practical purposes on the shoulders of the President pro tempore. No one else reminds us about the rules. No one else reminds us of what should be done. No one comes forth with the ideas to use the unanimous-consent agreement to say that this will not be a precedent.

So I think it is now time for us to take a real, hard, cold, look—if I can use that term—at how we proceed in the Senate and begin to say we need to move legislation through here; we need to have limited debate; and we need to get on with the people's business. Then we can go back to our own States and see our constituents and not worry about whether we are going to be in Saturday or not, or whether we are going to be in until 9, or 10 o'clock, or midnight, or 2 in the morning. We would have a procedure here.

It is about time 99 of us joined the President pro tempore and gave our support to the majority leader and the minority leader so we can move legislation through here. I compliment my friend from West Virginia for his effort in protecting the rules of this institution, and I do not object.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Washington is recognized to raise his concern.

Mr. ADAMS. Reserving the right to object, and I shall not object. I want to echo the remarks of the Senator from Kentucky and also state this was not on the D.C. appropriations bill that this occurred. Because I agree with the Senator completely, this precedent should be overturned and the rules restored so we do not have legislation on appropriations bills. I compliment the President pro tempore for bringing this up. I just wanted to simply state it was not a D.C. appropriations bill on which this occurred. I thank the Senator very much.

Mr. BYRD. But even if it had been, such an amendment had no business being offered with such a bill—to any appropriations bill.

Mr. ADAMS. I simply mentioned that because the Senator is absolutely correct. Sometimes we get legislation from the other body and the question of germaneness comes up. We have been through that argument. We understand that process. That was the reason I mentioned it, is that there was no legislation possible that this could have attached to and germaneness

could not have been brought up. The Senator is helping us greatly. We hope this unanimous consent will be granted.

Mr. BYRD. I thank the Senator.

Mr. STEVENS. Reserving the right to object, I do state for the record that I do not agree with the statement of the Senator from Washington. This has no impact on the action taken on the Smith amendment. It just says the Smith amendment shall not be deemed to have changed the precedents of the Senate with regard to legislation on an appropriations bill.

The PRESIDING OFFICER. The Senator from Arkansas in response to the unanimous-consent-request.

Mr. PRYOR. Mr. President, reserving the right to object, I will not object, I shall not object.

Mr. President, once again I would like to state to the Chair and to our colleagues, the critical nature of what the distinguished President pro tempore is dealing with at this time. I remember casting that vote, I believe it was a week ago Monday, if I am not mistaken, on the floor. I remember that I had some reservations about that vote but I did not truly recognize, nor was I sensitive enough to the magnitude of what we were doing.

Mr. President, I would like to rise to thank the distinguished Senator from West Virginia. Once again he has brought this great institution sort of back into the mode of reality and he has performed a real service for us and for the institution. I think most of us—I cannot speak for all of our colleagues in casting that vote—this was one of those classic votes where we did not possibly realize the unintended consequences of our act. Mr. President, I thank the distinguished Senator for performing this service for the Senator and for the Senate.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Reserving the right to object and not only shall I not, quite the opposite. I just want to add my voice of thanks to the Senator from West Virginia for the TLC, the tender, loving care which he gives to this institution and its rules. I notice how much time he has given to this particular issue since the vote on the Smith amendment. It did create some very serious ramifications for our authorizing committees as well as for the procedures on the floor. And I just simply want to add my voice of thanks for being there, to protect this institution and its rules.

Mr. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Before the Chair puts the request, Mr. President, no Senator, I am sure, realized the implications of his vote to overturn the Chair in that instance. I want to make that perfectly clear, as far as my opinion is concerned.

I believe most Senators would have voted to sustain the Chair, had they realized the full implications of that vote.

Second, let me say, the vote really had the effect of changing that provision in rule XVI, at paragraph 4:

> On a point of order made by any Senator, no amendment offered by any other Senator which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received to any general appropriations bill.

So the effect of that vote was to modify or amend, even to negate, a provision in the Senate rule. I am sure most Senators never want to do that.

Third, let me emphasize again, that the effect of this unanimous-consent request—if agreed to—will have no impact whatsoever on the amendment that was offered by the Senator from New Hampshire [Mr. SMITH]. I was opposed to his amendment, but that is not why I am here today. Even if I had been supportive of the amendment, I would still have made this statement and this request today.

I was not, I must say—by way of obiter dictum—impressed by those who seem to imply that the Congress has no right to overturn a law of the District of Columbia. I do not agree with that. But I did agree that the Chair's ruling should be sustained.

On the matter of the rights of the Congress, if we want to put it that way, the Constitution provides that the "Congress shall have power to exercise exclusive legislation in all Cases whatsoever over such District * * * as may * * * become the Seat," not a seat, "the Seat of the Government of the United States."

So Congress has the power. That argument was not impressive, as far as I am concerned, but I did favor the law of the District of Columbia. But this request today does not go to the merits of the amendment offered on that occasion by Senator SMITH.

But just so we may understand that the Senate was repealing a law and that his amendment was legislation, no doubt about it, I will read the amendment which appears on S10327 of the CONGRESSIONAL RECORD of July 27.

> The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 2752.
>
> At the appropriate place, add the following:
>
> "The Assault Weapon Manufacturing Strict Liability Act of 1990 (D.C. Act 8-289, signed by the Mayor of the District of Columbia on December 17, 1990) is hereby repealed, and any provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted."

So that was, indeed, legislation on an appropriations bill. Therefore, no Senator had the defense of asserting the defense of germaneness. There was nothing in that bill to which the Smith amendment could have been germane, because it was a Senate appropriations bill, S. 3026, not a House appropriations bill.

Mr. STEVENS. Will the Senator yield again for one comment?

Mr. BYRD. Yes.

Mr. STEVENS. Mr. President, as the Senator knows, I was slightly vociferous about the amendment offered by my friend from Georgia, Senator FOWLER. I have had discussions concerning the right to raise the point of order of legislation on an appropriations bill in connection with that amendment. It was during those conversations that I think the Senator from West Virginia advised me and I realized that that would put subjective considerations into reversing the advice that the Chair was going to receive from the Parliamentarian and in all probability we might have had a compounded problem had the point of order been raised and this Senator appealed the ruling of the Chair.

So I am delighted that the Senator from West Virginia, again, has taken upon himself as President pro tempore to find a way to achieve that goal without the subjective feelings of any Senator being involved. I think it is right and proper that we do restore the validity of rule XVI. And the Senator has done, as everyone has said, a great service to the Senate.

I voted, I have to tell the Senator, as he probably knows, I voted for the Smith amendment because I believe in the Smith amendment, and it is unfortunate that the advice was derived by the Parliamentarians. I do not argue with the Parliamentarians. They are the Parliamentarians, I am not. I was prepared to accept the advice of the Parliamentarians. I am delighted the Senator from West Virginia has done just that. I hope it will lay it to rest. I hope all of us will be forewarned in the next instance to find another way to deal with the subject without raising that type of a situation again.

Mr. BYRD. Mr. President, I will close with this statement. Seldom do I vote to overrule the Chair. I have done so upon occasion. I have even recommended that the Senate vote to overrule the Chair in some rare instances and may do so again at some point in time. But I believe that Senators ought to be very, very careful and first realize what they are doing when they vote to overturn the Chair. In this particular instance, as I say, the vote to overturn the Chair's ruling could be interpreted as amending, modifying, or even negating a provision in standing rule XVI.

That completes my statement.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, reserving the right to object, I am concerned about this matter, notwithstanding the fact that I am in total agreement with the Senator from West Virginia. I agree that the ruling of the Chair was appealed and arrived at a conclusion that put legislation on an appropriations bill. It does not serve this Senate well.

The reason for my rising is that I am concerned that only about a half a dozen Members of the Senate are on the floor of the Senate at this time. I am concerned about the precedent that we would be setting in getting an agreement by unanimous consent to overrule a previously made decision of the Chair.

I wonder if my colleague from West Virginia, who is a stickler for rules of the Senate and an authority with respect to the rules of the Senate and a very fair individual—and I have worked with him over a period of years on many parliamentary issues—would not think it appropriate that before this matter is put to the body, that the Members of the Senate be alerted to the fact that this action is about to be taken?

I know that the Members could and should be on the floor, but it is my view that there could be another occasion when, without sufficient numbers of Members of this body on the floor, that the Senate might proceed to change some other rule of this body or some other ruling of this body.

I wonder whether or not the Chair might inquire of the Senator from West Virginia and respond directly as to whether he would not feel it appropriate that there be some notice given before this action is taken.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I, in a manner, gave notice in that I announced before the rollcall vote that Senator STEVENS and I would be addressing a matter involving the precedents and rules of the Senate and urging the staff, floor staff on both sides, to notify Senators to stay around for that purpose, to listen so they could be perfectly aware.

The Senator, of course, has a right to object, if he wishes, in which case I will offer an amendment. I have a slot in the amendment list which deals with technical amendments, and I view this as a technical amendment. It is not a matter of substance. It does not affect this appropriations bill in any way. If the Senator wishes to have the Senate fully on notice and have a vote on it, that will be fine with me.

Mr. STEVENS. Will the Senator yield for just one moment, my friend from Ohio. I think this is really preventive medicine. The Chair has never to my knowledge advised—the Parliamentarian has never advised the Chair yet as to this potential that we are trying to correct.

Am I incorrect, Mr. President? Has the Parliamentarian yet advised the Chair of the effect of the Smith amendment on rule XVI and has that become a precedent yet?

The PRESIDING OFFICER. The issue has not arisen since that time.

Mr. STEVENS. What I am saying to my friend from Ohio is that the Senator from West Virginia, in his usual surgical way, is asking the Senate to unanimously agree that the action of the Smith amendment did not affect rule XVI, it is not changing the rule, and it is not reversing a precedent. No such precedent has been confirmed yet in the Senate. It would have been, had this Senator raised the point of order against the Fowler amendment that I was about ready to raise. But after conferring with my friend, who is the oracle of the rules, in my opinion, I did not do that, and the Senator agreed that we would together find a way to assure that the Senate did not lose the right under rule XVI that exists and will be perfected once again, prevented from being harmed by such a ruling if someone were to make a point of order of legislation on an appropriations bill where the rule of germaneness could not be raised.

It is a narrow situation, I am sure the Senator from Ohio realizes.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, although the Chair has not ruled to that effect, the Senator from Ohio would represent to his colleagues that on a previous occasion, not in connection with this matter but several days ago, I inquired of the Parliamentarian on this very point, and the Parliamentarian advised me, as many of us get advice from him by going to the front, that the ruling was controlling at this point with respect to the matter of legislation on an appropriations bill.

I am not looking to create a problem for the Senator from West Virginia. As I said earlier, I agree with the Senator from West Virginia. What I am suggesting to the Senator from West Virginia, unless there is some reason not to do so, is that there be a hotline for a half-hour or 45 minutes that this matter was going to come before the body. Every Member can then be notified. And I do not think the Senator from West Virginia would be losing any position. The Senator from Ohio is totally supportive of his effort. But I just have the feeling that this itself creates somewhat of a precedent, so we will be changing the rules by unanimous consent, and I would feel much more comfortable if we at least alerted all Members of this body.

Mr. BYRD. Mr. President, I cannot let that statement stand. The Senator says this request will be changing the rules by unanimous consent. I would never do that. That is not my purpose. My purpose is, by unanimous consent, to negate a dangerous precedent which was set the other day which, in effect, changed that provision in Senate rule XVI prohibiting legislation on appropriations bills.

I will be perfectly happy to renew my request later. I doubt that we will have any more Senators on the floor than we have now. Or I can offer an amendment and let all Senators vote on it.

Mr. METZENBAUM. Would the Senator from West Virginia be comfortable in asking the staff to alert all Members of the body that this is going to be renewed 45 minutes from now?

Mr. REID addressed the Chair.

Mr. BYRD. Mr. President, I am happy to. I have no fear of the outcome of this.

Mr. METZENBAUM. Neither do I.

Mr. REID. Will the Senator from West Virginia yield?

Mr. BYRD. Yes.

Mr. REID. This has been very educational. We as Senators have a responsibility to watch what is going on on the Senate floor, and I do not think any time something like this comes up we have to notify people what is going on here. They should be watching and listening. I think that we should move about the business of the Senate and not alert the staff, or that the staff should be alerted. We are in business now. We have been for several weeks.

Mr. BYRD. I did give the Senate notice, as I have already indicated. Furthermore, Senators are watching their televisions. I daresay at this hour of the day anything that is said on the floor is heard and seen in practically every Senator's office, and they are very quick to object. It is like that advertisement I hear on the TV: "If you have a telephone, you have a lawyer."

Senators have telephones, and I am sure they would be getting in touch if they wanted to lodge an objection.

Besides that, we have a list of 20 amendments, and we have disposed of only two of them at this point. I wanted to get around to asking Senators if they are really serious about these amendments. If they are not, we would like to remove them from the list. I am sure the majority leader would like to have some idea whether or when we might finish work on this bill.

Mr. METZENBAUM. I support the Senator in both respects. I support the Senator in trying to clarify this rule and I support him in being able to move forward with this legislation. I only raise this question because it is of concern that, although it is not changing the rule, it does impact upon a previous decision made by this body and the impact is that it is a change of the rules.

I do not consider it a cause celebre, since I agree with the Senator from West Virginia. If he is not inclined to

hotline it and let the Members know what is going on, I would not stand in the way of going forward. But I do have my reservations.

Mr. BYRD. Mr. President, I ask unanimous consent that on an amendment which I am prepared to send to the desk, a vote occur on that amendment immediately following the next vote on any other amendment, so that the Senate will have an opportunity to show hands down exactly how they feel about this matter.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I have not yielded the floor yet, but I yield to my friend.

Mr. MITCHELL. Will the Senator yield?

Mr. BYRD. Yes; indeed.

Mr. MITCHELL. Mr. President, it is becoming very hard to move this legislation. I think what Senator BYRD is attempting to do is worthy of praise and support. I understand the concern of the Senator from Ohio. I will say to the Senator that, as he knows, I regularly propound unanimous-consent requests on the floor, and I can assure him when Senators object we hear within seconds—within seconds. Frequently when I am in the middle of a sentence, the phone rings and staff comes running out to say, "Senator so and so objects."

Now, may I suggest the following to accommodate the Senator and to permit us to proceed: Why do we not now proceed to another amendment. All Senators have been notified by virtue of this debate, and unless objection is heard from a Senator who insists upon it being done in the form of an amendment and thereby a vote by the hour of 6 p.m., we will proceed to have it done by consent as Senator BYRD has suggested.

Mr. METZENBAUM. Perfectly agreeable.

Mr. MITCHELL. Is that agreeable to Senator BYRD?

Mr. BYRD. Yes; it is.

Mr. MITCHELL. I thank my colleagues.

Could the Senator proceed with the next amendment?

Mr. BYRD. Yes; indeed.

Incidentally, I call attention to that debate which occurred in the Roman senate in 62 B.C., when the senators were discussing the punishment that should be meted out to the participants in the conspiracy of Catiline. Caesar rose to say: "All bad precedents originate from measures good in themselves."

So this, in the eyes of some, was a good measure in itself. But as we saw, by our not paying adequate attention to the implications of the procedural aspects, the Senate was about to set a very bad precedent.

I yield the floor.

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator BYRD's request be temporarily set aside, with the understanding that he will renew the request at approximately 6 p.m., unless objection is heard from a Senator who wishes it in the form of an amendment with a recorded vote.

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

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

Mr. SMITH. Mr. President, because neither the Senator from West Virginia [Mr. BYRD] nor any other Senator had notified me in advance that my amendment to the State-Justice-Commerce appropriations bill would be debated this afternoon and that a unanimous-consent agreement would be entered with respect to that vote, this Senator is forced to comment on that unanimous-consent agreement after the fact.

First of all, Mr. President, no Senator is more concerned about the increasing problem of legislation on appropriations bills than this Senator. There is hardly an appropriations bill considered by this body which does not contain dozens of provisions which are legislative in nature. In the case of this year's State-Justice-Commerce appropriations bill, the legislative provisions contained in the Senate bill were effectively insulated from challenge by the fact that the Senate—arguably unconstitutionally—chose to report a Senate-originated appropriations bill, rather than marking up a House bill. According to the parliamentarian, this meant that the provisions of rule XVI prohibiting legislation on an appropriations bill did not apply to the Senate-initiated proposal.

When the Senate moved to strike all after the enacting clause of the House bill and to insert the provisions of the Senate bill, it would have been in order for any Senator to raise a point of order with respect to the many legislative provisions in the Senate bill. It would also have been in order for this Senator to offer his amendment on the D.C. gun bill and to raise the defense of germaneness, and this Senator has no doubt but that the Senate, in accordance with the Adams and Gramm precedents on the 1989 supplemental appropriations bill, would have found the amendment germane. Finally, this Senator could have raised a point of order that a Senate-initiated bill was unconstitutional.

Any of these courses of action would have had the effect of derailing the Senate schedule and requiring the State-Justice-Commerce bill to be considered twice—once in connection with the Senate bill and once when the House bill arrived.

Mr. President, this is not the first time that the Senate has overturned the Chair on the question of whether language constituted legislation on an appropriations bill. Early in the 1980's, my senior colleague, Senator RUDMAN, successfully appealed the ruling of the Chair that elaborate legal services language extending for several pages constituted legislation on an appropriations bill. This was not a vote on germaneness—it was a flat appeal to the ruling of the Chair, which the Senate overturned by roughly the same vote that it would have entered on the merits.

Mr. President, this Senator has no objection to the unanimous-consent request by the Senator from West Virginia. But I would only say that what's sauce for the goose is sauce for the gander.

First of all, let's not have any more Senate-initiated appropriations bills which insulate legislation on an appropriations bill reported by the Senate committee from any point of order, but eliminate any possibility of a legislative floor amendment, even if it is germane to a House provision in the House bill to which the Senate bill will eventually be attached.

Second, let us redouble our efforts to strip the committee-reported appropriations bills of the pages of legislative language which regularly grace them.

The maintenance of the Senate rules is a two-way street which requires the diligence of all Senators—with respect to instances in which the ruling of the Chair would benefit them, but also with respect to instances in which the ruling of the Chair would thwart their legislative interests.

(Later the following occurred:)

Mr. BYRD. Mr. President, in accordance with the order previously entered, I ask unanimous consent that, notwithstanding the vote of the Senate on July 27, 1992, future Presiding Officers not be bound by that precedent, and that they be free to rule on the question of legislation on appropriations based on the vast preponderance of the precedents established prior to that date.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. BYRD. As I look now at the list of 20 amendments, 2 have been disposed of by the Senate today. I hope Mr. NICKLES will follow me on this list, because I am going to ask unanimous consent that it be accordingly narrowed.

I understand now that, based on the very excellent work of our respective staffs on both sides of the aisle, the amendments have been narrowed. Instead of 20 amendments, 2, of course—as I said about 3 times—have been disposed of by the Senate in almost 8 hours.

The following amendments, however: Mr. BOND, I understand his amendment is on the list, dealing with the subhumid agroforestry. I understand he will not call that up.

I understand that the amendment by Mr. STEVENS dealing with small mining exemption, that is in the bill; an amendment by Mr. REID dealing with mining, no patent on uncommon variety minerals.

Mr. REID. Mr. President, if the chairman will yield, we have been notified by the budget people that that would score against our bill.

Therefore, between now and conference, we will work on that to see if something else can be done to exclude the uncommon varieties from being patented.

So we will drop that from the list.

Mr. BYRD. An amendment by Mr. REID dealing with mining. It just says mining.

The Senator has three amendments.

Mr. REID. Yes. Mr. President, if the chairman will yield, there will be one amendment dealing with bonding that will be offered on behalf of Senator BUMPERS and I. That will take no debate.

I think all parties on both sides have agreed to it. If not, they will shortly.

Mr. BYRD. Very well. An amendment by Mr. SMITH dealing with freeze, which I understand will not be called up; an amendment by Mr. KASTEN dealing with battery research will not be called up; an amendment by Mr. LOTT dealing with battlefields will not be called up.

Mr. NICKLES. If the chairman will yield, Mr. President, I believe both Senator KASTEN's and Senator LOTT's amendments will be discussed with a colloquy.

Mr. BYRD. That is correct.

And an amendment by Mr. BINGAMAN, dealing with boots and saddles will not be called up.

Is what I have said the understanding of the distinguished Senator?

Mr. NICKLES. That is correct.

Mr. BYRD. I therefore ask unanimous consent, Mr. President, that those amendments be deleted from the list of eligible amendments that may still be called up on this bill.

Mr. STEVENS. Reserving the right to object, Mr. President, the Senator did not read the remaining amendments. That only pertains to the amendments that the Senator has mentioned?

Mr. BYRD. Yes; that is correct.

Before the Chair puts the question, let me read the remaining amendments concerning which I have no indication as to whether or not they will or will not be called up.

On the list still is an amendment by Mr. WALLOP dealing with net receipts; an amendment by Mr. WALLOP dealing with abandoned mineland reclamation fund; an amendment by Mr. STEVENS to authorize the transfer of a historic building in Alaska; an amendment by Mr. BOND dealing with Forest Service, which prohibits expenditures for computer purchase or maintenance pending Department of Agriculture field structure reorganization; an amendment by Senators WALLOP, BURNS, CRAIG, and BAUCUS to strike $148,000 in National Park Service funding for wolf reintroduction EIS, and to provide funds for a BLM project in Wyoming; an amendment by Mr. REID dealing with bonding requirements in mining; an amendment by Mr. JEFFORDS on the grazing fees; and I have an amendment by Mr. DOLE still on the list dealing with Hanover Station; an amendment by Mr. SEYMOUR, private relief, Yosemite; and Senator BYRD has a slot for technical amendments.

Mr. NICKLES. If the chairman will yield, Mr. President, I believe the Dole amendment will be handled by a colloquy. I believe that the Seymour amendment has been deleted, as well.

Mr. BYRD. Very well.

Mr. President, I ask unanimous consent that the list of eligible amendments therefore be narrowed accordingly.

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

Mr. BYRD. I thank all Senators. We have made some progress. We still have some amendments on the list, at least, which could be troublesome.

I hope that a Senator will immediately call up an amendment.

Mr. NICKLES. If the chairman will yield for 1 further second, I discussed Senator WALLOP's amendments. It may very well be that he will not offer those.

Senator STEVENS' amendment would transfer a historic building. I think Senator STEVENS is trying to work that out with Senator BUMPERS, and hopefully that can be handled without a vote.

Mr. President, I think we are really down to one last amendment that is going to require a vote, and that would be on Senator JEFFORDS' amendment dealing with grazing fees. I have requested interested parties on that issue to avoid an extended debate. We have debated grazing fees several times.

Hopefully, we will have a very short debate, and a motion to table, and that amendment can be dealt with and disposed of.

Mr. BYRD. Very well. I thank my friend, the distinguished Senator from Oklahoma [Mr. NICKLES] for his excellent work.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2905

(Purpose: To require the Secretary of Agriculture and the Secretary of the Interior to establish a domestic livestock grazing fee for certain lands for the grazing season that commences on March 1, 1993)

Mr. JEFFORDS. 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 Vermont [Mr. JEFFORDS], for himself and Mr. METZENBAUM, proposes an amendment numbered 2905.

Mr. JEFFORDS. 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. . Section 6 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905 and 1751) is amended by adding at the end the following new subsections:

"(c)(1) Notwithstanding any other provision of law, the Secretary of Agriculture, with respect to national forest lands in the 16 contiguous western States (except National Grasslands) administered by the Forest Service where domestic livestock grazing is permitted under applicable law, and the Secretary of the Interior with respect to public domain lands administered by the Bureau of Land Management where domestic livestock grazing is permitted under applicable law, shall establish for the grazing season that commences on March 1, 1993, and ends on February 28, 1994, a domestic livestock grazing fee equal to $2.40 per animal unit month.

"(2) The grazing fee established in paragraph (1) shall apply to grazing permits on Federal lands managed by the Forest Service (with the exception of National Grasslands) or the Bureau of Land Management, except that:

"(A) If a grazing applicant or permittee presents certified evidence that the applicant or permittee owns or controls, whether through direct ownership or through leasing or management agreements a total of fewer than (i) 500 head of cattle or horses or (ii) 2,500 head of sheep or goats, or both, on grazing land under all types of ownership, including Federal State, local, and private, the fee shall be the greater of—

"(i) the fee determined by applying the formula described in subsection (a); or

"(ii) $1.92 per animal unit month.

"(B) All livestock owned or controlled by an applicant or permittee, whether in one or several States and whether grazed on Federal lands or not, shall be included in calculating the total number of livestock under paragraph (1).

"(C)(i) Subject to clause (ii), the Forest Service and the Bureau of Land Management shall determine by regulation the type of certified evidence applicants or permittees must provide to reflect aggregate ownership or control of domestic livestock for the purpose of determining the appropriate grazing fee.

"(ii) Proofs of livestock ownership under applicable State laws may include bills of sale, brand inspection records, State and local property tax assessments, incorporation papers, and lease agreements.

"(D) For purposes of this subsection, individual members of a grazing association shall be considered as individual applicants or permittees for the purpose of determining the appropriate fee level to be assessed.

"(E) Executive Order No. 12548, dated February 14, 1986, shall not apply to grazing fees established pursuant to this Act.

"(d) The grazing advisory boards established pursuant to an action of the Secretary, notice of which was published in the Federal Register on May 14, 1986 (51 Fed. Reg. 17874), are abolished. The advisory func-

tions exercised by the boards, shall, after the date of enactment of this subsection, be exercised only by the appropriate councils established pursuant to section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739).

"(e)(1) Funds appropriated pursuant to section 5 or any other provision of law relating to disposition of the Federal share of receipts from fees for grazing on public domain lands or National Forest lands in the 16 contiguous western States shall be used for—

"(A) restoration and enhancement of fish and wildlife habitat;

"(B) implementation and enforcement of applicable land management plans, allotment plans, and regulations regarding the use of the lands for domestic livestock grazing;

"(C) land and range improvements and conservation practices on public lands used for the purposes of grazing, including restoration and improved management of riparian areas; and

"(D) increased production of forage and browse for livestock and wildlife habitat needs.

"(2) The funds referred to in paragraph (1) shall be distributed as the Secretary concerned considers advisable after consultation and coordination with the advisory councils established pursuant to section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 8 1739) and other interested parties, including local conservation districts in areas where applicable.".

Mr. JEFFORDS, Mr. President, we are again, Senator METZENBAUM and I, offering a grazing fee amendment. I will point out that since there is a grazing fee provision contained in the basic bill, that we have a defensive——

The PRESIDING OFFICER. If the Senator will suspend, the Senator is entitled to be heard.

The Senate will be in order.

Mr. JEFFORDS. Just to clear this up, in view of all of the discussion we have had on authorizing legislation on an appropriations bill, I point out that the basic bill here—my colleagues should realize this—has a grazing fee provision in it.

The grazing fee increase provision which is in the underlying bill, put in there by the House, is substantially higher than the one that Senator METZENBAUM and I are offering today.

Mr. President, before I discuss the specifics of my amendment, I would like to read a passage from a recent issue of Public Lands News:

The hand dealt opponents of (a grazing fee) increase is weaker this year, primarily because of the worsening national budget situation. In addition to no increase in grazing fees, Westerners in a House-Senate appropriations conference will (1) oppose higher fees for hardrock miners, (2) seek twice as much revenue for the payments-in-lieu of taxes program, (3) demand that states receive their full 50 percent share of state mineral revenues, and (4) call for a balanced budget.

I think that sums up the situation pretty well. Many of the Members who called for a balanced budget a few weeks ago will oppose my amendment.

Interestingly, their States' shares of allocable Federal expenditures exceed their share of the Nation's tax burden. My State of Vermont is not in such an enviable position. Nor are the other older, industrial Frost Belt States.

In a way, our Northeastern and Midwestern States are the ones "pulling the wagon" and the Western States are going along for the ride.

Between 1981 and 1988, if proportional shares of tax burden and expenditures were equal, the 11 principal grazing States would have received $79.8 billion less. The 18 States of the Northeast and Midwest would have received an additional $360.1 billion.

I bring this up because many Senators from the public lands States in the West are so keen to balance the budget and invoke that necessity when they argue against funding for cities and urban programs.

But the same logic doesn't seem to apply if we attempt to fine-tune some of these natural resource programs.

If we are going to begin to reduce the deficit, we have to get more revenue from the natural resources every American owns.

I had hoped that Congress would resolve the grazing fee issue this year. Apparently, we're going to put it off another year.

The Appropriations Committee report directs the Secretary—presumably of the Interior—"to report no later than March 1, 1993, on specific options for determining grazing fees that embody a fair price value."

The Forest Service and BLM just issued a report this past April that tells us all we need to know about constructing a better grazing fee formula. I prepared an amendment to update and improve the formula based on the report. I think it's a good amendment.

I will not offer it in deference to the committee. But Senator METZENBAUM and I are growing tired of the industry's dilatory tactics.

So we will offer a new amendment. It is very simple. The grazing fee next year—under our amendment—will be $2.40 per animal unit month [AUM] for ranchers who own, lease, or otherwise control over 500 head of cattle or 2,500 head of sheep.

That's an increase of 25 percent over the current fee, which is allowable under the current formula.

If ranchers can document that they own fewer than 500 head of cattle or 2,500 head of sheep, their grazing fee will be determined by the current formula or it will remain at $1.92 per AUM, whichever is higher.

In other words, when you vote on the Jeffords-Metzenbaum grazing fee amendment, for those of you who are concerned about the grazing subsidy problem and want to do something reasonable, you should realize that what you will be voting on is a 1-year provision increasing the grazing fee by 25 percent, to $2.40 per AUM.

This is about half—less than half—of the grazing fee increase contained in the underlying bill.

The reason I am doing this is to remind Senators that last year, we took up the grazing fee amendment.

That amendment was basically the same one which is contained in the House bill this year.

At that time, opponents of my amendment expressed concern for a number of reasons. One was that the authorizing committee had not held a hearing. They would compromise in conference. Therefore, the amendment failed.

In the conference committee, however, they deleted the House grazing provision and replaced it with a requirement I drafted for a study to be made. The Department of Agriculture and the Interior conducted the study and issued it in April of this year. The authorizing committee did hold a hearing last month, but committee members determined that they did not like the study—the results of the study; and, therefore, they said that it was flawed and now have requested that a new study be made.

Since that time, the Energy Committee has taken no action on any bill relevant to grazing fees. So I remind those Members who, last year, told me that they voted against me because they had assurances that the committee of jurisdiction and the Members would try to work out a reasonable proposition with respect to grazing fees, we are here again this year as we wind down the session, and still we do not have a bill out of the committee.

At first, as I mentioned earlier, I thought I would offer an amendment containing what appear to be recommendations of those who are knowledgeable about public range land grazing; to take the present formula and to do two basic things to the formula. First, update the base value in the current formula through indexing.

And just to let you understand how ludicrous the present situation is with respect to grazing fees—that base value was established in 1966—the $1.23 per AUM. It has not been indexed or updated since that time. I think we all would enjoy having a freeze on our rent back to 1966 and pay in nominal dollars the amount of money that we paid in 1966. We do not have that.

Second, the General Accounting Office [GAO] and the agencies determined that the formula is mathematically flawed because the forage value, beef cattle prices, and prices paid indices did not interact in a ratio format; and, consequently, could not move the fee closer to market conditions. We reset the indices in a ratio format in accordance with the guidance of the experts, to take into consideration the changes necessary to make the formula produce a fee closer to the market value of the forage.

However, in view of the fact that there still is a great deal of sympathy for those in the West and yet, recogniz-

ing that we should not just leave this issue alone this year, and having again been left in a situation in which the committee refuses to take action to raise this fee in order to make it closer to the costs associated with the grazing program, I am here for two basic reasons:

First of all, I am from a State and an area of the country which has traditionally, and still does, put more money into the Federal Treasury than it gets back. There are programs in existence which are rather largely subsidized by the Treasury, for the benefits of relatively few individuals, as I said. I would like to make sure that we begin to understand that we have to pay for what we get.

Second, I'm concerned about equity among beef producers. The beef producers in the West who graze on public land represent only about 2 percent of the beef producers in this country. The fees that they pay are substantially lower than the fees that the others pay on private lands in comparable situations.

For those two reasons, I hope you will assist me this time in lighting a little fire under those who would try to keep the fixed rent based on 1966 and say, "OK, we will give you a year. In that year, we are going to raise the grazing fees 25 percent, but only on those beef producers which have more than 500 cows." That will raise the fee on about 15 percent of those ranchers using the Federal grazing land. We freeze the price for those who have fewer than 500 cows or 2,500 sheep. Since it appears the correct formula is very defective in its construction and will produce an even lower grazing fee next year. I predict $1.44 per AUM. We say that it will not go lower than the current fee. If the formula, however, should increase the fee; if I am wrong in my prediction, then it would go up, but it would still be based on the old formula.

Our amendment is a very modest amendment. Its main purpose is to resolve this issue so you do not have to hear from me or anyone else again, and we get the kind of equity that is necessary for the rest of the beef producers of this country; and, puts public lands ranchers in a position where they will pretty much pay for the benefits they derive from the grazing fee program. Again, only 15 percent of the beef producers that are involved in grazing on Federal lands have more than 500 head of cattle or 2,500 head of sheep. Thus, the number of those that will be paying higher fees is very small, but they currently receive a huge benefit at the taxpayers' expense.

So, again, I just want to say that this is just a short, 1-year increase, but no increase on the small producers, only the large. It will not bring the fee up anywhere near where the market value is on comparable private lands. And does not bring fees up to where they would be if the formula were improved by those that recognize that changes have to be made.

So I hope that you will assist me in putting a little fire under some of our public lands friends so we will see action between now and next year. Next year I hope to stand up here and praise those that have been telling us for so long that they will do something.

Mr. President, at the invitation of some of my colleagues from the far West, I went out this past year to Wyoming and visited with the ranchers and farmers. It was an exciting and educational time for me. I sympathize with all farmers. We have many farmers in Vermont, of course. I got to understand their problems better and the differences there are in Federal grazing and grazing on the plains or grazing back in our State.

So I am being very modest this year. I am showing my good faith to those who asked me to pursue this and, also, in hopes of bettering the relationships of the dairy farmers and the beef producers, who have had a very strained relationship in the past few years. And that is one of the reasons I am here. I hope that this body will work with me to get rid of this issue by next year. The only way we can do it is to make some movement this year toward a reasonable reconciliation of this problem.

Let me give you a little bit further information. According to the Congressional Budget Office [CBO], our amendment will generate an additional $3.1 million, with no loss, absolutely no loss, of AUM's grazed.

So any argument that somehow this amendment is going to put anybody out of business is absolutely absurd.

Next year, I will refresh your memory, the fee for the biggest permittees will rise to just $2.40 AUM. AUM—we always toss that around—basically means 900 pounds of feed. So if you want to figure out the per-pound cost at 42.40 for 900 pounds of feed you can see that is a very, very good bargain.

That is the fee level, incidentally, the $2.40 which we will get to under this amendment, a 25 percent increase for the big producers, that prevailed in 1980, 12 years ago.

I do not think anyone can honestly characterize this amendment as unfair.

The 500 largest BLM permittees control 76 million acres, 47 percent of BLM grazing land. The smallest 500 control 13,000 acres, or just one-hundredth of 1 percent of the BLM total.

How do we differentiate between ranchers? The ranchers simply present evidence—the burden is on them, that is true; you have to have a self-enforcing system here—to the Forest Service or the Bureau of Land Management of livestock ownership: bills of sale, property tax assessments, brand inspection records incorporation papers, lease agreement, etc. All of these are records ranchers currently keep.

I do not want to take too much more time, so I will just close with the following observations.

First, only 25,000 ranchers hold these permits. That is a small minority, even in the West. And do not think private land ranchers who have to compete in private forage markets do not resent the subsidy accruing to their neighbors.

Several months ago, last November, to be exact, a Montana livestock journal reported that a majority of the Montana private land ranchers favor a grazing fee increase. One half expressed support for awarding Federal grazing permits on a competitive bid basis.

Second, the fee under our amendment would increase to $2.40 next year for the largest permittees only, That is the level it was in 1980, 12 years ago.

Third, 4 of the Nation's 10 biggest cow-calf operations, according to the National Cattlemen's Association, and 11 of the top 25 hold Federal grazing permits. They have between 6,000 and 35,000 head of cattle. Is it really fair that they pay the same fee as a family rancher with 250 or the 500 head?

Finally, I would like to quote to you from a Billings Gazette editorial that appeared on June 28, 1992:

> Grazing fees have long been so low that they have been kind of an unspoken subsidy for ranchers. But with the Federal Government so badly in debt, increasing them to true market value is one of the painful steps which the Federal Government should take. We are all going to have to make some sacrifices like this to put our Federal Government back in the black.

So I would urge you to allow us to establish some equity between beef producers in this country and also to reduce a subsidy which still exists, based upon 1966 data, which obviously has little or no relationship to the present value of money and market conditions.

So I hope you would keep these points in mind when you recognize that what we are trying to do here is a very modest attempt to establish equity among beef producers and equity for the taxpayers.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I shall move to table this amendment at some point, hopefully soon. I want to move the bill along. The matter will be in conference. There is legislation in the House bill. But I will not do so before Senator METZENBAUM has an opportunity to speak, and Senator DOMENICI. Are there other Senators?

Senator REID, Senator BURNS.

Any others?

Does the Senator wish to speak any further.

Mr. JEFFORDS. I would like to reserve that right.

Mr. BYRD. Could we have some idea of the length of time so all Senators will be on notice?

Mr. METZENBAUM. Five or ten minutes.

Mr. BYRD. At the most, 10 minutes.

Mr. DOMENICI. No more than 5 minutes.

Mr. BURNS. No more than 5 minutes.

Mr. REID. Two minutes.

Mr. BYRD. Two minutes for Mr. REID.

Mr. JEFFORDS. Five minutes.

Mr. BYRD. Five minutes for Mr. JEFFORDS and Senator SIMPSON for 5 minutes.

Mr. CONRAD. Will the Senator yield?

Mr. BYRD. Yes.

Mr. CONRAD. I would like 3 minutes as well.

Mr. BYRD. All right, 3 minutes to the Senator from North Dakota.

Mr. NICKLES. Senator CRAIG wanted 5 minutes.

Mr. BYRD. Mr. CRAIG wanted 5 minutes.

Mr. President, I ask unanimous consent that, at the conclusion of that total time as explicitly stated here on the floor by the Senators who will receive certain portions thereof, I be recognized to make a motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise today to join with my colleague from Vermont in connection with this amendment.

This is an amendment which deals with a subject that we debated at great length last fall—grazing fees.

It is a subject that the House has voted on, and the result was decisive—grazing fees are too low, they are unfair to the rest of the American people, and they should be raised.

Let me revisit some of the issues that we debated last year.

Ranchers out West benefit from a subsidy in which they are granted the exclusive right to graze their livestock on Federal lands—at far below market rates. Grazing fees are so low they do not even cover the cost of maintaining the range in decent condition.

Currently, ranchers pay permit fees that total about $1.92 per animal each month. The fee is set by a formula established by a 1986 executive order—based on an appraisal of the forage value of the land that was conducted 25 years ago—in 1966.

The net effect is that ranchers are paying less than a quarter of what they should be paying. And that is not fair to the rest of the American people.

Of course, this is nothing new.

In 1983, although the Federal grazing fee was $1.39, the USDA estimated the fair market value was between $4.68 and $8.55, quite a distance from the $1.39 Federal grazing fee. This figure came about in an appraisal report estimating fair market rental value of grazing on public lands by the USDA. In fact, in 1980, the rate charged was $2.40.

Last year [GAO] reported that "relatively low fees are an inherent result of the existing formula's design. * * * The Federal grazing fee is 15 percent lower now than it was 10 years ago. This contrasts with a 17-percent increase in private grazing land lease rates over the same period. This is occurring even though public and private land ranchers face essentially the same market conditions"—(Current formula keeps grazing fees low, GAO/RCED-91-185BR).

In 1991, a rancher with a Federal permit could turn out a 500-head herd for 4 months for $3,940. But ranchers without such a permit are paying a market rate of $9.22 per AUM, or $18,440, to lease private land, according to the Department of Agriculture.

That is $3,940 for one; $18,440 for the other—the private rate.

The ranchers would have us believe that if we raise the grazing fees they will not be able to invest in range improvements, and practice good stewardship over the land.

But the Congressional Budget Office says that between 1979 and 1983, ranchers spent, on average, only 16 cents per animal each month on improvements—a lot of improvements that is.

Then ranchers have the nerve to say the Federal rangeland is not really worth $6 to $11 per animal per month because it is not as well kept as private lands.

Yet here we are collecting less than market value from wealthy ranchers who are using, and often abusing, lands owned by all Americans. The Government borrows money to maintain the range for a few wealthy ranchers.

Let me list a few of these wealthy permit holders who the taxpayers of this Nation subsidize. Oil companies are big in this area; oil companies like Getty Oil, Union Oil, and Texaco; also John Hancock Mutual Life Insurance Co., Pacific Power, and Utah Power & Light, Zenchiku Land and Livestock of Japan—a Japanese-based meat company that leases 41,000 acreas of federally subsidized ranchlands in Montana, David Packard of Hewlett-Packard, the San Felipe Ranch, McKay, ID.

It is absurd for the American people to be subsidizing these insurance companies, these oil companies, these wealthy investors, Japanese-owned companies. That is absolutely preposterous.

Mr. President, many of my western colleagues have spoken about the need to balance the budget and we listened.

Our colleague from Wyoming lamented just 2 months ago that we spend $977 billion in entitlement programs and that we don't perform a means test on over three-fourths of that spending. And when they spoke, we listened.

We heard from our western colleagues that raising the grazing fees will hurt the family rancher. And we listened again.

And, so, Mr. President, the amendment we offer today is not the same amendment we offered last year. It does not raise grazing fees across the board. It uses a means test.

It says that the large rancher will pay 25 percent more than what he paid last year. That is certainly not a hardship.

It says that if you have 500 head of cattle or fewer, or 2,500 sheep or goats or fewer, you will pay the current rate or the rate prescribed by the current formula.

I have no problem with giving the little guy a break, but when Fortune 500 companies are paying far below market rate for grazing their cattle on public lands, then it's time for Congress to take a stand against this giveaway to those who can afford it.

Frankly, I wanted to raise the rate for the large ranchers even more than this amendment does.

It will raise the rates to the 1980 level, $2.40; but we decided not to go that far—just to do it a very modest amount.

Mr. President, I think we all know what a vote against this amendment means.

It means that a wealthy few should still be entitled to these tax subsidies. I do not believe that should be. The Senator from Vermont does not believe that should be. I hope our colleagues do not believe that should be.

Mr. President, I urge my colleagues who spoke out in defense of the family rancher, my colleagues who have spoken out for a balanced budget, and my colleagues who know what is fair, to join me in this amendment to just say no to giveaways for these wealthy ranchers. Let us be fair to all the taxpayers of this country.

Mr. President, let us save some money. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. How much time remains under the order?

The PRESIDING OFFICER. Thirty minutes.

Mr. BYRD. Thirty minutes. I am advised that Mr. BAUCUS wants 5 minutes. I ask unanimous consent that he be added to the list for 5 minutes.

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

Mr. BYRD. Then am I correct, Mr. President, that I should be present on the floor prepared to make my motion to table at the hour of 10 minutes of 7 p.m.?

The PRESIDING OFFICER. The Senator is correct; 10 minutes of 7.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I do not agree with the amendment. I strongly oppose the amendment. But I do believe the Senator from Vermont, knowing him the way I do, thinks his position is right. I hope in this day that we have been able to educate those Members of the Senate, including my friend from Vermont, how people do not understand the western part of the United States, how, in fact, it would have been better had this legislation been presented to the authorizing committee where hearings could have been held, where evidence could have been taken, and that the matter could have reached the floor, if in fact it would have reached the floor, through the ordinary authorizing process. This is not the appropriate place to deal with a matter of this magnitude.

For those Members present who may not understand the grazing fee formula, let me, Mr. President, provide a few brief facts to shed additional light on this complex matter. As we have been told by people who have appeared here before, PRIA, or the Public Rangelands Improvement Act, was passed in 1978, and is based on a set of three things: First, the price of beef; second, the cost of production; and third, the lease rate index, which is the difference between the cost of grazing on public and private lands. These issues have more to do with policy than appropriations, and therefore it should not be on this Interior appropriations bill.

It has been argued that grazing fees on public lands constitute a subsidy. Conveniently, this argument generally falls well short of a thorough examination of factors that go into grazing livestock on public lands.

Mr. President, I should like to take a short time this afternoon to talk about some things that have been raised during the debate and things that have been raised only indirectly during this debate. These are what we can call key talking points about grazing fees.

For example, Mr. President, over the past 4 years the grazing fee has been increased by almost 50 percent—to be exact, 46 percent. The grazing fee formula has changed because it was set up to change. But the formula does provide, under the bases that I just indicated, stability and predictability. That is what this important part of American industry, that is, the cattle industry, needs, stability and predictability. That is why in 1978 the formula was developed.

It is true that private rangeland rents are typically higher than public rangeland grazing fees. We acknowledge that. But we have not discussed here today in any detail the fact that private leases are self-sufficient units, where the owner typically provides fencing, water improvements, and roads.

On public lands, by contrast, Mr. President, almost nothing is provided. Instead, the public leaseholder must bear most of these costs, including larger management costs, higher death loss and poor animal performance due to the inherently wider open range environment.

Finally, ranchers leasing public lands also bear the increased costs of complying with today's range management guidelines—and we will talk about some of those, but they are significant.

Public land livestock grazing makes a significant contribution to rural economies in the West. Mr. President, consider 88 percent of the cattle produced in Idaho, 64 percent in Wyoming, and 63 percent in Arizona depend in part of public grazing lands. In Nevada, my State, 87 percent of the land is owned by the Federal Government. We cannot lease private lands. It is owned by the Federal Government—87 percent of it.

For this reason, the Director of the Bureau of Land Management maintains that significant increases in grazing fees would result in devastating impacts on Western States where the ranching areas have historically low base values.

Even if no livestock grazing were permitted, the Bureau of Land Management and the Forest Service would still bear the cost of basic legislative requirements such as monitoring, analysis, and management. In fact, if the practice of grazing lands ended tomorrow, the Bureau of Land Management estimates that its range management program budget would increase by as much as 50 percent.

I think it is of note, Mr. President, that in 1990 the Bureau of Land Management grazing fee receipts were about $19 million, roughly two-thirds of the BLM's $29 million budget. Those moneys would have to come from someplace.

I think it is also interesting that there are many, many scholars who talk about the ranges of this Nation being in the best condition they have been in during this century.

I have a magazine article here that we distributed, Mr. President, to all the Senators. We did that last year. It is interesting that in this magazine we supplied to the entire Senate—Range magazine, spring of 1991, on page 12 there is a picture from the State of Nevada. In fact, it is a picture within a picture. It shows some rangelands with grass that is knee high. But on the inset in this photograph, we have a picture taken in 1919 that shows devastation. It shows mud holes, it shows the exact same feature of land, without thick foliage on it; the other devastated because of overgrazing. This is how the rangelands have improved.

There is also a picture from the Santa Rosas, also in Nevada, that shows a hillside that is denuded, that has been overgrazed especially by sheep, and it shows there being nothing in this land. Whereas, in 1991, it shows beautiful, thick rangeland.

There are many other such examples that show the change of the rangelands based upon proper management. Rangelands have not gotten worse. They have gotten better.

It is like mowing a lawn or pruning. Controlled grazing promotes plant vigor and diversity, aerates soil and scatters seeds. Grazing itself, plus the brush clearing, and grazing operations also help prevent fires.

That, Mr. President, is fact, not fiction.

We know that by bringing on water and salt for livestock, and the other improvements that ranchers make, that the rancher invites a host of other animals, including, in fact, many predators.

On public lands, the cost of predation and disease are cyclically higher than those on private lands. Wide open spaces are what we are talking about. The cost of lost livestock is very high. Then there are broken fences, wounded stock, trash, and the like. Unfortunately, often this comes from the public, which also shares this land. That is what multiple use means. And for the western rancher, this is all the cost of doing business.

Most of the ranchers who depend on Federal lands, we have been told time and time again, are small, family-run operations, and they are. Many make under $28,000 and many make a lot less. For example, in South Dakota during the late 1980's, the bankruptcy rate among public land ranchers was over three times that of ranchers who use private lands. Struggling with the availability of land and sheer geography, the rancher is in no position to shop for land. He cannot very well haul his stock around looking for more affordable private pastures to rent.

Even if public grazing were ended tomorrow, the next day, next week, next month, next year, the agencies would still have to make substantial outlays to take care of these lands. You just cannot let them go.

In 1987, the Interior Assistant Secretary Griles testified that such basic activities as modern analysis management would require still 40 percent of BLM's range budget. What we have to understand in this debate, Mr. President, is that cattle contribute as much, for example, to Montana's economy as wheat does to the economy of Kansas, or oranges to the State of Florida.

But Montana is hardly the only Western State that depends on affordable public forage; 88 percent of Idaho's cattle depend on public forage. In States like Wyoming and Arizona, this figure is also high, better than 60 percent. In Nevada, it is also very high.

I have here some quotes from people who are talking about these rangelands. These are direct quotes. I will give a couple of them. This is from Pa-

tricia Honeycutt, executive director of the Public Lands Restoration Task Force for the Izaak Walton League of America, a conservation group. Here is what she said:

There has never been a time when a conscientious cowboy (livestock herder) has been more valuable to the West. In his act of being environmentally conscientious with his livestock, he's helping bring back watershed, which leads to increased water resources. If this were left to natural forces alone, there are places in the West where the process could take a century or more. But where there's conscientious cowboy, we can cut that time to about a decade. I've seen it done.

A Georgia cattleman by the name of Bill Bullard said:

My first impression (on seeing a public range) was that if a rancher was paying anything to graze that land, he was paying too much.

The U.S. Forest Service:

Twenty percent of public grazing permits and allotments go unused by ranchers, in part because of the high cost associated with their use.

Finally, Cy Jamison, the Director of the Bureau of Land Management, says:

If ranchers are removed from public land, the cost to government of managing the range in their place could rise by as much as 50 percent.

I have also, Mr. President, a letter that I ask unanimous consent be made part of the RECORD. This letter is from Roger E. Porter, Assistant to the President of the United States.

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

THE WHITE HOUSE,
Washington, April 2, 1991.

Hon. MALCOLM WALLOP,
Russell Senate Office Building, Washington, DC.

DEAR MALCOLM: Thank you for your thoughtful letter to Governor Sununu expressing your concerns about Federal grazing fee legislation.

As you are aware, the Bush Administration supports the current system based on the PRIA grazing fee formula established by the Public Rangelands Improvement Act of 1978. In his recent testimony before the House Interior and Insular Affairs Subcommittee on National Parks and Public Lands, Bureau of Land Management Director Cy Jamison stated unequivocally that "the present system is inherently more fair than the proposals in H.R. 481 and H.R. 944."

We believe there are compelling reasons to continue the current grazing fee system. The grazing fee formula acknowledges the contribution of Federal permittees to the maintenance of the public rangelands. And abandonment of the formula could significantly harm the economic base of many Western communities.

Thank you again for taking the time to express your views about the grazing fee issue. We appreciate your interest in working with the Administration to achieve a workable and effective grazing policy.

Warmest regards,

ROGER E. PORTER,
Assistant to the President for Economic and Domestic Policy.

Mr. REID. This is written to Senator MALCOLM WALLOP. It says:

As you are aware, the Bush Administration supports the current system based on the PRIA grazing fee formula established by the Public Rangelands Improvement Act of 1978. In his recent testimony before the House Interior and Insular Affairs Subcommittee on National Parks and Public Lands, Bureau of Land Management Director Cy Jamison stated unequivocally that "the present system is inherently more fair than the proposals in H.R. 481 and H.R. 944."

Well, this is like, someone reminded me, having a bully on the block, and he is telling you what a great guy he is because he only beats you up every other day, while the bully before him beat you up every day. The increases suggested by this amendment are outrageous, and are not better than the legislation that Cy Jamison talked about, and that Roger Porter refers to in his letter.

Roger Porter, Assistant to the President, further states:

We believe there are compelling reasons to continue the current grazing fee system. The grazing fee formula acknowledges the contribution of Federal permittees to the maintenance of the public rangelands. And abandonment of the formula could significantly harm the economic base of many Western communities.

We have heard statements here today suggesting that Members supporting this amendment should take a trip to the West and spend a day or two, or a week, in effect watching what these cowboys do, what these ranchers have to put up with.

I had the opportunity in the last few years to visit a couple of ranches. I did this after holding a number of town hall meetings throughout the rural part of Nevada. These ranchers that came to these town hall meetings are not people that would normally come to town hall meetings. This had to be a crisis, in their minds, for these cowboys, and sometimes their families, to come to these town hall meetings.

They came to these town hall meetings because they are frightened. They are frightened because they believe their way of life is going to be wiped out.

If this grazing fee formula is increased, not all of them will go broke, but it will wind up like the people from the grasslands. With this extraordinarily high grazing formula, about half of them will go broke. But they came to these town hall meetings, which was unusual for them, as I indicated. Some of them came mad. They were upset that the Government would try to take away their way of life. Some of them came sad, afraid.

So after I attended these town hall meetings, Mr. President, I went and spent a day on two ranches. One of them was the Glaser Ranch in Elko County, NV, the other occasion, I went up into the Marys River Area to watch what the Federal Government is doing in conjunction with ranchers to increase, to improve, and to benefit that whole area; to bring up high terrain areas, to do a lot of good things that they could only do with the help of the ranchers.

The trip I took was extraordinary because I went with my friend, Norm Glaser, to his ranch. Here is a report in a newspaper of the trip that I took:

The Glaser ecology ranch tour viewed part of the Old United States Cavalry. They were there way before the turn of this century, the Fort Halleck preserve, a natural wetlands originating during the confluence of the Humboldt Creek. We also viewed irrigated, manmade wetlands made by ranchers, pond construction made by ranchers, meadow rehabilitation by ranchers, a bird island made possible by ranchers.

The rookery on the ranch is composed of hundreds of birds of various species, according to the game biologist that went with us from the Nevada Game and Wildife.

In the middle of the hot summer, August, in this clump of trees, which is not often seen in the desert, there were hundreds and hundreds of birds during the day at this resting place of theirs.

Glaser explained the ranch conservation program of providing biodiversity in this construction of ponds along with shaping, grading, and seedbed preparation. Glaser stated the enhancement program has been accelerated and has become more sophisticated in recent years with the planting of trees, milo, and other grain.

In addition, Glaser explained that the program accomplishes three things: It provides a grass cover higher in protein and increased yields. Ranchers now work with the Government to get better grass. It is better for the environment and better for their cattle. It increases the efficiency of water distribution and utilization and smoother meadows, and prolongs the life of expensive haying equipment.

Although a restoration program has been in effect for many years in the Star Valley Conservation District, it has been reviewed affirmatively by the Army Corps of Engineers and Fish and Wildlife Service to see if it complies with section 404 of the Clean Water Act. It has a positive potential for improving conditions for migratory geese, wildlife, and domestic stock. The ecosystem has definitely been improved.

In this article is a picture of two sandhill cranes we saw that day looking at us. They are there because of level pasture. Norm Glaser said he had not seen many of these cranes lately, and he hoped the work he had done environmentally will bring back more of these birds.

Mr. President, I ask unanimous consent that a statement by Robert Wright and letters by Harvey and Susan Barnes that set out what they do on the ranches be printed in the RECORD.

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

PUBLIC LANDS COUNCIL

My name is Robert R. Wright, and I am a lifelong resident of northeastern Nevada. I have been involved in the livestock business all of my life. My ancestors were also livestock producers, and they settled in the area in 1872.

The ranch that we own is a family operation. Our son is part-owner, and will, hope-

fully, carry on the family ranch. My wife and I have five grandchildren, and four of them help with the ranch work, when not in school. The ranch is a definite adhesive factor for our family.

One of my relatives was an organizer of the Taylor Grazing Act. He served on the committee that drew up the Act and the rules and regulations that followed. These people recognized that a coordinated system of grazing on public lands needed to be initiated. It would be interesting to have these people see the improved ranges that has resulted from their work. Unfortunately, none are alive today.

Congress was delegated the authority under the Taylor Grazing Act to set grazing fees each year. As soon as Congress convened in January it would set hearings to set fees by the billing date of March 1st. Of course, Congress rarely had the fees set by then. It was particularly difficult for the "permittees" to finalize their budgets on January 1st, not knowing what the grazing fee would be. The hearings were a hassle with the testimony being given by land-managing agencies, western congressmen and senators, livestock organizations from every western state and numerous "permittees". That is one of the desirable features of the grazing fee formula; eliminating the hearing process that was expensive and time consuming. "Permittees" can also finalize their budgets on January 1st, for they know what the grazing fee is to be. Don't do away with the grazing fee formula for it works in more ways than just setting the fee.

If the grazing fee is increased as being proposed in legislation, then "permittees" would have to decide if it was economical to produce food from the public lands. Many would just vacate, and parts of the West would become another "Grapes of Wrath".

The public land ranges that I am familiar with, have improved substantially since the enactment of the Taylor Grazing Act. There are more species of wildlife, and in greater numbers than ever before. Congress should adhere to the testimony of range researchers and university economists who are experts in their fields, rather than radical extremists and their emotionalism. The ranges today are in better condition than at any time in this century.

My family and I hope to carry on in the food producing business and particularly in the livestock part of it. It would be very disheartening to see over a hundred years of endeavor go for naught. The present grazing fee formula is not a subsidy and should be allowed to continue for it is in the best interest of everyone concerned.

BARNES RANCHES

Barnes Ranches is a Small Business family corporation established in 1968 to make it possible for us (Harvey and Susan Barnes) to acquire ownership in his parents' ranch. We now have 75% of the shares.

The ranch is located 40 miles south of Elko near the base of the Ruby Mts. Barnes' purchased it from the Ed Carville Estate in 1948. Hillery Barnes had been cattle foreman for 19 years for the Mary's River ranches north of Elko and wished to settle on a smaller operation.

Ed Carville bought tracts of land from several people to form the present main ranch. His first acquisition was in 1878.

E.P. (known to all as Ted) Carville was a Governor and Senator of Nevada. He was a lawyer and handled the selling of the ranch for the heirs. The ranch had been leased for 28 years because the family's professions were elsewhere.

During the 1940's and 1950's fencing was the primary project on public lands by Barnes. The ranch did all the labor and also bought the materials. The BLM money at that time was used primarily for artificial revegetation. Following the fences which created allotments, came wells, troughs, pipelines from spring to better distribute and increase water supplies, which also had to be mainly supplied by the ranch. We invested between $25,000 and $35,000 in these Federal land projects—which compensate for fees not recognized by non-range users. Allotment management plans were made feasible by these expenditures and intensified grazing systems have been administered by the Forest Service and BLM.

In 1948 my parents were able to buy 640 A. of fenced Federal land and in 1962 they bought 760 Acres of land being used by the ranch. This land is the only owned grazing land encompassed in the ranch. The meadow lands supply the hay for winter feed and must be free of livestock during the growing and haying season. Livestock remain on the private land from November to April 15, during which time vaccinating, culling, winter feeding and calving occurs. From April 15 to June 1st livestock are on BLM ground. After that time half are on BLM and half on Forest land. The ranch is absolutely dependent upon the rights acquired on Federal lands.

Labor costs have been kept at a minimum. The family had to be frugal and provide their ranch labor. Labor costs have been kept at a minimum.

A substantial grazing fee increase would have a devastating effect on our family operation. The profit margin on a well managed ranch is narrow even in prosperous years that we have recently enjoyed. To survive such a fee increase, the ranch would have to cut down on maintaining conservation practices and would have to curtail improvements and maintenance on federal lands. This would be the rule for western livestock operations. Our climate with short growing seasons limit any diversification opportunities for these livestock operations. By eliminating a productive segment of an area's economy, it creates a downward trend in other industries. Immediate effects may not be felt by the entire country, but I will guarantee an erosion from within will expand and in future years our nation will add a paragraph of destruction in our history.

Our son graduated from UNR this spring and wants to return to the ranch, and it is our hope that he may be able to continue the operation that has been in the family for 43 years.

NORTHERN NEVADA RANCH, MEDIAN SIZE FAMILY RANCH—ANALYSIS OF EFFECT OF GRAZING FEE INCREASE

	Number of AUM's	Cost per AUM paid	Net income	If cost of AUM is	Net income	If cost of AUM is	Net income	Difference what paid and $5.09	Difference what paid and $8.70
Sept. 30, 1990	2,902	1.81	$4,909	$5.09	($4,611)	$8.70	($15,097)	$9,519	$19,995
Sept. 30, 1989	2,264	1.86	15,978	5.09	8,665	8.70	492	7,313	15,486
Sept. 30, 1988	2,256	1.54	2,157	5.09	(6,917)	8.70	(16,144)	9,074	18,301
Sept. 30, 1987	2,760	1.35	22,243	5.09	11,921	8.70	1,957	10,322	20,286
Sept. 30, 1986	3,030	1.01	(17,788)	5.09	(30,150)	8.70	(41,088)	12,362	23,300
Sept. 30, 1985	2,684	1.35	(898)	5.09	(10,936)	8.70	(20,625)	10,038	19,727
Sept. 30, 1984	2,357	1.37	(29,125)	5.09	(37,893)	8.70	(46,402)	8,768	17,277
Sept. 30, 1983	2,519	1.40	(2,993)	5.09	(12,288)	8.70	(21,382)	9,295	18,389
Sept. 30, 1982	2,267	1.86	15,053	5.09	7,731	8.70	(453)	7,322	15,506
Sept. 30, 1981	2,519	2.31	45,650	5.09	38,647	8.70	29,554	7,003	16,096
Total		1.59	55,185	5.09	(35,831)	8.70	(129,178)	91,016	184,363

Mr. REID. I would like to read one paragraph from Wright's letter which says:

One of my relatives was an organizer of the Taylor Grazing Act. He served on the committee that drew up the act and the rules and regulation that followed. These people recognized that a coordinated system of grazing on public lands needed to be initiated. It would be interesting to have these people see the improved ranges that have resulted from their work.

Unfortunately, none are alive today.

I guess what we are saying here today is that we want understanding; we want people to appreciate what these cowboys go through, because it is not easy. We hear a lot of things kicked around about prices and whether it should be this much or that much. But what, in fact, we have here that we are trying to protect is a way of life that contributes to the economy of this country.

Mr. President, I have been to Elko County, and I was there recently. Once each year, they hold a cowboy poetry contest which has become world famous. They do not have enough rooms to take care of the people that come there once a year. These poems are written by cowboys in their bunkhouses or around a campfire. They can say in just a few words perhaps what we have been trying to say here all day. Let me read to you a poem written by Nyle Henderson, which is entitled, "How Many Cows?"

A fella from town stopped by the other day.
The talk that we had sorta went this-a-way.
He said, "I've got something that I'd like to ask you,
And if you know the answer, I'd like to know, too.
"I want to be a rancher and at prices today,
How many cows would I need to make my livin' pay?
Would a thousand cows be better than just one or two?
Do you have any advice on what I should do?"
"Now that's a tough question I'll tell you for sure,

Not one that can be solved with any one cure.
Machinery's sky high and so is the land,
And interest rates are more than anyone can stand.
"And there's imports and embargoes and all the like,
Remember now, as a rancher that you can't go on strike.
There's politicians, vegetarians and ecologists, too,
And a hundred government agencies telling' you what to do.
"There's the cost of fuel and fences and labor and seed,
And tools and tires and water and feed.
There's always a horse needin' shod and veterinary bills,
I'll telling' ya friends, ranchin' ain't all thrills!
"Startin' early in spring you'll be calvin' all night,
There's still feedin' to be done and the water's froze tight!
Insurance and utilities are always goin' up,
And remember, that wife of yours is about ready to pup.
"The whole cost of operating hasn't yet reached a peak,
While the price of beef is just pretty darn weak.
So here is the answer to this little test,
The man with the fewest is doin' the best.
"Only he's not makin' more, like you might guess,
The fact is, my friend, he's just losin' less!"

Well, I think that that is what it is all about here, Mr. President. This is not a situation where these ranchers, cowboys, are taking vast amounts of money, putting it in the bank and shipping it overseas. These are people that are barely surviving; yet, they contribute a great deal to our economy. What would rural Nevada be without ranching and mining? It has only been in the last few years that we have had mining. Mining has made a comeback, as we talked about Friday. Prior to mining, all rural Nevada had was ranching. That is how the schools were kept. That is how the roads were paved. That is how the cities were maintained. People would come to Elko, Battle Mountain, and buy a piece of farm equipment. That is how it kept going.

So it is really important to our way of life that these number of unseen expenses we have talked about are calculated and remembered by people in the Senate, because the costs are significant.

It is not easy. But to them, it is their lives. It is their lives, and in these letters I have introduced which were made part of this RECORD, they talk about their children being on the land and their grandchildren and how they work the land. That is what we are trying to do, protect a way of life.

So, if, in fact, there is something wrong with the grazing fee, let us change it by having hearings so that people from Nevada, Arizona, Idaho, and other Western States, can come and talk about what impact it would have on their lives. Do we want all the cattlemen to go out of business, or 50 percent of them?

We should be of trying to increase the formula for these rangelands, is to be decreasing the fee for those in the grassland States, because, as I have indicated, half of them have gone bankrupt because of that increased formula.

I will close, Mr. President, recognizing, as I indicated, that others wish to speak. Ranchers and cowboys, consider themselves stewards of the land and in fact they are. These pictures I have talked about here today show the dramatic improvement in the rangelands. We have heard from the people that run Government agencies; the Forest Service, and the Bureau of Land Management, saying if we are going to maintain the lands even at the level they are now maintained and you get rid of the cowboys, the ranchers, consider that you are going to have to increase our budget significantly.

Mr. DOMENICI. Mr. President, I did not intend to use 5 minutes. I wonder if those who asked for time, if they are listening, if they might not send down a word that none of us will use any time. I think we ought to just tell the Senate that a similar proposal was defeated 60 to 38 last year. And then let Senator BYRD move to table the amendment. That is what I would like to do and save a lot of time of the Senate. I understand the proponent has some time. But I am suggesting that. Perhaps what I will do, since there are a couple of Senators here, maybe they could each use a minute or so while we go to the telephones and see if we could ask the other Senators if they would permit us to yield back their time.

I will yield the floor, reserving whatever time I had.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I frankly am astounded that the Senator from Vermont is bringing this amendment before us today. We have debated this issue several times. And, frankly, it is amazing to me that here, on the Interior appropriations bill, again the Senator is again raising this issue. We have debated this issue. This is legislation on an appropriations bill.

There have been lots of hearings in the authorizing committee. There are lots of opportunities to deal with this. I frankly am a bit disturbed the Senator from Vermont is offering this amendment at this time.

Second, it is wrong. On the merits it is just wrong. Those who are offering this amendment know virtually nothing about the ranching industry—it is obvious from listening to them. The fact is—and I see a Senator who is in favor of this amendment nodding his head. He agrees he knows virtually nothing about the ranching industry.

Let me tell the Senator, if this amendment were to go through the consequences would be not what the proponents think they would be. The consequences would be that many ranchers, at least in the West—I cannot speak for other parts of the country—but many ranchers in the West would find they have no alternative but to sell out and subdivide. The consequence then is subdivisions. It is pollution. It is congestion. I do not think that is what the Senators who proposed this amendment have in mind.

In addition this is not a subsidy. Studies show and practical experience shows that the costs of operating Federal leases is greater than the cost of operating a private lease. That is basically because when you buy a private lease you buy only the grass. When you get a public lease, a public lands lease, you have to take care of the water, you have to take care of the fencing, it is up to higher ground, the grass is not as good, you have to run more cattle per acre of land. It is very tough to deal with. It is a big hassle. And, frankly, a lot of ranchers wonder whether it is even worth their while it is so much hassle, it is so expensive.

This is no big ripoff; 88 percent of the ranchers who have Federal leases are ranchers who have incomes of $28,000 or less a year. This is a ma and pa operation.

There are probably a few corporations, there may be an insurance company or two that does own property that has a Federal lease. That does happen. But the vast bulk of these ranchers are garden-variety everyday ranchers, which are the myth the Easterners have of the West, of the small farmer-rancher.

That is what they are. Again, I make two points. It is incredible to me we are debating this issue at this time.

It is incredible to me the Senator from Vermont is even offering this amendment.

And, second, on the merits, he is just wrong. Therefore, I strongly encourage the Senate to reject it.

Mr. President, I ask unanimous consent to print in the RECORD a letter from the Montana Livestock Ag Credit Co. to the Governor of Wyoming.

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

MONTANA LIVESTOCK AG CREDIT, INC.,
Helena, MT, 59604, July 22, 1992.

Hon. MIKE SULLIVAN,
Governor of Wyoming,
State Capitol Building,
Cheyenne, WY.

DEAR GOVERNOR SULLIVAN: Montana Livestock Ag Credit is a Montana Corporation that has been exclusively involved with financing for ranchers and farmers in Montana for 59 years. Because of the emphasis the federal grazing fees issue has received nationally, we have looked into the ramifications to many of our customers from a "Synar type" proposal. A company officer generated a research project for an American Bankers Association Graduate School of Agri-finance. I would like to share a few highlights of our

in house study. Please note that although our financing is predominantly livestock ranchers, our portfolio consists of a 2:1 ratio of private ranches that are not directly influenced by federal grazing.

(1) Ranchers considered dependent on federal grazing (those who are dependent upon 6% or greater of their total grazing requirements from federal lands) show an operating cost per animal unit slightly above ranchers solely operating on private ground.

(2) Ranchers dependent on federal grazing are servicing a total debt load equivalent to solely private land ranchers. (We could not find an economic advantage in "debt servicing" for either category.)

(3) Ranchers dependent on federal grazing are also utilizing 18% more private land per animal unit (implies Montana's federal land dependent ranchers, whose private land is typically intermingled with the federal land, are located in areas that are less productive).

(4) Given the decreased value of ranches dependent on federal grazing and the growing value of private land, the federal dependent rancher can be in a 2 to 3 times worse debt to equity position than their "private" counterparts.

(5) In our opinion, the impact of a significant increase in federal grazing fees could put a full ⅓ of the producers dependent on federal grazing into immediate economic jeopardy.

Thank you for allowing me to share some findings of our recently completed study with you. If I may be of any further assistance, please do not hesitate to call.

Sincerely,

TIM H. GILL,
President.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I want to associate myself with the words of my colleague from Montana. I will not take my 5 minutes either. I will move along.

I just want to point to the fact that this is not a ripoff. It seems the proponents of this always go back to a study that was done back in 1966 and one in 1990, an update, on which to base their assumptions. Already the business school at Pepperdine University with two very astute professors said we can draw no conclusions from those reports. They completely discount them—completely discount them. They say you can draw no conclusion from them.

So, again, we debated this last year. It was defeated last year. It is my hope that it will be defeated this year. If you want to talk about rates, like I said a while ago, we sold wheat for $3 a bushel in 1945. If the Senator wants to put on some prices there, we would like to take the increase of everything else because that is what wheat is selling for today.

When we start raising these things, it seems like the consumer does not want to pay any more for the end product and somewhere or another we have to keep the industry alive and keep these people on the land, especially those people who love it, care for it, and depend on it for their livelihood.

I yield the floor, and I reserve the remainder of my time.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, let me just say this is the same song, second verse. This is pretty much the same argument that we have heard repeatedly in an attempt to raise grazing fees.

I must say this to my friends who have crafted this amendment. It is pretty cleverly done. It is a significant improvement over what we have seen in the past. But I think we all know what this is. This is the camel's nose under the tent. The first thing you do is raise it on those who are over 500 in terms of a cowherd and then the rest of you look out because it is coming your way and the next thing you know every rancher who is on public lands will see a dramatic increase—a dramatic increase—in the fees that they pay.

Mr. President, that would be a mistake. Let me just say on the grasslands which has been carved out and has been treated separately under this amendment, because in the grasslands we are already paying much more than those who are on other public lands.

Mr. President, the average income in my State, the farmers and ranchers who are paying grazing fees on public lands is $19,000 a year—not the big oil companies, not the insurance companies, these are mom-and-pop operations, people who can ill-afford to take on a significant increase.

I understand that the grasslands are carved out of this, but, Mr. President, we are attempting to get the fees harmonized so the grasslands are not stuck in this position of paying much more than everyone else.

Mr. President, let me make one final point.

The Senator from Montana [Mr. BAUCUS] said, and said correctly, something that needs to be understood. There is a significant difference between a private lease and a lease on public land. A lease on Federal land requires that you maintain the fences, it maintains that you do the road work, it requires that you provide the water. Mr. President, those are substantial expenses that dramatically change the economics of these leases.

So I hope my colleagues will not make the mistake of rising to the siren song of let us raise the grazing fees to get at the big oil companies because you are not going to get the big oil companies, you are going to get the average rancher who has already faced in my State 4 years of drought. The last thing they need is to get socked with a big increase.

I thank the President and yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. Mr. President, I rise today to address the sensitive issue of the appropriate level of grazing fees for the use of public lands. The amendment before you today addresses a complex and easily misunderstood issue which deserves careful analysis. The proposal offered, for a 1-year increase of 25 percent in the grazing fee, is inappropriate and insensitive to western users of public lands who are currently under great economic distress.

A variety of legislative options relative to grazing fees have been proposed in recent years, from permanently fixing in statute the existing fee structure formula to imposing dramatic grazing fee increases.

In any event, each approach is substantive legislation, and it should be processed as such, not as an amendment to the appropriations bill.

The existing grazing fee formula was adopted by the Public Rangelands Improvement Act of 1978 for a 7-year trial period. In 1986, it was extended by Executive order. The base value of the fee is adjusted annually to reflect changes in the prices paid for forage on private lands as well as the market prices of livestock produced.

In Nevada, the majority of BLM permittees are family operations—nearly 88 percent.

Their profit margins are often slim. The entire industry is suffering in the West from severe 3 years drought, and many family operations would be severely affected by the dramatic fee increases proposed by the Senator from Vermont.

Today's fee for 1992—$1.92 per AUM—represents nearly a 40-percent increase over the past 5 years—indicating that this formula does accomplish its goal of adjusting to reflect changing market conditions.

The fact that over 20 percent of grazing permits and allotments go unused indicates that these fees are in a reasonable range.

Although I rise today in full support of the existing administrative fee formula which I believe is equitable and has worked well since its adoption in 1978, I also want to stress what I believe is the most critical issue before you today. That issue is maintaining and improving the condition of our publicly owned range lands. The fees charged for grazing and the revenue produced from the use of lands should not be the ultimate focus of our deliberations; that focus should be, instead, are we managing our public resource assets as well as we can? And are we devoting adequate resources to the task? Those issues are complex and require substantive legislative analysis, not cursory action on the appropriations bill.

I'd like to briefly note a few points of analysis. My State, Nevada, is 85.6 percent federally owned land. Because so much of Nevada is federally owned, responsible multiple use of that resource

is essential for all Nevadans—the hiker as well as the hunter; the rancher as well as the researcher.

In the West, access to public lands is critical for the cattle and sheep industry, as well as beneficial for balanced, multiple use of the lands.

Much of Nevada's Federal land is rangeland and all of it has been severely affected by 6 years of lower than average rainfall. The drought, although part of an eternal cycle of nature, has stressed the land and made the job faced by our land managers more difficult. The resources that are adequate to manage the land in an average year or a good year may be very inadequate during a critical year.

Another essential fact to consider is that grazing is a fundamental natural process, part of a food chain that existed long before modern Americans claimed this land for their own. The grass and forage consumed by livestock are renewable, and with no technological intervention, are converted to food to be consumed. Fossil fuels and chemical fertilizers are not part of the public range tradition. Although different opinions may exist on the extent to which the public resources are thus used, there is no doubt that some proper balance may be reached which allows the range to thrive and it should be used. Those who merely seek to eliminate cattle from historic rangelands are plainly misinformed, and efforts to force small cattle operations out of business by dramatic fee increases are misguided.

Well run Federal grazing programs are an essential part of rural life in Nevada. Because the nature of the public range is unique, any fee formula will necessarily result in an inexact application from range to range. However I believe the existing fee schedule does a good job of balancing cattle prices, production costs, and comparable market lease rates. The fact that much of the available grazing lands go unleased would indicate that the existing fees are in an appropriate range. Since the majority of users of the public range in Nevada are small producers—less than 100 head of cattle—they are very sensitive to market forces and will simply not be able to absorb the large fee increases that some propose. To the extent that fee increases decrease the use of the resource, Federal revenues may fall.

In a dynamic ecosystem and fluctuating market, a perfect fee structure may not be possible. The current system has served the West well, and I urge that it be maintained and that the amendment offered be defeated.

Thank you Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I rise in opposition to the amendment offered by the Senator from Vermont.

Let me, if I might for just a few moments, argue it from a slightly different perspective of those ranchers and whether they can or cannot pay for the public grass because it is public grass, and we all know that. We have talked about public timber today. This is a bill that draws issues about public resources and how they will be managed.

But let me talk about those small ranching communities, agricultural-base communities, that are entwined within the public lands of the West for just a little bit this evening.

I am concerned about cattlemen. They make up a very large portion of my State. Agriculture is our largest industry and cattle are the largest segment of that industry, and 80 percent of our cattle in Idaho graze on public lands at some time during the year. So it is a very important part of my agricultural base in Idaho, as it is in Wyoming and Montana and Nevada and New Mexico and Arizona and on and on and on.

But what about the small community when legislation like this begins to drive the price up into levels that no longer allow that ranch to be an economically viable unit? Ranches that have been in existence and within a family for three generations go by the wayside.

We can accept that; yes, it was nice to have them around; yes, they were good stewards of the lands; yes, they were concerned about the environment in which they lived; all of that was true.

What else happened? When they left, so did the tire shop, so did the grocery store, so did the dry goods store, because you see, we still have those kinds of entities in those small western communities. They, too, go because ranchers, agriculture, who spread amongst that vast array of public lands are the glue, the entities that hold the whole process together.

So it is not just big ranchers or small ranchers or medium-size ranchers or 500-head or less operations or 500-head or more. It is also small, husband-and-wife businesses on Main Street America, U.S.A. west, if you wish to say it, of the Mississippi River that is also going to go. It would be true in Vermont if the dairy industry, who happens to be making a little better money this year than they did last year, were to go. It would not be just the dairyman, just the dairywoman, their families that would go, the small communities would go, too.

I am sensitive to that concern my colleague from Vermont has had, and we have worked together on those issues. But these issues are not just the target, oftentimes they are the whole setting, the whole scenery, they are everything within the frame of the picture besides just the focal point. That is the issue here. That is why we have historically allowed a formula that adjusted and recognized market forces and understood that these were extremely valuable parts of a total picture.

So let us not be caught off guard tonight in a single focus, in a single subject, within the boundaries or within the frame of that, but the whole of the community, the whole and the fabric of that western lifestyle that is part of what we call this country, America, and what we recognize is an important part.

I will not be nostalgic because we have said it must be marketed in a wise and proper way, and we have done that. It is called the PRIA formula. It is sensitive to market forces. It moves with them. It also recognizes the cost of doing business. It puts inside the calculation a good deal more. It does not arbitrarily reach out and say if you are 500 head or more, you are bigger; if you are bigger, you must have more money, and therefore you ought to be able to pay more. That oftentimes is simply not the case depending on the situation.

I hope this body will do as they did last year by a substantial margin; reject this amendment. It is not the way to solve those problems. We have held hearings in the committee. We are looking at this. I think the grazing industry of the West is very sensitive to the issue at hand.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. I join with my colleague from Idaho. I agree fully with his fine presentation.

I recognize that this is not some rich versus poor issue, not some new class struggle element that is always presented before the body when reason and facts fail, just trot up the usual load of emotion, fear, guilt or racism. I have been here long enough to see all this and how it works.

So I hope you will remember what happened to this vote the last time. I do not think there would be anyone who would want to change their position from the last opportunity to vote on this. I certainly would think the arguments have not changed. But let us deal with the true facts. Everyone is entitled to their own opinion, but no one is entitled to their own facts, and this is far from a rich versus poor issue which seems to get good purchase sometimes in this place.

So I certainly ascribe to the views of my friends from Idaho and New Mexico.

I rise today to express my opposition in the strongest terms to the efforts by my colleague from Vermont to raise grazing fees on public lands. His effort to restructure the grazing fee formula strikes at the very heart of my State's

economy. It is an attempt to circumvent the fair evaluation process which the Energy and Natural Resources Committee committed itself to last year.

This issue has become a stalking horse for the environmental extremists who want to stop all grazing on public lands. They chose the issue because they thought it was saleable to the public and Congress. Their emotionally pitched crusade is based on the ill-informed concept that wealthy ranchers are the largest recipients of Federal grazing subsidies. That is simply not true.

We have before us a large number of studies and appraisals done by private and governmental agencies, associations, and institutions—all stating different conclusions on this issue. Each of these reports are produced by entities with agendas that are not the least bit subtle.

Each of these studies has a special interest objective and creates, manipulates, and discards data to present biased conclusions in order to support predetermined positions. I often say—everyone is entitled to their own opinion. That is their right. But, no one is entitled to their own facts. This issue is being grossly distorted by custom-generated data.

Here are the salient facts. The State of Wyoming has over 50 percent public lands. The Bureau of Land Management is the largest landowner—managing well in excess of 18.4 million acres; 17.4 million acres are classified as rangeland. 52 percent of those properties are classified as being in excellent condition.

The vast majority of the total 2,961 producers in Wyoming are small family ranching operations. Some of those family operations pool their resources and operate under "AMP's" allotment management plans—there are 177 AMP's which, combined operate on 5.4 million acres.

The Jeffords amendment would implement a two tier system for the annual fee by raising the grazing fee to $2.40 for producers with over 500 head of cattle and maintaining the current $1.92 level for producers with less than 100 head of cattle. The annual fee fluctuation would be capped at 25 percent. The premise for the large producer-small producer approach is misguided. It is based on the assumption that ranchers with stock levels greater than 500 are wealthy and can easily pay a significant fee increase. They cannot.

Family ranches in the West are in dire financial straits—the are pooling resources to cut down on overhead costs just to make ends meet. The fiber of rural America is being further threatened by this amendment. This ill-advised amendment could truly lead to the demise of the banks, businesses, schools, and economies of many small towns in the West.

I strongly urge my colleagues to oppose this amendment.

Mr. DOMENICI. Mr. President, I might say to the distinguished chairman of the Appropriations Committee, I believe all of those who wanted to speak in opposition are going to yield back their time when I am finished and then we have 5 minutes for the Senator from Vermont.

I want to say to the Senator I appreciate his remarks today and obviously the Senator has come a ways from last time. I regret that I do not believe the Senator has come far enough.

Let me also suggest that we have a lot of studies. Anybody who believes the GAO study believes in fairy tales. The most renowned professor and academician in this area is Frederick Obermiller, Oregon State University, professor of agriculture and resource economics. I ask unanimous consent to put in the RECORD his detailed study of the current formula. It says in every respect it is fair, equitable. The Government is getting a fair return. The ranchers are paying a fair amount of money. The private sector leases are not relevant to the public sector. It is analyzed thoroughly. Anybody who is really interested in why we believe what we have is right and we do not think we ought to fix it because it is not broken should just take a little time to read this.

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

[Testimony Presented to the Subcommittee on Public Lands, National Parks and Forests, July 1, 1992]

IN SEARCH OF REASON: THE FEDERAL GRAZING (FEE) DEBATE

(By Frederick W. Obermiller, Professor of Agricultural and Resource Economics)

INTRODUCTION

Chairman Bumpers and members of the Subcommittee, it is a very great honor to be here today and have the opportunity to share with you information that may be helpful to you and your colleagues. Federal rangeland use and grazing fee issues have been controversial public policy issues for many years. We have an opportunity to bring reasonable closure to the debate if we are willing to learn from and heed the lessons of the past.

Similar hearings on the federal grazing fee and federal rangeland management and use issues occurred in both the House and the Senate in 1963, 1969, 1976, 1978, 1987, 1989, 1991, and earlier this year. The Hearing Records reveal that the arguments and information heard today are not new, although some of the actors have changed. This Subcommittee last met and heard these discussions August 9, 1978. A comprehensive public land grazing bill was discussed, a bill that when passed became the "Public Rangelands Improvement Act of 1978." Then, as now, only a small portion of the bill concerned federal rangeland grazing fees; yet most of the debate centered on the fee issue. If history does repeat itself, the fee issue will dominate today's hearing as well.

Why? Grazing fees are symbolic of the broader Western federal rangeland policy problem. That problem is one of property rights and conflicting interests. In the West, we have *de facto* private rights on federal lands, legislatively imposed public rights on private lands, and multiple demands on all lands. There simply is not enough land to fully satisfy all demands, one of which is demand for federal rangeland forage made available at a price reflecting its value, all things considered.

A brief historical review of the settlement of the West may shed light on our policy problem. What are our Western federal rangelands, and why are they in federal ownership? What has been the history of regulated livestock grazing on the federal rangelands? What is the present structure of the federal land dependent Western livestock industry? A better understanding of the answers to these questions helps frame the current public policy debate.

WHAT, WHERE AND FOR WHOM ARE THE WESTERN FEDERAL RANGELANDS?

Of the 2,271,343,360 acres of land in the United States, 662,158,197 acres or 29 percent of the Nation's land surface is in federal ownership (*Public Land Statistics* 1991). Most of the federal land, some 598 million acres (90.3 percent of all federal land), is public domain: either original public domain land that never left federal ownership or lands acquired by the United States through exchange of original public domain lands or timber for other lands.[1] A smaller portion of the federal owned lands, 64.3 million acres (9.7 percent), are lands acquired from private and other public owners through purchase, condemnation, or donation (Figure 1a). A large share of these acquired lands were obtained under various New Deal programs between 1933 and 1940, including the purchase and condemnation of 11.3 million acres of "submarginal" lands in the Great Plains by the Federal Emergency Relief Administration.[2]

The Dominant Federal Land Management Agencies

Today, these public domain and acquired federal lands are managed by several federal agencies, but primarily by the Bureau of Land Management (BLM) in the Department of the Interior and the Forest Service in the Department of Agriculture. The BLM manages 272.0 million acres, or 41.1 percent of the Nation's federal lands. The Forest Service manages 192.1 million acres, 29.0 percent of the federal lands. All other agencies combined manage a share (198.1 million acres) roughly equal to that of the Forest Service (Figure 1b).

If Alaska is excluded, the picture changes. In the 48 contiguous states there are 1,901.8 million acres including 413.7 million acres of federal land (21.8 percent of the total land area). The BLM manages 179.5 million acres (43.4 percent) while the Forest Service manages 169 million acres (40.9 percent) of the federal lands in the 48 contiguous states. The total acreage managed by each agency in the 48 contiguous states is comparable, with the BLM being the slightly larger federal land management agency (*Public Lands Statistics* 1984 and 1991). These acreages are depicted in Figure 2a.

The BLM is the predominant manager of the original public domain acreage however. Virtually all of the BLM acreage (96 percent) is public domain. Merely 0.8 percent of the BLM lands (2.3 million acres) are acquired lands.[3] In contrast, 28.6 million acres or 14.0 percent of the Forest Service land (85 per-

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cent of which is located in the midwest and eastern states) is acquired land, reflecting the growth through the 20th century in the federal land holdings managed by the USDA Forest Service. The acquired Forest Service lands include 3.8 million acres that a remnant of the "submarginal land utilization program" (the original 11.3 million acre LU Project lands) of the New Deal era. These 3.8 million acres are known today as the National Grasslands.[4]

The federal lands are by no means uniformly distributed among the 48 contiguous states (Figure 2b). It is clear that federal land management in the Western states is less important for the Forest Service than for the Bureau of Land Management. In the 11 Western states, almost half (48.3 percent of 753 million federal acres) of the land area is in federal ownership. Here, the 363.7 million acres of federal land are managed primarily by the BLM (48.9 percent or 177.9 million acres) and secondarily by the Forest Service (34.9 percent or 127 million acres). In contrast, of the 50.0 million acres of federal land in the 37 eastern states, nearly all (84.0 percent or 42 million acres) is managed by the Forest Service and merely 3.2 percent (1.6 million acres) is managed by the Bureau of Land Management. This represents only 0.6 percent of the land managed by the BLM in the 48 contiguous states.

The BLM is essentially a Western United States federal rangeland management agency. The Forest Service, slightly smaller in terms of acreage managed, is more diffuse and has less of a Western rangeland management focus. Under the auspices of the Federal Land Policy and Management Act of October 21, 1976 (FLPMA) and the National Forest Management Act of October 22, 1976 (NFMA) both agencies manage their lands for multiple uses and users, including domestic livestock grazing, however.

GRAZED FEDERAL RANGELANDS MANAGED BY THE DOMINANT AGENCIES

What, and where, are the Western federal rangelands? The Western public rangelands are defined in Section 3(a) of the Public Rangelands Improvement Act of October 25, 1978 (PRIA) to include ". . . lands administered by the Secretary of the Interior through the Bureau of Land Management or the Secretary of Agriculture through the Forest Service in the sixteen contiguous Western States on which there is domestic livestock grazing" (43 U.S.C. 1902). Defining further and following Section 3(i) of PRIA: "The term 'sixteen contiguous Western States' means the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming." In addition, there are about 132,000 acres of federal rangeland in the state of Texas.

Therefore, the 17 Western federal rangeland states can be identified as the 16 Western public rangeland states plus Texas. Of these 17 federal rangeland states, 11 are subject to the grazing fee formula established in PRIA (the National Grassland states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas were exempted from the PRIA formal fee contained in section 6 of PRIA).[5] These various combinations of Western rangeland states are depicted in Figure 3.

This operational definition of the Western federal rangelands is important because it implies that these rangelands are more extensive than the familiar Bureau of Land Management grazing lease lands (Taylor Grazing Act Section 15 lands) and grazing districts (Taylor Grazing Act Section 3 lands) and the Forest Service's National Forests grazing allotments. The federal rangelands of the Western United States also include the National Grasslands of the nine Great Plains states. Just over half (51 percent) of the National grasslands' total acreage is contained in six National Grasslands located in North and South Dakota.[6]

Domestic livestock grazing is the most widespread or extensive use of the Western federal rangelands. The federal rangelands of the 17 contiguous Western states (including Texas) consist of some 282 million acres (177 million administered by the BLM and 105 million administered by the Forest Service). Of this total acreage, in 1990 about 210 million acres (or 74 percent of the Western federal rangelands), were eligible during some portion of the year for domestic livestock grazing in combination with other commodity and amenity uses of the federal rangelands (Public Land Statistics 1990 and Grazing Statistical Summary 1990).

These grazable Western federal rangelands (Figure 4) include about 160 million acres administered by the BLM (90 percent of the BLM lands) and 50 million acres of National Forests and National Grasslands (less than one-half of the total federal rangeland acreage in the Western Region of the National Forest System). The BLM, then, is a Western United States federal rangeland management agency with a strong livestock use focus. In contrast, the Forest Service manages somewhat less federal land, is more national in scope, contains far less grazing land, and has a weaker livestock use focus. Again, both are multiple use land management agencies however.

FOR WHOM ARE THE WESTERN FEDERAL RANGELANDS MANAGED?

Multiple use management implies multiple user groups, and multiple interests in federal land use and resource pricing policy. As public policy evolves and additional uses are legitimized in federal land law, demands for already fully allocated federal land resources to newly recognized uses materializes. This exerts upward pressure on values of federal resources previously allocated to customary or traditional uses.

The federal grazing fee/rangeland resource use controversy really is not a debate over the appropriate price of the federal rangeland forage resource, but rather is a debate over the priorities among alternative uses of federal rangeland resources (Burkhardt and Obermiller 1992). The federal grazing fee issue cannot be fully understood nor constructively debated if the pricing (fee) question is separated from the associated federal rangeland resource use issue—the relative priority of domestic livestock grazing as one of several authorized multiple uses of federal rangelands

The Public Land Law Review Commission (PLLRC) recognized the roots of the federal land use debate in its final report recommending comprehensive changes in federal resource law (One-Third of the Nation's Land 1970, pp. 6-7). According to the PLLRC, there are six publics who express different interests in the federal grazing fee and more fundamental federal rangeland use policies of the United States:

1. The national public

Taxpayers who seek public policy to sustain environmental quality and production capability, wish to keep consumer prices low, and want federal resource management programs to recover administrative costs;

2. The regional public

Commercial interests in regional employment and economic growth who advocate community stability as a federal land management goal and wish to retain access to the federal rangelands and its resources;

3. The Federal Government as sovereign

Assuring access on equal terms to all potential users of federal rangelands including the assignment and limitation of rights to use those resources, and otherwise promoting the general welfare while refraining from unfair business practices vis-a-vis the private sector;

4. The Federal Government as proprietor

Sharing with the National Public a desire to recover costs of administering federal rangeland use programs, seeking a return on its productive assets, and sustaining the long term productive capabilities of federal rangelands;

5. State and local governments

Deriving revenues in lieu of taxes and commercial income from the private uses of federal rangelands and thus seeking an equal voice in implementing environmental, land use, and land disposition programs; and

6. Users of the Federal lands and its resources

In common with State and Local Governments, seeking participation in federal rangeland management and use decisions, demanding equal access opportunity under explicit terms and conditions of use agreements, expecting fair compensation for abridgement of those terms and conditions, and advocating federal resource pricing standards consistent with the values of federal rangeland resources to the users of those resources.

In short, the PLLRC identified many different publics, all of whom have legitimate interests in the management and use of federal lands. No one public was given priority in interest relative to other publics. Three of the publics (Regional Public, State and Local Governments, and Users) thus acquire local proprietary interest in the management, use, and disposition of federal rangelands. This is the crux of the federal rangeland policy debate.

INSTITUTIONAL HISTORY AND THE FEDERAL GRAZING FEE/RANGELAND USE LINKAGE

Domestic livestock grazing was first regulated on public domain lands in the West reserved as federal forests. Regulation of domestic livestock grazing was due largely to concerns about water supply and water quality in the headwaters of streams used by downstream communities (Yearbook of the Department of Agriculture for 1901, p. 337). Soil erosion, range condition, and livestock industry stability concerns brought the remaining public domain rangelands under regulation several decades later. The development of those regulatory laws and federal land management agency practices created the Western federal rangeland grazing system (the geographic extent of which is depicted in Figure 3) that now exists. These are significant policy implications in the history of the development and functions of our Western Federal grazing institutions.

REGULATED GRAZING ON FEDERAL FORESTLANDS

Livestock grazing on federal lands was first regulated in 1896 on the Forest Reserves administered by the General Land Office in the Department of the Interior. This regulation was apparently at the instigation of Gifford Pinchot who was, at that time, Chief of the Division of Forestry in the Department of Agriculture (Steen 1976 pp. 65-68). A permitting system was extended to established operators who grazed sheep and cattle on

spatially identifiable parcels of land located in the Forest Reserves (parcels subsequently to be called "grazing allotments") in the Western United States. The goals of the permitting system were to (1) assure sustainable stocking rates, (2) use carrying capacity with respect to grazing as the determinant of allotment size, (3) be equitable in the granting of permits, and (4) maintain flexibility in the regulation of grazing under the terms and conditions of the permit.

The Transfer Act of February 1, 1905, conveyed 85,627,472 acres in 83 Forest Reserves from the U.S. Department of the Interior (USDI) to the U.S. Department of Agriculture (USDA). The Transfer Act also allowed all stumpage receipts, *grazing fees*, and other revenues from the sale of Forest Reserve resources to be placed in a special Treasury fund to be used for the *"protection, administration, improvement, and extension of the reserves."* [emphasis mine] The Forest Service was established within USDA as the administering unit with Pinchot as its first Chief.

Pinchot further refined the USDI permitting system. Pinchot extended the standard term of the permit to ten years subject to renewal (subsequently called "term permits"); and required that the permittee own sufficient nearby private property (subsequently called "commensurable base property") to be able to support the permitted number of livestock during that portion of the year when the livestock was not grazing on the Forest Reserves.

On July 1, 1905, Pinchot published his first set of comprehensive regulations governing the management of the Forest Reserves. His *Use Book* devoted considerable attention to the regulation of domestic livestock grazing with objectives of those grazing regulations being (1) resource conservation, (2) protecting the financial welfare of permittees, and (3) protecting the original permittees from outside competition (Steen 1976, p. 79). The *Use Book* clearly indicated that local residents would have preferential and enforced rights to use the resources of the federal forest lands: "Forest reserves . . . are patrolled and protected, at Government expense, for the benefit of the Community and home builder" (*Use Book* 1905, p. 7).

On his own authority as Chief (without explicit Congressional sanction), Pinchot installed an administratively determined grazing fee effective in the 1906 grazing season. An administered fee was selected over competitive bidding because ". . . It would have jeopardized the necessary continuity for stock production" (Steen, p. 67, fn. 51). The basis for the grazing fee was "reasonableness" considering the value of the permit to the permittee; and as noted the resulting fee receipts were used to manage and expand the Forest Reserve system. By 1907, when the Forest Reserves were renamed the National Forests, the system had expanded to 168 million acres.

Livestock operators protested both the imposition of grazing fees and the reductions in permitted stocking rates that had begun in 1897 and were continued after the Reserves were transferred from USDI to USDA. Their protests notwithstanding, in the Report of the Forest Service for 1906 Chief Pinchot stated:

"Opposition to the fee is disappearing. There is no longer any doubt as to the advantages of preventing conflict and overgazing on the ranges. Under restricted grazing cattle and sheep keep in better condition and yield a better profit, and the range is not injured . . . Every effort is being made to give the stockmen the fullest practicable use of the range. Small nearby owners have the preference, larger regular occupants come next, and owners of transient stock come third."

REGULATED GRAZING ON THE PUBLIC DOMAIN

Elsewhere in the West, livestock grazing remained temporarily unregulated on 20 million acres of vacant, unappropriated, and unreserved public domain rangelands (Muhn and Stuart 1988). As time went by, the Western public domain lands became increasingly crowded and progressively overgrazed—a typical "Tragedy of the Commons" phenomenon.

"As competition for forage tightened, along with the conflicts between sheep and cattle and between stockmen and "nesters", the dominant effort of most stockmen to gain or retain control of the range overshadowed any thought of resultant damage, and led eve at times to the malicious "trampling into dust" of areas of feed, to drive back crowding neighbors, or in retaliation. No responsibility was felt for preserving the range for the future . . . It was all free, open grazing; Uncle Sam owned it, and it was a clear case of first come first served and devil take the hindmost" (Wallace and Silcox 1936, p. 182).

The root of the problem was that the federal government was not meeting their needs. Stockraisers had to have more than 160 acres of range for their herds" (Muhn and Stuart 1988, p. 36).[7] The public domain provided the complementary balance of the forage supply but there was not enough go around.

By the early 1930s the severity of the overgrazing problem coupled with the social and environmental instability of that era led both the Administration and Congress to the conclusion that "maladjustments" in Western agriculture needed correction. The New Deal era private land acquisition programs previously discussed were one outcome.[8] These programs viewed regulated livestock grazing as preferable to farming in the environment of the Semiarid West.[9]

Similar concerns about the state of the unreserved public domain rangelands led to a series of general grazing lease bills introduced by various Western Congressmen. Although pockets of opposition to regulated grazing were strong, by 1934 the instabilities, accentuated by drought and Depression, created a climate favorable for passage of legislation.[10] The Taylor Grazing Act of June 28, 1934 called by President Franklin Roosevelt ". . . a great step forward in the interests of conservation, which will benefit not only those engaged in the livestock industry, but the nation as a whole" (Muhn and Stuart 1988, p. 37) was the result. The preamble to the Taylor Grazing Act (TGA) reads as follows:

"Top stop injury to the public grazing lands by preventing overgrazing and soil deterioration; to provide for their orderly use, improvement and development; to stabilize the livestock industry dependent on the public range.

The Taylor Grazing Act was patterned in part after the system of regulated grazing on the National Forests devised by Pinchot. The most significant difference was that, for the first time, the Secretary of the Interior was given explicit statutory authority to level "reasonable" grazing fees as a independent element of a comprehensive mandate which included, as a separate element, control over the timing, intensity, and amount of permitted overstock grazing (the "grazing preference"). The interpretation of what a "reasonable" grazing fee constitutes was left to the discussion of the Secretary of the Interior. For many years thereafter the Administrative interpretation was that the grazing fee should cover the costs of administering a minimal public domain grazing program, allowing for the quantity of forage authorized for use under the terms of TGA Section 3 grazing district permits and Section 15 grazing leases (Secretary of Agriculture of the Interior 1977, p. 2–5).

LINKAGES AND HISTORICAL LESSONS

The institutional developments reviewed above are important because they illustrate the age and the roots of the current federal grazing fee debate. These roots are almost a century old, which in itself suggests why the parties to the debate are so deeply entrenched. The principal roots of the debate are as follow.

Of perhaps most significance is the fact that the Western federal rangeland forage "market" is not, and never was, an open and competitive market in which both price (the grazing fee) and quantity (the amount of federal forage taken) vary in relation to one another. Price (fee) always has been administratively set, based at least initially on some set of "reasonable" criteria in relation to the Federal Government's (acting as proprietor) costs of providing permittees with access to the permitted federal rangeland forage supplies and of enforcing the terms and conditions of the grazing permits. Quantity (authorized use levels of stocking rates) always has been set administratively as well, but independently of fee levels, based on land resource conservation criteria.

Second, the permit to graze, awarded on the basis of preference in prior use patterns (including the location of grazing, customary season of use, and associated stocking rates) and enforced against trespass by the Federal Government acting as sovereign, has the attribute of a partial property right.[11] The federal land management agencies have consistently referred to that "right" as a "privilege" but in the minds of the permittees as well as the Internal Revenue Service (which attaches estate taxes to it) and some economists the permit is a valued "use right."[12]

Third, the value of the permit accrues as a result of federal land laws restricting homesteads to 160–640 acres. Given privately owned feed and forage resources associated with these relatively small acreages, with the permit a viable commercial ranching operation was possible, while in some areas a ranch could not operate without a permit. Today, in some areas fee simple base properties could be rearranged if each such property lost its federal grazing permit, but probably at additional cost per unit of output. In either context, permit value is license value accruing to existing operations holding a federal grazing permit. Further, the permit's license value is the direct result of the original homestead laws and the commensurable base property restriction required as a condition of the conveyance of the permitted right to graze livestock at a certain stocking rate and season of use on a specific allotment (Torell et al. 1992).[13]

Fourth, the permit is, at least in part, a commercial business license granting long-term seasonal use privileges to the federal rangeland rancher. This allows the rancher, or permittee, to maintain an economically viable ranch unit year-round. Hence, federal rangeland forage and space is a complementary land input, not a short run substitute in production, for privately owned land and other resources.[14]

Fifth, because permits are renewable long term use agreements given preferentially to

smaller local ranchers with traditional dependence on nearby federal rangelands, rural communities have developed in proximity to the federal rangeland ranches. These rural communities act, in part, as local federal land ranching service centers. Thus, the stability of the federal rangeland dependent community is linked to the stability of those permitted ranching operations. This helps explain the extent of local interest in field hearings on the federal grazing fee and related federal rangeland use issues. Recalling again the various publics identified by the PLLRC, there are both (1) regional public and (2) state and local government interests in the federal rangeland resource and its access price.

Sixth, both Congress (in the Taylor Grazing Act and more recent legislation) and the federal land management agencies have historically acknowledged that economic stability (at the ranch, local community, and Western livestock industry levels), and both on-site and off-site resource conservation, are the basic goals of federal rangeland management and use policy. Therefore, the concept of sustainability as applied to federal rangeland management, use, and pricing has socioeconomic as well as environmental connotations, as reflected in the legitimacy of the interests of all six groups identified by the PLLRC in the federal rangeland policy debate.

SOCIAL AND ECONOMIC IMPLICATIONS OF THE FEE/USE LINKAGE

These six federal grazing fee/rangeland use linkages have strong implications for market behavior in the Western rangeland livestock industry, and therefore have equally strong implications for changes in fee policy. These implications include the following:

(1) The "commensurable base property" requirement imposed by the sovereign Federal Government as a condition of authorized public rangeland livestock use is an institutional restriction on freedom of entry in the federal rangeland forage market, meaning that the market cannot function with perfect efficiency. The commensurability requirement causes competitive bidding as a means of establishing grazing fees to be destabilizing, at least in the short term, and would probably require the Federal Government as proprietor to impose fewer restrictions on the use of the grazing permit (Obermiller and Barlett 1991). It is not likely that competitive bidding, given commensurability requirements and business management implications for the federal rangeland management agencies, would be politically acceptable to either the federal rangeland ranching industry or to the federal bureaucracy.

(2) The relative scarcity of private forage alternatives to federal rangeland forage during the permitted season of use implies that permittees are price-takers with relatively little market power vis-a-vis the federal government. Hence, Administrative or Congressional attempts to increase federal grazing fees can be expected to be opposed by the federal rangeland ranching industry in the political arena, since the permittees see no viable market alternative to federal forage during the permitted season of use.

(3) Even if fees are kept at current levels, reductions in grazing permit forage preference and authorization levels can be expected to put significant upward pressure on private rangeland rental rates in local markets, leading to disruption in those private markets. To the extent that federal grazing fees are based in part on private pasture and rangeland rental rates, major reductions in federal grazing authorizations can be expected to result in higher grazing fees due to federal/private forage market interdependence (Collins and Obermiller 1992).

(4) Since the permittee is a price-taker with no ability to pass fee increases along to the consumer, any fee increase must be absorbed by the federal rangeland rancher, representing a transfer of wealth from the private ranching sector as tenant to the Federal Government as proprietor and landlord. If the tenant, or permittee, is operating at the financial margin, markedly higher fee costs may lead either to closure of the operation or its sale to a larger operation. Industrial destabilization is possible.

(5) If federal grazing fees increase ceteris paribus, permit values and therefore ranch values will decline (Obermiller 1991b, Torell et al. 1992). As capital asset values decline, the ability to borrow against those assets decline. The expected result is asset devaluation in the Western federal rangeland ranching sector and reduced levels of private investment in and maintenance of range improvements, particularly on federally owned rangelands.[15]

(6) Those federal rangeland ranchers least able to afford markedly higher fee costs are likely to be the more highly leveraged sole proprietor operators. In American agriculture, such operators tend to be younger, and newer entrants to the industry. If this is true in the federal rangeland ranching industry (and it is not known whether or not this is true in that industry), the effects of higher fees will have demographic consequences for the structure of the Western ranching sector.

(7) Small to medium sized family ranch enterprises characterize that portion of the Western livestock industry holding federal grazing permits (Obermiller 1992c, Secretary of Agriculture and Secretary of the Interior 1992).[16] Smaller ranching operations do not enjoy economies of size and therefore are less able to absorb fee increases than are larger operations. This implies that as federal grazing fees increase, the average size of permittee enterprises will increase. This is not consistent with the purposes of the permitting system, which include preference for smaller family ranching operations.

(8) Family ranch operations tend to buy their ranch inputs in local markets, thus maintaining local community stability and stimulating local economic activity. For the above reasons, it can be expected that increases in federal grazing fees will lead to a decline in the number of smaller family ranches holding federal grazing permits. If the larger ranching operations that displace smaller operations do not make local purchases to the same extent as family ranches, rural communities that are service centers for the existing ranching sector will tend to be destabilized.

IN SEARCH OF A REASONABLE FEDERAL GRAZING FEE

Fees have been charged for domestic livestock grazing on federal rangelands and forestlands since 1906, the year after the Forest Reserves were transferred from the General Land Office in the Department of the Interior to the new Forest Service in the Department of Agriculture.[17] The statutory authority for grazing fees is the Taylor Grazing Act of June 28, 1934, although the Forest Service used the broad management powers given its Chief under the "Organic Act of 1897" to manage domestic livestock grazing on the National Forests as a rationale for setting grazing fees from 1906 through 1976.[18]

As has been noted, the Taylor Grazing Act authorized the Secretary of the Interior to charge "reasonable" fees for the granted access by private parties to federal rangeland forage. The TGA did not define the term "reasonable" however, and this has been one source of the continuing federal grazing fee controversy (Obermiller and McCarl 1982, Obermiller 1984). Reasonable to whom? In the broadest sense of the term, the federal grazing fee would have to be judged reasonable by each of the six broad interest groups identified by the Public Land Law Review Commission.

While the relationship between the level of the federal grazing fee and the economic stability of the individual ranching operation, local communities, and the Western livestock industry had been recognized since livestock grazing on federal rangelands was first regulated, making that relationship operational (in fee setting) was difficult. The first attempt at clarification occurred shortly after the Bureau of Land Management was created in July 1946 through the merger of the Grazing Service and the General Land Office in the Department of the Interior.

GRAZING FEES AND COMMUNITY STABILITY

The "Barrett Amendment" of August 6, 1947 (Public Law 376) extended the definition of "reasonableness" to include not only the permittee but also local federal rangeland dependent communities as the two parties to whom the fee should be fair: ". . . and in fixing the amount of such fees the Secretary of the Interior shall take into account the extent to which such districts yield public benefits over and above those accruing to the users of the forage resources for livestock purposes" (Sec. 1). This was the first Congressional effort to specify indicators of community stability as a public policy objective in federal grazing fee administration and related federal rangeland management.

The "Barrett Amendment" applied only to Section 3 grazing districts and Section 15 grazing leases administered by the newly created Bureau of Land Management—not to grazing lands administered by the Forest Service.[19] Recall that explicit statutory authority for Forest Service grazing fees did not yet exist. Through the 1950s and 1960s different grazing fees were charged by the two agencies. Under Use Book and subsequent Forest Service regulations, and consistent at least in part with the community stability objective, Forest Service grazing fees varied from National Forest to National Forest, from LU Project to LU Project, and after 1960 from National Grassland to National Grassland. BLM grazing fees were uniform westwide and generally were lower than National Forest, LU Project, and National Grassland fee levels.

MOVING TOWARD UNIFORMITY IN FEDERAL GRAZING FEES

Not until 1969, under pressure from both Congress and the Bureau of the Budget, did the two agencies adopt a uniform formula fee system.[20] The 1969 federal grazing fee formula had as its purpose charging a single grazing fee that would, on average, keep total grazing costs on BLM and National Forest rangelands equal to total grazing costs on comparable private rangelands, using an "animal unit month" (AUM) as the unit of measure. The 1969 uniform grazing fee for the 11 Western states consisted of a "base fee" of $1.23 per AUM multiplied by an index of annually updated estimates of average westwide private rangeland rental rates.

[Equation not reproducible in the RECORD.]

The 1969 formula fee system was contentious, in large part because one of the costs incurred by permittees—the amortized cost

of purchase of the permit—was omitted in the calculation of the $1.23 "base fee" in the 1969 (and thus in the current) grazing fee formula.[21] Congress subsequently imposed four moratoria on increases in the federal grazing fee from one year to the next, with the last of the four included in the text of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 Sec. 401.(a)). The omission of the "permit cost" in setting the fee formula was a major reason for those moratoria, because many Members believed that "permit cost" is a legitimate cost of livestock production on federal rangelands, and that its omission effectively caused permittees to "pay twice" for their permits.

FLPMA rescinded the "Barrett Amendment" and defined "reasonable" as a fee that was fair to both the user (the permittee) and the owner (the American taxpayer represented by the Federal Government) of federal rangeland livestock forage.

sec. 401. (a) The Secretary of Agriculture and the Secretary of the Interior shall jointly cause to be conducted a study to determine the value of grazing in the lands under their jurisdiction in the eleven Western States with a view to establishing a fee to be charged for domestic livestock grazing on such lands which is equitable to the United States and to the holders of grazing permits and leases on such lands. In making such a study, the Secretaries shall take into consideration the costs of production normally associated with domestic livestock grazing in the eleven Western states, differences in forage values, and such other factors as may related to the reasonableness of such feed. [emphasis mine]

What actually is fair to both the permittee and the American taxpayer is a matter of longstanding debate The debate centers on the meaning of a "fair market value" grazing fee.

Sec. 102. (a) the Congress declares that it is the policy of the United States that (9) the United States receive fair market value of the use of the federal lands and their resources unless otherwise provided for by statute. [emphasis mine]

In other words, Congress could, if it wished, eliminate grazing fees altogether.

In 1978, Congress decided to temporarily settle the grazing fee debate by passing a federal law, the Public Rangelands Improvement Act (PRIA) of October 25, 1978 that set the grazing fee based on a formula. Congress acted on the basis for a Report to Congress responding to the directive contained in Section 401(a) of FLPMA: Study of Fees for Grazing Livestock on Federal Lands (Secretary of the Interior and Secretary of Agriculture 1977). The report made no mention of the National Grasslands. Congress did not accept the recommendation of the Secretaries, which was to retain the 1969 formula fee system but add a 25 percent limit on year-to-year changes in fee levels. Instead, Congress adopted the recommendation of the "Technical Committee or Review Public Land Grazing Fees" appointed by the Secretaries (ibid., Appendix A and Federal Register, February 4, 1977, pp. 6980–6989).

THE PRIA AND NATIONAL GRASSLANDS FORMULA GRAZING FEE SYSTEMS

The PRIA formula fee system is a cost equalization formula patterned after the "Utah Model" (Roberts 1963). The "Utah Model" says simply that the total costs of using livestock forage should be the same, in the interests of both efficiency and equity, for permittees and nonpermittees. The "Utah Model" is implemented by first measuring, on average, the total (rent plus nonrent) per AUM private rangeland grazing cost. Then the nonfee portion of the total per AUM grazing costs for grazing on federal rangelands is measured, a again on average. The nonfee federal rangeland grazing cost is subtracted for the total private rangeland grazing cost. The residual is the "base" grazing fee for the year in which the measurements were taken: $1.23 per AUM in 1966 in the case of the PRIA formula fee system in the 11 Western states (and $1.33 per AUM in the "PRIA-like" formula used for the national Grasslands grazing fee in the nine Great Plains states).[22]

COST EQUALIZATION AS A FEDERAL GRAZING FEE POLICY STANDARD

the "Utah Model", but with permit cost omitted, was codified in section 6 of PRIA. The formula fee system detailed in that section was stated, by Congress, to simultaneously represent (1) the economic value of the forage to the permittee, and (2) the "fair market value" for federal rangeland grazing.

"For the grazing years 1979 through 1985, the Secretaries of Agriculture and Interior shall charge the fee for domestic livestock grazing on the public rangelands which Congress finds represents the economic value of the use of the land to the user, and under which Congress finds fair market value for public grazing equals the $1.23 base established by the 1966 Western Livestock Grazing Survey multiplied by the result of the Forage Value Index (computed annually from data supplied by the economic Research Service) added to the Combined Index (Beef Cattle price Index minus the price paid Index)and divided by 100: Provided, That the annual increase or decrease in such fee for any given year shall be limited to not more than plus of minus 25 per centum of the previous year's fee (43 USC 1905)."

The PRIA formula fee system is currently in effect under the auspices of Executive Order No. 12548 issues by president Reagan on February 14, 1986[23] and a similar formula remains in effect on the National Grasslands. Numerous bills and amendments have been offered in the House (and one in the Senate) over the past 18 months that would change the PRIA formula fee system, causing the amount of the federal grazing fee to increase. The most recent effort in the House (Congressman REGULA'S amendment to the FY 1993 Interior Appropriations bill) would, if enacted, lead to a temporary 33 percent increase in the PRIA grazing fee, from $1.92 per AUM in 1992 to $2.56 per AUM in 1993. As was true in 1990 and 1991, the proposed bills and amendments continue to omit the National Grasslands from the scope of the fee legislation.

THE STRUCTURE OF THE PRIA AND NATIONAL GRASSLANDS FORMULA FEE SYSTEMS

The PRIA formula bases grazing fees in the current year on a "cost equalization base fee" of $1.23 per AUM modified by indices reflecting the relative values of private grazing land rental rates, beef cattle prices, and costs of production in the immediately preceding year. This year's $1.92 PRIA formula grazing fee is calculated from last year's rental rates, costs, and returns together with a constant "base fee" of $1.23 per AUM.

As is easily seen, the two grazing fee formulas are conceptually the same, but Section 11 of PRIA exempted the National Grasslands from the provisions of the Act. Both fee formulas base grazing fees in the current year on 1966 base fees multiplied by index values in the immediately preceding year—meaning the 1992 per AUM grazing fees of $1.92 (PRIA) and $3.42 (National Grasslands) are based on the 1991 index values of comparable private grazing land rental rates, returns to Western ranching operations, and costs of production.

The $1.23 and $1.33 Per AUM "Base Fees:" The $1.23 and $1.33 per AUM values are referred to as the "base fees." They are supposed to represent the amounts that National Forest and Bureau of Land Management permittees, and the National Grassland permittees, respectively, would have to have been charged in 1966 so that, on average, the total costs per AUM of grazing livestock on public versus private rangelands would have been equal. The $1.23 PRIA base fee represents the weighted average of the grazing cost difference for cattle ($1.26 per AUM) versus sheep ($1.13 per AUM) grazing on federal versus private rangelands in the 11 Western states, and was derived from the results of the 1966 Western Livestock Grazing Survey of some 10,000 ranch operations and 500 financial institutions in the western United States (Table 1). While it has been understood that the $1.33 per AUM National Grasslands base fee was derived from the same survey, no records or reports are available to support or deny that claim.

The $1.23 and $1.33 per AUM "base fees" in the PRIA and National Grasslands formulas have as their conceptual basis the notion that a federal grazing fee will be equitable to the federal rangeland rancher, to ranchers who do not hold federal grazing permits, and to the American taxpayer if the fee, together with nonfee grazing costs on federal rangelands, equals the rent plus nonrent grazing costs on private rangelands. The underlying idea in this approach to fee setting is that both efficiency and equity in grazing markets will be realized if graziers in both markets, on average, encounter equal per AUM grazing costs.

This cost equalization approach rationalized the scope of the 1966 Western Livestock Grazing Survey, the design of its questionnaire, the process of the empirical analysis, and the reporting of survey results. Houseman et al. (1968) could find no statistical grounds upon which to argue for regionalized "base fees" due to the high degree of variability in allotment grazing costs within and among subregions of the West: hence a single westwide "base fee" of $1.23 per AUM was recommended for BLM and National Forest permittees. The goal was cost equality, on average, in grazing on private and public rangelands.

TABLE 1.—SUMMARY OF ADJUSTED COMBINED PUBLIC LAND (NATIONAL FOREST AND BUREAU OF LAND MANAGEMENT) AND PRIVATE LAND GRAZING COSTS IN THE 11 WESTERN STATES IN 1966 DOLLARS PER AUM

Cost items	Cattle		Sheep	
	Combined public costs	Private costs	Combined public costs	Private costs
Lost animals	.60	.37	.70	.65
Association fee	.08	.....	.04	.....
Veterinary	.11	.13	.11	.11
Moving livestock to and from	.24	.25	.42	.38
Herding	.46	.19	1.33	1.16
Salt and feed	.56	.83	.55	.45
Travel to and from	.32	.25	.49	.43
Water	.08	.06	.15	.16
Horse	.16	.10	.16	.07
Fence maintenance	.24	.25	.09	.15
Water maintenance	.19	.15	.11	.09
Development depreciation	.11	.03	.09	.02
Other costs	.13	.14	.29	.22
Private lease rate	.....	1.79	.....	1.77
Total operating costs [1]	3.28	4.54	4.53	5.66
Difference between private/public		1.26		1.13
Combined cattle and sheep		[2] 1.23		

[1] Excludes the amount of the grazing fee charged in 1966.

[2] Weighted by 80 percent cattle and 20 percent sheep AUMs. All column and row headings are as reported to Congress in 1969. "Public costs" as used here refer to grazing costs on public lands, and "private costs" refer to grazing costs on privately owned rangelands.

Indices Used to Modify the "Base Fees:" Since prices and market conditions change over time, the $1.23 and $1.33 per AUM "base fees" would have to be updated in some way to account for those changes. In the PRIA formula [Equation 2] and its National Grasslands equivalent [Equation 4], the $1.23 and $1.23 per AUM "base fees" were multiplied by three indices to account for such changes over time.

The logic of the formula fee systems is that the "base fees" are one of two long-run fair market value components. The second of these long-run components is the "Forage Value Index" or FVI. These are indices of what are supposed to be private grazing land rental rates in 11 Western states (PRIA formula) and in the six remaining Western federal rangeland Great Plains states (National Grasslands formula) using 1966 as the base year. Both versions or the index are based on an annual survey conducted in the month of June (recently July).

The FVI is derived from the results of a "July Cattle Survey" (JCS), formerly the "June Enumerative Survey" (JES), conducted by the National Agricultural Statistical Service (NASS) and is weighted by the number of farm units with cattle in each of (1) the 11 Western states for the PRIA formula and (2) the six remaining Great Plains states for the National Grasslands formula (Secretary of Agriculture and Secretary of the Interior 1986, p. 23). This results in an overstatement of the prevailing private grazing land rental rate relative to a weighting based on the number of federal AUMs authorized for domestic livestock grazing in each state (ibid, pp. 23–24).[24]

The other two PRIA formula indices were intended, by the Government economists who developed the PRIA formula, to reflect ". . . short-run instabilities that result during periods of demand, supply, and prices disequilibrium" not otherwise accounted for in the longer term forage value index" (Federal Register, February 4, 1977, p. 6988). The General Accounting Office (Rangeland Management: Current Formula Keeps Grazing Fees Low, June 1991) and others have interpreted these latter two indices as measures of "profitability" or of the federal rangeland rancher's "ability to pay" for federal forage (ibid., p. 17). That was not the original intent of the creators of the PRIA fee formula who argued, to the contrary, that the longer term forage value index fails to capture short term fluctuations in market conditions—and since the grazing fee is an annually updated charge, the short term is as important a determinant of forage value as is the long term.

These remaining two indices reflect annual changes in livestock market demand and supply conditions. The BPI is a beef price index (with 1966 as the base year) reflecting the average weighted selling price of cows, feeders, and fat cattle (but not calves under 500 pounds or sheep) in the 11 Western states (PRIA formula) and in the remaining six Great Plains states (National Grasslands formula). The BPI is derived from published NASS data and is weighted by the total liveweight of cattle marketed in each state regardless of their state of origin (Secretary of Agriculture and Secretary of the Interior 1986, p. 25). As with the FVI, weighting based on authorized federal AUMs in each state would reduce the prices received value;[25] and while it is not known, it is probable that weighting by state of origin would lead to a further reduction in the prices received value.

The PPI is a prices paid index (also with 1966 as the base year) computed from national beef production input costs, modified to reflect costs of production for cow-calf enterprises in the 16 Western public rangeland states (excluding Texas). This index, which excludes production inputs of farm origin such as hay and feeder livestock, has been criticized on the grounds that "The exclusion of these factors gives greater weight to components of livestock production highly affected by market changes and inflation, such as fuel costs" (ibid, p.27).

HOW WELL HAVE THE PRIA AND NATIONAL GRASSLANDS FEE FORMULAS WORKED?

Congress was not convinced that the PRIA formula fee system would work in tracking changes in the economic use value (to the permittee) and the fair market value (to the American taxpayer) of federal rangeland livestock forage. Consequently, PRIA contained a provision (Section 12) requiring the Secretaries of Agriculture and the Interior to evaluate the fee formula and to report their evaluation back to Congress by the end of 1985.[26] Since the National Grasslands formula was conceptually the same as the PRIA formula, the Forest Service intended to also evaluate the National Grasslands fee formula. Events precluded such an evaluation however.

The two agencies began their evaluation of the PRIA formula in 1980. Both the base fee and the three indices were evaluated. Other ways of establishing grazing fees were reviewed as well, and were subsequently reported to Congress (Secretary of Agriculture and Secretary of the Interior 1986 and 1992; for additional fee alternatives not evaluated by the agencies see Obermiller and Bartlett 1991). The 1992 Update of the 1986 report places less reliance on the results of the agencies' 1981–1985 study, and more reliance on technical updates of the original 1966 data base.

Substituting Private Rental Rates for the Base Fee: Soon after the required review and evaluation directed in Section 12 of PRIA began, it became clear that in evaluating the formula fee system a survey of costs and returns to both federal and private rangeland grazing operations—such as had been conducted in 1966 resulting in the $1.23 and ostensibly the $1.33 per AUM base fees—would not be repeated.[27] Rather, a "mass appraisal" would be done of rents paid for private pastures and rangelands in the Western states. The appraisal study results were published in 1984. Six "Pricing Areas" were established, and for mature cattle and horses a different base would be used in each of these areas. The appraised base values were $9.50 in Pricing Area 1, $7.10 in Pricing Area 2, $7.60 in Pricing Area 3, $5.90 in Pricing Area 4, $5.20 in Pricing Area 5, and $6.40 in Pricing Area 6 (see Figure 5).

Pricing area	Private land lease rate	Corresponding "appraisal value"	Advance payment grazing fee
Mature Cattle and horses (over 18 months of age):			
1	$10.00	$9.50	$8.55
2	7.50	7.10	6.39
3	8.00	7.60	6.84
4	6.25	5.90	5.31
5	5.50	5.20	4.68
6	6.75	6.40	5.76
Yearling cattle (under 18 months of age):			
1	7.50	7.10	6.39
2	6.75	6.40	5.76
3	6.25	5.90	5.31
4	5.70	5.40	4.86
5	5.50	5.20	4.68
6	4.75	4.50	4.05
Sheep: Westwide	1.10	1.05	.95

Source: 1986 Report to Congress, pp. 13 and 15.

When the appraisal results showed that private lands were renting at higher rates than the PRIA formula fee, it seemed inevitable that pressures to adjust the $1.23 base fee (and by extrapolation the $1.33 per AUM National Grasslands base fee) upward would materialize. That is exactly what has happened. While their formal Report Congress (*Grazing Fee Reveiw and Evaluation* 1986) contained no explicit recommendations, all but one of the reported alternatives to the PRIA formula adjusted the base fee upward using the appraisal results. The remaining alternative adjusted the $1.23 base fee upward based on changes in price index values.

In 1991, these "mass appraisal" values were incorporated in proposed bills (H.R. 481 and H.R. 944), and in approved amendments to the U.S. House of Representatives Interior Appropriations (Synar Amendment) and House BLM Reauthorization (Regula Amendment) bills. All would have increased the federal grazing fee by a minimum of 250 present. These appraisal values also are the basis for the recent fee increase proposed by Congressman Regula, representing the first year increment to the fee as proposed in his amendment to the FY 1992 House BLM Reauthorization bill. As will be discussed, these "mass appraisal" values are not comparable to the "cost equalization" $1.23 and $1.33 AUM "base fees" obtained in the 1966 Webster Livestock Industry Survey. If used as a basis for setting federal grazing fees, the appraisal values would cause the costs of grazing livestock on federal rangelands to exceed the costs of grazing livestock on the private rangelands.[28]

Recommended Changes in Indices. The private pasture rental rate (FVI), beef cattle prices (BPI), and costs of beef cattle production (PPI) indices also were evaluated by the agencies as reported to Congress in 1986 and 1992. Each was found to have problems (Nelson and Garratt 1984, Thorpe and Holden 1984), but in their 1986 Report to Congress the Secretaries recommended changing only the PPI index. Interestingly, the PPI had been primarily responsible for the relatively low level of the PRIA formula fee between 1979 and 1985. The recommended changes would have caused the PPI to increase less rapidly in the furture, *ceteris paribus* meaning that upward pressure on the fee would result. In retrospect, even if the base fee were left a $1.23 per AUM, the new cost index would have caused the average value of the grazing fee to double over the 1979–1985 time period. This was not recognized by the Secretaries in their 1986 Report to Congress, but was acknowledged in the April 30, 1992 *Update* (p. 28) In their 1992 report the Secretaries continue to recommend changes in the structure of the prices paid index.

In the 1992 *Update* changes in the prices received or BPI index were discussed (pp. 26–28), These were modifications to (1) include weaner calves and sheep, the primary livestock products in federal land ranching, both of which are excluded from the current BPI; (2) exclude fat cattle from the BPI, since fat cattle are not produced on federal rangelands; (3) update the base period for the index to include market conditions in the 1990's; and (4) weight the annual BPI index

by the number of federal AUMs in each of the 16 Western states. While none of these changes were recommended, if Congress does modify the PRIA formula the changes in BPI referenced here are worth further consideration.

The Forage Value Index (FVI) has been a source of controvery for a number of reasons. In obtaining survey data for the index, no distinction is made between short-term and long-term private sector grazing transactions meaning that the values obtained do not necessarily reflect either current or normal market conditions. Second, no information is collected on services provided by the landlord, so the resulting private rate of necessity exceeds the federal forage value by the amount of the value of the average bundle of services provided by the lessor. Third, respondents to the reporter survey do not have to be involved in actual grazing lease transactions, implying that the private rental values used in the FVI are not based on real market transactions. Fourth, the information obtained in the reporter survey is weighted by number of farm units per state rather than by number of federal rangeland AUMs per state causing the index to reflect the geographic concentration of livestock production (tilted toward the Great Plains and California) rather than the geographic concentration of federal rangeland grazing (tilted toward the Interior West). In the 1992 Update it is implied that the fourth concern probably should be addressed (pp. 25–26), the second and third concerns are dismissed, and the first concern is not mentioned. Again, if Congress does modify PRIA, the problems with the index of private pasture rental rates are worth further consideration.

POINTS OF CONTENTION IN THE CURRENT FEDERAL RANGELAND POLICY DEBATE

The strengths of the interests of the publics participating in the federal grazing fee/rangeland use policy debate are reflected in the unfortunate polarization of their respective positions. Generalization in policy analysis is dangerous. However, those close to the federal grazing fee debate may agree that there are two groups voicing common arguments in the current federal grazing fee/rangeland use policy debate (see Quigley and Bartlett 1990, and Godfrey and Pope 1990).

Advocates of increased Federal grazing fees

There are those who seek to increase the level of the federal grazing fee. Some argue simply that the fee needs to be raised for fiscal reasons, while others argue that the fee should be raised for land use purposes. Other than the "PRIA with Technical Modifications" base fee of $2.93 per AUM as previously discussed (footnote 28), most who argue for fee increases rely on the "mass appraisal" values (detailed in Figure 5) as an alternative to the "cost equalization" base fees of $1.23 and $1.33 per AUM derived from the 1966 Western Livestock Grazing Survey (see Table 1).

Proponents of increases in the federal grazing fee generally argue that present fee levels (1) are unfair to nonpermittees because the "low" grazing fee puts the federal land rancher in a position of competitive advantage relative to the private land rancher; (2) result in a taxpayer subsidy to a small and economically insignificant number of permittees by pricing federal rangeland forage below its "fair market value" thereby failing to cover the government's costs of administering the federal rangeland livestock grazing programs; and (3) result in overgrazing of the federal rangeland forage resource, particularly in areas less suitable for livestock grazing.

Various environmental groups and some Congressmen from the midwest, east, and southeast support efforts to increase federal grazing fees. The views of those who would like to see grazing fees raised have been and in all probability will continue to be incorporated in proposed bills introduced in both Chambers, and increasingly in the form of amendments to Interior Appropriations and BLM Reauthorization bills.[29]

Some of those who hold to this view would use increases in the federal grazing fee as a means of reducing or eliminating livestock grazing as an authorized federal rangeland use. These publics argue that the federal grazing fee should be increased to a level that causes the grazing permit to have no value, which from the standpoint of economics implies that the permittee would no longer derive net benefit from the use of the permit in and of itself—and thus would be willing to relinquish the grazing use "privilege" previously granted by the Federal Government as sovereign to the customary user or "permittee."[30]

Advocates of the status quo

Others seek to leave the existing PRIA fee formula in place on the grounds that there is no evidence to support changing it. This group contends that the current fee system is neither unfair nor does it constitute a subsidy. Some of the advocates of the status quo believe that efforts to modify the existing PRIA fee formula are intended to reduce or in the extreme eliminate domestic livestock grazing as a use of the Western federal rangelands.

All of those holding to this alternative view believe that domestic livestock grazing should continue to be an authorized use of the Western federal rangelands, and that the current PRIA fee formula promotes ranch, community, and industry stability. Many of these publics emphasize the value and contribution of the federal rangeland ranching industry to local and regional economies. In general, supporters of the PRIA fee formula include the Western livestock industry, most of the Western Congressional delegations, Western local and state governments, and rural community business interests.

Key elements in the debate

With regard to the federal grazing fee per se, the points of debate cener around (1) the relevance and validity of the "grazing rental appraisal estimates of market value of forage" obtained in the 1983 "Appraisal Study" conducted by the Forest Service and the Bureau of Land Management as detailed in Fair Market Rental Value of Grazing on Public Lands: Volumes 1 and 2) vis-a-vis the "base fees" of $1.23 per AUM on BLM and National Forest allotments and $1.33 per AUM on National Grasslands in the Great Plains derived from the 1966 Western Livestock Grazing Survey (summarized in the Study of Fees for Grazing Livestock on Federal Lands (1977, Appendix A)); (2) the "subsidization" allegation; and (3) changes in the conditions of the Western federal rangelands during the life span of the PRIA grazing fee formula. The first two of these points are addressed below.

THE PROBLEM WITH THE APPRAISAL VALUES

All of the recent Congressional proposals to change the PRIA formula fee system have one thing in common: all would replace the $1.23 "base fee" in the PRIA formula with some version of the "Appraisal Values" reported by the Forest Service and the Bureau of Land Management in 1984 (Tittman and Brownell 1984).[31] In these proposals, the various indices used to modify the "base fee" are not the issue—the "base fee" is the issue.

The empirical, statistical, and theoretical mistakes made in the course of the appraisal study are detailed in Research Report 104, An Evaluation of the Forest Service and Bureau of Land Management Grazing Appraisal Report, published by Utah State University (Nielsen et al. 1985).[32]

These inadequacies are elaborated by many whose testimonies are summarized in the earlier 1987, 1989, and 1991 Hearing Records of the House Subcommittee on National Parks and Public Lands. The testimonies include formal distancing by the executives of the Departments of Agriculture and the Interior, and hence the Administration, from the results of the Appraisal Study conducted by their own federal land management agencies.[33]

In their 1992 Update (pp. 2–3), the Secretaries acknowledged the criticisms of the "mass appraisal" study: the values of services provided by landlords were not collected, nor estimated; the statistical analysis of the mass appraisal results was inappropriate; the five percent downward adjustment of private grazing land rental rates by the appraisers to account for differences in the terms and conditions of private versus federal grazing leases was arbitrary; the size of the subsample used to update the 1984 results to 1991 values was too small and not representative of the 1984 population; etc.

The primary problem with the "mass appraisal" is that the forage values obtained from it are theoretically and conceptually different than the "base fees" derived from the 1966 Western Livestock Grazing Survey. Congress directed the Secretaries to evaluate the PRIA formula, including the "base fees." The Secretaries did not evaluate the $1.23 and $1.33 per AUM base fees at all. Instead, different values obtained using a different methodology were substituted for the $1.23 and $1.33 per AUM base fees. Regardless of their statistical inaccuracy, the appraisal values did not constitute the directed evaluation of the base fees in the PRIA formula. This is the basis for the external criticism of the appraisal study (Rostvold and Dudley 1992).[34]

The fact is that the appraisers did not appraise the subject properties (the federal grazing permits and leases). No information was collected on the relevant terms and conditions of the private grazing leases that were appraised. No effort was made in the appraisal process to control for differences in accessibility, forage quality, improvements, or other factors distinguishing the federal rangelands allotments from private rangelands and pastures. In this regard the appraisal process violated Section 401(a) of FLPMA (see page 15). The consequence was, and is, average "Pricing Area Appraisal Values" that (1) are not comparable to federal permit forage values, and (2) represent an unknown bundle of food (livestock forage) and associated services provided by the landlord. Following all of these errors in judgement, the statistical analysis was flawed. Some of the problems with the appraisal process and the resulting "Appraisal Values" are elaborated below.

The appraisal approach to resource valuation given market interdependence

Appraisals are but one of several means of discovering value. The "comparable market" approach to appraising,[35] ostensibly used in the conduct of the PRIA formula fee evaluation, must pass two minimal tests. First, and least important although clearly relevant, the appraiser must be able to correlate and control for qualitative differences in the subject property vis-a-vis comparable properties

having observed market values. Second, and fundamentally important, the observed values of comparable properties must be unaffected by the value, or use, of the subject property.

Expanding on the second point—it has been conjectured for a very long time that private grazing land markets in the Western United States are strongly influenced by pricing (fee) and land use (stocking level) devisions on federal rangelands. Marion Clawson, a former Director of the Bureau of Land Management, put it as follows.

"If the area and the importance of federal rangelands in a locality or district were so great as to have influenced materially the whole structure of values for private lands of all types, then a comparison between costs on private land and values of federal land, even for physically similar areas, might be misleading" (1951, p. 6).

Only recently has the issue of market interdependence been subject to empirical test (Collins and Obermiller 1992). Statistically significant interdependence between changes in federal market forage allocations to livestock and private market forage prices has been detected.[36]

Restating Clawson's conceptual point, it is incorrect to assume that the private rangeland forage market in the Western United States is either competitive or comparable to the federal land forage market, and therefore observed price in the private market cannot be assumed to reflect value in the federal market (Obermiller 1984).[37] Yet, for inexplicable reasons, such an assumption was made and the appraisal process proceeded to its controversial conclusions.[38]

Qualitative differences in Federal and private forage markets

The qualitative differences between Western federal and private rangelands and the cost implications for their use by domestic livestock are great. This further reduces the utility of (further subordinates) the "comparable market" approach to valuation. While the courts require that qualitative dissimilarities be minimized, and that due allowance be made for remaining dissimilarities when establishing the subject property's value, neither requirement was met in the 1984 Appraisal Report as incorporated in the 1986 Report to Congress and in the 1992 Update.[39]

With the exception of a very few subleases, the appraisers did not actually inspect or verify the conditions on the subject properties themselves—the federal rangelands—even though the purpose of their exercise was to establish the value of livestock forage on those federal rangelands. For the private leases that were observed, little or no attempt was made to gather information on the actual value (cost) of services provided by landlords and lessees. This implies that associated use costs on private and federal rangelands are similar—an entirely erroneous assumption.[40]

Based on the results of the 1966 Western Livestock Grazing Survey, the nonfee costs of grazing cattle on federal rangelands were $0.53 per AUM higher than the nonrent costs on private rangelands.[41] By 1983, the base year for the Appraisal Report, adjustments for inflation brought this cost differential to $1.60 per AUM. Further, in 1982 the BLM changed its rangeland improvement maintenance policy, adding $0.60 per AUM to permittee improvement costs westwide (Obermiller 1992b). This brought the cost differential for federal grazing up to $2.20 per AUM in 1983, assuming no additional changes in permittee costs.[42]

Yet the appraisers did not collect information on nonfee/nonrent cost differences. The appraisers did realize, after the fact, that nonfee cost differentials should be acknowledged. The approach they used to account for the cost dissimilarities, since they had gathered no nonfee cost information for either federal or private leases, was to "restore" cost comparability by adjusting average private grazing land lease rates downward by five percent. The rationale for that adjustment was the "informed judgment" of the appraisers (Tittman and Brownell 1984, p. 136). The five percent adjustment amounts to $0.38 per AUM in 1983 dollars. Consequently, if the appraisal results are accurate it must be assumed that it was relatively less expensive ($1.82 per AUM cheaper in 1983 prices) to use federal rangelands for livestock grazing in 1983 versus 1966.

"It is the opinion of the appraisers that a slight deficiency exists in the public permit as it compares to the typical private lease. This deficiency will be expressed as a five percent downward adjustment (entitled conditions of use) of the private land lease rate, which is derived from the private market, resulting in an opinion of fair market value for grazing use on public rangelands" (Appraisal Report Estimating Fair Market Rental Value of Grazing on Public Lands: Volume I, p. 136. [emphasis mine].)

This assumption fails the test for control of qualitative dissimilarities. Permittee costs have increased, not decreased, relative to 1966. The Extension Service survey results (see footnote 34) reveal that federal rangeland forage utilization costs are as much as $8.14 per AUM higher than equivalent private forage costs. The reasons for the higher costs faced by permittees are well known and thoroughly documented. They include higher death loss of livestock, greater labor requirements, and higher management costs incurred to meet multiple use rangeland management goals. These federal rangeland nonfee costs increased by 200-450 percent, varying across regions in the Western United States, between 1966 and 1983—outstripping the general rate of price inflation used above in updating the 1966 cost differential to $2.20 per AUM in 1983 prices.

In summary, we are dealing here with qualitatively different goods and services (forage and associated services) exchanged in interdependent markets. The validity of the appraisal results is questioned because of failure to control for these qualitative differences. Even if proper control had been exercised, and it was not, it would be difficult to know what the private lease values really represent. One thing would be known for certain: private lease rates cannot reflect federal forage values if the federal and private markets are interdependent—a reality acknowledged neither in the 1984 Appraisal Report nor in the 1986 Report to Congress or its 1992 Update.

THE FALLACIES OF THE SUBSIDIZATION ARGUMENT

Since federal grazing fees are set by formula independently of stocking rates, and since stocking rates are regulated in part to protect rangeland conditions, there really can be no evidence to support the assertion that "low" federal grazing fees promote overgrazing. Nonetheless, the subsidization assertion frequently is made, and those making it point to the following as indicators of a subsidy in the federal grazing fee: (1) subleasing of federal grazing allotments at rates in excess of the grazing fee, (2) lower forage use costs on federal permits relative to private pastures and rangelands, (3) higher grazing fees on state grazing lands, (4) costs of BLM and Forest Service grazing program administration in excess of the federal grazing fee and (5) the existence of permit value due to capitalization of rent. These five points are addressed below.

Is subleasing as significant problem?

Subleasing of federal grazing permits would be expected under a single uniform fee system, given the heterogeneity of the various types of federal rangelands.[43] The key issue is how extensive is the illegal subleasing of federal grazing permits?

There are not very many documented examples of illegal subleasing. The Appraisal Study concluded that there were 30,286 federal grazing permits or leases in the Western United States in 1983. Of these, 90 were illegally subleased in that year. That is equal to 0.3 percent (one out of 333) of the authorized grazing permits and leases during the last year of the appraisal survey. Four times as many permits and leases (411) were vacant and abandoned in the same year; and the level of voluntary nonuse (authorized use minus actual use) amounted to over three million AUMs.

The 1983 PRIA fee rate was $1.40 per AUM for each of the 30,286 permits and leases. Some were in good condition, some poor. Some were easily accessible, others remote. Some had water on site, others didn't. It would seem obvious that at $1.40 per AUM some of these 30,286 permits would be underpriced, others overpriced. On average, the numbers (90 subleased versus 411 abandoned and over 3,000,000 AUMs of voluntary nonuse) would imply that at $1.40 per AUM the federal rangeland grazing resource was on average not underpriced relative to its underlying grazing value in 1983.

Yet some proponents of federal grazing fee increases focus their attention on the minuscule number (90) of apparently underpriced illegally subleased permits, and make an intuitive leap to the population (30,286) as a whole. As shown, the sublease data simply do not support the argument that permits are typically underpriced.

Don't permittees have lower total grazing costs than nonpermittees?

Taking all cash and noncash grazing costs into consideration, permittees pay as much and sometimes more for livestock forage on federal rangelands than on private rangelands and pastures. The reasons for these higher grazing costs are that, on federal rangelands, ranchers face higher death loss, greater labor requirements, and higher management costs—and furthermore animal performance often is poorer.

These differences in federal and private forage use costs are extensively documented (Bartlett et al. 1984, Lambert and Obermiller 1983, Nielsen 1982, Nielsen and Workman 1971, Obermiller and Lambert 1984, Obermiller 1992b, Roberts 1967, Torell et al. 1986) and were referenced by the Secretaries in their 1986 Report to Congress and in the 1992 Update. The cost differentials were measured in the 1966 Western Livestock Grazing Survey (Houseman et al. 1968), and are the reason why the $1.23 and $1.33 per AUM "base fees" were less than the prevailing private rangeland rental rate ($3.65 per AUM) in 1966.[44]

Professor Darwin Nielsen of Utah State University (where the cost equalization fee concept originated) has recently prepared a price updated version of the private/federal forage use cost differentials (Nielsen 1991). His update assumes no structural change in federal rangeland grazing versus private rangeland grazing, and results in the grazing

costs summarized in Table 2. Quite recently, Obermiller (1992b) updated grazing cost data obtained in an Eastern Oregon survey in 1982. These Eastern Oregon data do reflect structural changes in federal rangeland grazing relative to private rangeland grazing since 1966. The results of the Eastern Oregon grazing cost update are summarized in Table 3.

The differences between the updates of the 1966 and the 1982 grazing cost data are summarized in Table 4. The Eastern Oregon grazing cost update suggests that structural changes in the federal rangeland sector have caused permittees' grazing costs to increase by 16 percent relative to private sector grazing costs over the past 26 years. Note that the 1982 updated data for Eastern Oregon show total grazing costs on private rangelands to be $15.03 per AUM, and total grazing costs on all federal grazing allotments combined to be $16.83 per AUM. The updated data are for the year 1990. In 1990 the federal grazing fee was $1.81 per AUM. Subtracting the grazing fee from the total grazing costs on combined federal allotments results in a nonfee cost of $15.02 per AUM versus a private grazing cost of $15.03 per AUM. These results suggest that, at least in Eastern Oregon, private grazing costs are less than federal grazing costs by the amount of the grazing fee.

TABLE 2.—GRAZING COSTS PER AUM ON PUBLIC VERSUS PRIVATE RANGELANDS: 1966 COSTS PRICE UPDATED TO 1990

Operation	Federal grazing permits	Private leases
Lost animals	$1.82	$1.12
Association fees	.27	0
Veterinary	.45	.53
Moving livestock to and from	1.11	1.16
Herding within operation	1.86	.77

TABLE 2.—GRAZING COSTS PER AUM ON PUBLIC VERSUS PRIVATE RANGELANDS: 1966 COSTS PRICE UPDATED TO 1990—Continued

Operation	Federal grazing permits	Private leases
Salt and feed	2.32	3.09
Travel to and from operation	1.49	1.19
Water (production items)	.27	.20
Horse	.50	.31
Fence maintenance	.89	.92
Water maintenance	.69	.55
Development depreciation	.37	.10
Other	.44	.47
Total	12.48	10.41
Federal grazing fee (1990)	1.81	0
Private lease rate (excludes any services provided by lessor) (1990)	0	4.35
Total operating costs/AUM	14.29	14.79

Source: Nielsen (1991).

TABLE 3.—PER AUM GRAZING COSTS AND COSTS BY ACTIVITY IN 1990 DOLLARS FOR GRAZING ON COMBINED BUREAU OF LAND MANAGEMENT, FOREST SERVICE, COMBINED FEDERAL, AND PRIVATELY LEASED LANDS IN EASTERN OREGON

Activity [1]	Group							
	Bureau of Land Management n=78		Forest Service (n=64)		Combined Federal (n=142)		Private leases (n=23)	
	Cost (dollar/AUM)	Percent of total cost	Cost (dollar/AUM)	Percent of total cost	Cost (dollar/AUM)	Percent of total cost	Cost (dollar/AUM)	Percent of total cost
Turnout	1.25	8.3	1.20	6.3	1.23	7.3	1.43	9.5
Gathering and take-off	2.16	14.3	3.92	20.7	2.95	17.5	1.56	10.4
Management	2.92	19.4	5.62	29.6	4.14	24.6	1.54	10.2
Maintenance	2.09	13.9	1.97	10.4	2.04	12.1	.69	4.6
Meetings/Paperwork	.31	2.1	.22	1.2	.27	1.6	.03	.02
Salt, feed, med.	.41	2.7	.34	1.8	.39	2.3	.38	2.5
Death loss	3.13	20.8	2.42	12.8	2.81	16.7	1.58	10.5
Other	.90	6.0	.67	3.5	.80	4.8	.06	0.3
Miscellaneous	.01	0.1	.02	0.1	.01	0.1		
Association fees	.14	.09	.79	4.2	.43	2.6		
License/lease	1.75	11.6	1.80	9.5	1.77	10.5	7.77	51.7
Total cost	15.07	100.0	18.97	100.0	16.83	100.0	15.03	100.0

[1] All activities are defined and described in Lambert and Obermiller (1983, appendix II, part II).

TABLE 4.—DIFFERENCES IN MAJOR CATEGORIES OF GRAZING COSTS PER AUM IN 1990 DOLLARS FOR FEDERAL GRAZING PERMITS AND PRIVATE GRAZING LEASES FROM UPDATED 1966 WESTWIDE AND 1982 EASTERN OREGON DATA BASES

Cost category	Cost per AUM in 1990 dollars					
	Federal grazing permits			Private grazing leases		
	1966 data	1982 data	1982 as percent of 1966	1966 data	1982 data	1982 as percent of 1966
Turn-out [1]	0.29	1.23	424	0.48	1.43	298
Gathering/take-off [1]	.82	2.95	360	.64	1.56	244
Routine management	2.36	4.14	175	1.08	1.54	143
Maintenance	1.58	2.04	129	1.47	.69	47
Salt, feeding, and vet	2.77	.39	14	3.62	.38	10
Death loss	1.82	2.81	154	1.12	1.58	141
Fees and rents	2.08	2.20	106	4.35	7.77	179
Other	1.08	1.08	100	.67	.06	9
Total cost	14.29	16.83	118	14.79	15.03	102

[1] "Gathering/take-off" costs and "turn-out" costs are combined in Table 2 and expressed as "moving livestock to and from." They are separated in table 4 based on the proportional contributions of the two activities observed in the Eastern Oregon data set.

On average, permittees encounter higher grazing costs than private land ranchers.

Why are State grazing fees higher than the Federal grazing fee?

This answer to this question is similar to explaining why a furnished home rents for more than an unfurnished apartment, all other things equal. First, some of the Western states claimed the more productive lands from the public domain as a condition of their statehood, while others actively exchanged poorer state lands for more productive public domain rangelands during active land exchange intervals in the 1930s and 1970s. The BLM got what nobody else wanted. Second, state rangelands on which livestock are grazed in the West are not managed for multiple uses as are BLM and Forest Service lands resulting in less harassment incurred by operators who graze livestock on state lands. Third, not a single state requires the grazier to control commensurate base property.

The first point means that many of the state grazing lands are of higher quality, translating to more AUMs per acre. In turn, this means that animals perform better, hence gross ranch revenues per state land AUM are higher, and therefore demand—assuming the state land forage "market" is relevant which it probably is since commensurability is not required—is greater for state grazing lands. Thus, state land grazing fees would be expected to be higher than federal grazing fees.

The second point means that the grazing costs faced by the state grazing lands rancher are lower than the grazing costs faced by the federal rangelands rancher. Multiple use management means imposed restrictions on any one use—including domestic livestock grazing—for the benefit of other authorized uses and users. Management restrictions mean management costs. Management costs are a component of grazing costs. Consequently, grazing costs are higher on federal rangelands relative to state grazing lands. Conversely, it is less expensive to graze livestock on state lands. Since it is less expensive (higher quality aside), ranchers can afford to pay more for state grazing land AUMs—and they do pay more.

The third point means that the user of state grazing lands has little or no vested interest in the state lands from an ownership perspective, since the state lands are not attached via a lease contract to base property. The state land grazing permittee does, however, have proprietary interest in range improvements benefiting the livestock use. As a consequence, fewer rancher-financed improvements benefiting non-livestock uses may be made on state grazing lands, reducing the maintenance cost component of the total grazing cost. In two out of three cases,

when range improvements are made by the rancher on state grazing lands (often with cost-sharing by the state), the rancher is granted the ownership right to them, and is compensated if the state grazing lease is not renewed. From the state's perspective, range improvements financed by the user are encouraged, since if the improvements lead to more forage and/or a longer grazing season, more fee receipts are available to the Common School Fund or other purposes. Again from the state's perspectives, it is appropriate to delegate more management responsibility to the user, the state land permittee, since by doing so the costs of administering the state land grazing program are reduced, and net livestock grazing revenues accruing to the state are increased.

Do grazing fees recover grazing program administration costs?

Recently, much concern has been expressed about "cost recovery" as a guideline for setting federal grazing fees. The issue is complex, and is treated in more detail in the Appendix to this testimony. The elements of the debate are summarized below.

In the General Accounting Office report, *Rangeland Management: Current Formula Keeps Grazing Fees Low* (1991), the following statements were made:

"The soundness of the formula must be viewed in the context of the primary objective to be achieved . . . it does not achieve an objective of recovering reasonable program costs because it does not produce a fee that covers the government's cost to manage the grazing program (ibid., p. 1); the loss incurred by the U.S. Treasury for conducting the federal grazing program is . . . dramatic" (ibid., p. 23).

The GAO based its conclusions on data provided by the Forest Service suggesting that in 1990 the USDA's grazing program administration cost was $3.86 per AUM (versus a 1990 PRIA grazing fee of $1.81 per AUM and a National Grasslands grazing fee of $2.86 per AUM). In 1990, the Bureau of Land Management estimated its grazing program administration cost to be $1.61 per AUM.

The reason for the wide disparity between the two agencies estimates of administrative costs is that, prior to the publication of the 1992 Update, the Forest Service and the BLM used different procedures in calculating administrative costs. The approach used by the BLM was to measure all administrative costs related to the current year grazing program (not the capital account investment cost represented by the range improvement program since this is not an annual livestock forage management cost), subtract the value of the vegetation management benefits accomplished through regulated or prescribed livestock grazing (which by law the agency is required to provide whether or not there is any livestock grazing on BLM lands), and divide the residual by the number of authorized livestock AUMs. Their result was an estimated net current account grazing program administration cost of $1.61 per AUM in 1990.

The approach used by the Forest Service was to measure all management and improvement costs associated with the range program in the Washington D.C. office and all field offices. The Forest Service assumed the field range staffs would be eliminated if grazing on National Forests and National Grasslands were to cease. No allowance was made for vegetation management benefits attributable to livestock grazing. Longer term capital costs associated with range improvements, regardless of the use or distribution of uses benefitting from those improvements, were included by the Forest Service in estimating its administrative costs. The result was the sum of field range program salaries and wages, associated requisitions costs, and all improvement expenditures divided by the number of authorized livestock AUMs: $3.86 per AUM in 1990.

While cost recovery is a legitimate federal resource pricing objective, the issue here is how to properly measure and account for net grazing program administration costs. Using the BLM approach, the Federal Government as proprietor was receiving a net return on the livestock use of its public domain grazing lands in 1990. Using the Forest Service approach it was not receiving a net return on the livestock use of its reserved National Forests and acquired National Grasslands. Again, as in virtually all aspects of the federal grazing fee/rangeland use debate, the cost recovery issue is much more complex than at first glance.

The difference between the two accounting approaches was resolved, in part, in the 1992 Update (pp. 5–6 and Figures 1.4 and 1.5). The two agencies agreed to use the same accounting approach in estimating their grazing program administration costs. That approach was to measure total range program costs, including both current account management costs and capital account improvement costs. Then, that portion of current and capital account costs that would be incurred if there were no livestock grazing was estimated. The "without grazing" range program cost was subtracted from the "total" range program costs. The balance was that portion of total range program costs attributable to livestock grazing: for the BLM $2.18 per AUM and for the Forest Service $2.40 per AUM in 1990. Weighted by the number of AUMs provided by each agency, the average reported cost of administering the grazing program of BLM and National Forests westwide was $2.26 per AUM in 1990.

This common accounting approach, as noted, adds to the current management cost the longer term improvement cost associated with the grazing programs of the two agencies. In 1990, the grazing program management cost was reported to be $1.47 per AUM for the BLM and $1.78 per AUM for the Forest Service. In either case, the grazing fee exceeded the grazing program management cost in 1990, since the PRIA fee was $1.81 and the National Grasslands fee was $2.86. Normally, costs of administration refer to the current account costs of management. Given this accounting stance, in 1990 BLM earned a net return above management costs of 23 percent. Since about ⅓ of the Forest Service AUMs are from the National Grasslands in the nine Great Plains states, the weighted Forest Service grazing fee was $1.99 per AUM in 1990,[45] and the corresponding net return above its management costs was 12 percent.

From a difference perspective, the BLM's potential fee contribution to its range improvement program was $0.34 per AUM in 1990, or 48 percent of the Bureau's $0.71 per AUM range livestock improvement program cost. A similar assessment is difficult for the Forest Service since the portions of fee receipts dedicated to range improvements on National Forests differ from the portion of National Grasslands fee receipts dedicated to livestock conservation practices.

It therefore can be concluded that the federal grazing fee does cover the agencies' costs of managing their grazing program. The fee does not cover both management and investment costs however. Since many range improvements benefit uses in addition to livestock, stock water developments for example, it is questionable whether the fee should also fully cover range livestock improvement investment costs.

The GAO's rather dramatic conclusions regarding the Federal Government's (as proprietor) costs of administering its domestic livestock grazing programs are overstated. In 1990, the net management plus improvement cost of administering the Federal Government's grazing programs was only two-tenths of one percent of the total cost to the American taxpayer of the Commodity Credit Association's net outlays or direct agricultural subsidy payments (Obermiller 1992a). This $6.5 billion acknowledged agricultural subsidy payment (which has grown to $12 billion in 1992) does not include the USDA's costs of administering the covered agricultural commodities. Why should the very small (in the sense of budget) federal rangeland grazing program be expected to do so?

Permit value: What and why?

Those who argue for federal grazing fee increases often note that permits have value. They are worth something to the owner of the commensurate base property, the permittee. The reason that value exists, it often is claimed, is because federal grazing permits have been underpriced relative to the market for a long time, and that the excess value (what permits are worth versus what they cost via the federal grazing fee, i.e., rent) has been capitalized as positive permit value.

No one argues that federal rangeland grazing permits have value, they do. The relevant question is why do permits have value? Is the level of the grazing fee the only explanation?

As noted earlier, throughout much of the Western United States the incidence of rangeland ownership by the Federal Government as sovereign is so great that if a rancher does not have a permit, the carrying capacity of the private ranch property is insufficient to support a commercially viable livestock operation. Thus, the permit value may in fact be at least in part an operating license cost, not unlike the costs of white water rafting, outfitting, and guide licenses (Torell et al. 1992). Another possible explanation is that the values of the permittee's own privately financed improvements on his or her federal grazing allotment are being capitalized in the form of "permit value."

In any case, the "value" of the holder is a "cost" to any prospective buyer, which explains the furor that surrounded the announcement of the 1969 fee system, from which permit cost was omitted when calculating the $1.23 per AUM and $1.33 per AUM "cost equalization" base fees. Since the time that grazing was first regulated almost all Western ranches have changed hands, meaning that no matter what has been capitalized, the federal grazing permits on which many Western ranches depend have already been purchased.

"The key in the grazing fee policy controversy is whether the Federal Government will recognize the permit value as a cost of doing business for the rancher. If the permit value is recognized there is no justification for fee increases because total costs of using public and comparable private lands are statistically equal. If all costs of grazing, specifically permit costs, accrued as revenue to the government the marketing system that now controls permit distribution would let fee rates to be increased. Thus, government pricing of grazing would be superficial because the market in permits would determine revenue to the government" (Nielsen and Roberts 1968, p. 4).

These permit costs are capital costs, just as the range improvement expenditures of the BLM and Forest Service are capital costs. It would not seen reasonable to expect the grazing fee to cover the Federal Government's capital costs while disallowing the capital cost of the grazing permit to the permittee. Yet since 1969 this is just what the formula-based federal grazing fees on BLM permits and leases, National Forest grazing allotments, and National Grasslands pastures have done. Today Western federal land ranchers paid for their grazing permits when they first purchased their ranch properties, and since 1969 have purchased their permits again.

Some argue that the original Western permittees received a windfall gain at the American taxpayers expense when they first received their grazing permits. Perhaps. In any case and for whatever reason, by 1966 BLM permits had an average value of $14.41 per AUM, National Forests permits had an average value of $25.35 per AUM, and National Grasslands permits had an apparent average value of $30.19 per AUM. As previously noted, the corresponding amortized values at six percent were $0.87 per AUM, $1.52 per AUM, and $1.88 per AUM in 1966 (see footnote 21, page 19, and footnote 22, page 21.) These amortized values, or permit costs, were not considered when the cost equalization base fees of $1.23 per AUM and $1.33 per AUM were set for the BLM/National Forests and for the National Grasslands in the 1969 fee formula, as continued in the PRIA and National Grasslands fee formulas. Thus, if the American taxpayer ever did give Western ranchers a windfall gain through the issuance of grazing permits, that gift has since been repaid through the existing grazing fee formulas.

As has been repeatedly noted, the issue of permit value and permit cost dominated the 1969 grazing fee hearings in the Senate and the House of Representatives. Serious consideration was given to proposed legislation which would recognize the grazing permit as a compensable "use right." Using a rather conservative estimate of $45 per AUM as the current average value of federal rangeland grazing permits, the current capitalized value of all federal grazing permits in the 17 Western states is roughly one billion dollars. Perhaps it is time to revisit the issue of rights to compensation.

CONCLUDING COMMENTS

Even if it is not the fundamental policy problem on our Western federal rangelands, the grazing fee issue will not go away (Burkhardt and Obermiller 1992). Today there is a proposal to increase PRIA grazing fees by 33 percent for the 1993 grazing season, from $1.92 at present to $2.56 per AUM on PRIA fee rangelands, and perhaps (although this is not presently proposed) from $3.42 to $4.55 per AUM on the National Grasslands.

Why? A higher federal grazing fee will simply mean higher federal grazing costs, and as has been seen federal rangeland grazing costs already are higher than private rangeland grazing costs. A higher federal grazing fee might or might not result in larger fee receipts to the U.S. Treasury, depending on how many federal AUMs would go unused at the higher fee level, and in any case the agencies' costs of managing their grazing programs already are covered at current fee levels. A higher federal grazing fee would certainly lead to asset devaluation in the Western livestock industry because of its negative effect on the value of grazing permits: but for what purpose since the American taxpayer already has recouped whatever windfall gain the original permittees may or may not have enjoyed?

A higher grazing fee would in all probability lead to less domestic livestock grazing on our federal rangelands in the 17 Western states. But if federal rangeland use is the issue, why not address the fundamental problem directly, including that of private rights in federal lands.

APPENDIX

A brief review of administrative resource pricing policy

National pricing policy for federal resources used by private individuals and generating private benefits stems from Title V of the Independent Offices Appropriations Act (IOAA) of 1952, passed by Congress on August 31, 1951 (65 Stat. 290). The relevant wording in the Title V of the 1952 Act is as follows:

"Any activity of every Federal agency '. . . shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts.'"

This Act of Congress gave rise to the Administration's federal resource pricing policy as it exists today, and as applied to the subsequent agency and departmental evaluations of federal grazing fee alternatives. Indirectly, the IOAA set the precedent for later public law under which "fair and equitable" federal grazing fees were authorized (under FLPMA), then implemented (under PRIA), by statute.

The basis of administrative pricing policy

On September 23, 1959 the Bureau of the Budget issued Circular A-25 "User Charges" pursuant to Title V of the Independent Offices Appropriation Act, replacing and expending on the general pricing policy for all Executive agencies previously enunciated in Bureau of the Budget Bulletin No. 58-3 of November 13, 1957. Circular A-25 together with this underlying statutory authority provided the basis upon which the Secretaries of Agriculture and the Interior imposed the 1969 federal grazing fee formula, one quite similar to several of the formulas currently recently proposed as alternatives to the PRIA formula fee.

According to the testimony of the Deputy Director of the Bureau of the Budget made during the March 4, 1969, Hearing on Review of Grazing Fees by the House Committee on Interior and Insular Affairs, Circular A-25 states that ". . . where federally owned resources are leased or sold, a fair market value should be obtained. Deputy Director Hughes went on to say: "In most cases, the [grazing] fees charged do not reflect the fair market value of the grazing use privilege. Audit reports of the General Accounting Office have noted these inconsistencies and have been critical of fee levels." Twenty-three years later, the same agencies are making remarkably similar statements. It is the purpose of this Appendix to attempt to clarify and analyze the Administrative resource pricing policy in theory, and in practice, in relation to the federal grazing fee.

In his testimony, Deputy Director Hughes may have misstated or overstated the guidance with respect to federal resource pricing policy that the Circular actually gave. According to relevant passages (3. General Policy, and 4. Agency Responsibility) in Circular A-25:

"Where a service (or privilege) provides special benefits to an identifiable recipient above and beyond those that accrue to the public at large, a charge should be imposed to recover the full cost to the Federal Government of rendering that service. For example, a special benefit will be considered to accrue and a charge should be imposed when a Government-rendered service (a) Enables the beneficiary to obtain more immediate or substantial gains or values (which may or may not be measurable in monetary terms) than those which accrue to the general public * * * : or (b) Provides business stability or assures public confidence in the business. * * *

"Where federally owned resources or property are leased or sold a fair market value should be obtained—Each agency shall a. Identify the services or activities covered by this Circular; b. Determine the extent of the special benefits provided; c. Apply accepted cost accounting principles in determining costs; d. Establish the charges; and e. in determining the charges for the lease and sale of Government-owned resources or property, apply sound business management practice and comparable commercial practices. * * *

"The maximum fee for a special service will be governed by its total cost and not by the value of the service to the recipient."

Administrative pricing policy and Federal grazing fees

The wording of Circular A-25 implies that the provision of federal rangeland livestock forage is one of several commodity and amenity uses of federal resources, and all are subject to fee setting. In setting grazing fees, the intent to recover the cost of administering the livestock grazing enterprise, one of several enterprises administered within the range programs and range budgets of the federal land management agencies. The cost of administering the livestock grazing enterprise is to be calculated as though it were administered as a commercial business, implying private sector cost minimization practices. The cost calculations, not value of federal rangeland forage to the livestock owner, are to be emphasized in setting grazing fees.

Consistent with the wording of Circular A-25, the fee could be attached to either (a) AUMs taken, or (b) the permit or allotment as a unit. The fee setting practices of the federal land management agencies should be as uniform as practical, but this does not necessarily imply a uniform AUM or permit-based grazing fee. Variable grazing fees would be permissible, as long as the basis or process upon which grazing fees were established were uniform.

In June 1964 the Bureau of the Budget issued the results of their study of charges for the use of all federal owned resources in the form of a report "Natural Resources User Charges: A Study" supplementing Bureau of the Budget Circular A-25. "In fairness to the general taxpayer, who bears a major share of support of Federal activities, the Government has adopted the policy that the recipient of these special benefits generally should pay a reasonable charge for the service or product received or for the resource used." Citing the 1965 Budget Message of the President to Congress, "Many Federal Government programs furnish specific, identifiable

benefits to the individuals and businesses using them. Equity to all taxpayers demands that those who enjoy the benefits should bear a greater share of the costs."

The 1964 report established five basic grazing fee principles: (1) a uniform basis should be used by all federal agencies in establishing grazing fees; (2) fees should be based on the economic value of the use of federal grazing land to the user, taking into account such factors as the quality and quantity of forage, accessibility, and market value of livestock; (3) economic value should be set by an appraisal that will provide a fair return to the government and equitable treatment of the users; (4) competitive bidding should be used to provide guidelines as to true market value of federal rangeland forage, and where competitive bidding is not feasible the appraisal should take into account comparability with fees established for similarly conformed and administered state and private grazing lands; and (5) grazing fees below market value should be charged if a market value fee would significantly impair a federally sponsored program.

The language of the 1964 Bureau of the Budget report set the stage for all subsequent grazing fee studies and recommendations. ". . . studies should proceed to the development of consistent practices for the appraisal of land and forage and the establishment of fees which will insure equitable treatment of all lessees and permittees as well as a fair return to the taxpayers. Because economic value is not now being recovered for the use of a substantial portion of Federal grazing land, the Bureau of the Budget recommends that the Departments concerned be requested to apply the principles so that a uniform fee basis may be established or draft legislation be completed, where necessary, for consideration in Congress."

A brief analysis of administrative grazing fee policy

The general Administrative intent is that fees and other charges should be assessed by the Administration when federal resources are used by private parties, if the resource use provides an identifiable benefit to an identifiable party. This logic clearly applies to grazing fees, but it also applies to amenity uses of federal resources valued by identifiable private parties, as was recognized by the Public Land Law Review Commission (1970, pp. 287–288).

The Administrative pricing objective is to recover the full cost to the Government incurred in the provision of the special resource benefit, including both direct and indirect costs incurred by the administering agency in its current management of the program yielding that benefit. In the present case, this would be the direct and indirect costs to the Government of managing the federal rangeland livestock grazing enterprises in the Bureau of Land Management and the Forest Service. Other enterprises contained in the range programs and budgets of the federal land management agencies should not be attributed to the grazing enterprise, if those other enterprises yield benefits to parties other than permittees; nor should be counted as current management costs investment (range improvement) costs for the benefit of future uses and users.

The administrative cost need not be applied on a per AUM basis. It could be applied on a contract by contract (ie, permit by permit or lease by lease) basis, on a per acre basis, or on the basis of any other denominator reflecting the source and magnitude of benefit to the permittee. This is important because some of the federal rangelands really are just holding areas for livestock, with most of the livestock value-added accruing during that portion of the year when the livestock are on private property. In those cases where the allotment is merely a holding area, it would make more sense to price the permit (based perhaps on head of livestock) than price the AUMs, i.e., substitute a permit value for the grazing fee.

Pricing basis aside, Circular A-25 also states that the cost should be calculated as though they were incurred by a commercial business providing a comparable resource use and benefit. This is a problem if the federal land management agencies are not cost effective in their provision of the resource use and benefit. In other words, labor and capital inputs used by the agencies in providing federal rangeland livestock forage should be priced at their efficient market values, and not necessarily at the price and salary levels paid by the Government. Otherwise, for example, if for some reason Congress decided to triple the salaries of all Bureau and Forest Service employees, the corresponding leap in costs of administering the domestic livestock grazing programs would be cost ineffective, and the true (market) underlying cost would have to be discovered.

The point to keep in mind here is that if the agencies incur administrative costs that would not be incurred by private parties providing rangeland forage of comparable quality and accessibility, and under contractual terms and conditions identical to those followed by the agencies, then the additional Government costs above private costs need to be identified. These amounts then must be subtracted from the "full direct and indirect" cost to the Government of providing the federal rangeland livestock forage.

Another consideration is that the relevant cost is the Government's cost of providing the forage and habitat, not the cost of enhancing it. This problem is complicated by the division of grazing fee receipts into, among others, range improvement and restoration funds. It is a bit easier to deal with if the administrative cost is measured as a cost of providing present forage and habitat only—not a cost of recovering from past human errors and natural events, nor a cost of expanding future resource use opportunities. Improvement and restoration costs should not be counted as grazing program administration costs, and this is accentuated by the fact that successful recovery and improvement projects *benefit other special parties* who, to follow the spirit of the Circular, would have to be charged their proportional share of the benefits of recovery and improvement.

From an economic perspective, one shared by the BLM staff who have done the grazing program cost calculations in the recent past, there is one further nuance. In both the BLM and the Forest Service, domestic livestock grazing is viewed as a matter of both policy and regulation as a vegetation management practice. Stocking rates, timing, seasons of use, etc. are *prescribed* in the implementation of the grazing permit or license. The intent is to use livestock to accomplish resource management objectives that transcend livestock forage enhancement.

The prescribed nature of permitted livestock grazing means that the livestock, under imposed control restrictions, *generate intended benefits to nonlivestock uses and users.* If the livestock were not used to accomplish these nonlivestock management objectives, other practices such as manual brush control, herbicides, prescribed fire, etc. would have to be used instead.

There is, therefore, a benefit to livestock grazing that should be accounted for in determining the cost effective grazing enterprise budget in both the BLM and the Forest Service. The appropriate way of measuring that benefit (which should be subtracted from the full cost of the grazing programs measured, as earlier noted, in market prices) is to calculate the least costly alternative way of achieving the nonlivestock benefits which result from prescribed livestock grazing. By subtracting this amount from the efficient full cost of administering the current domestic livestock grazing program, a residual amount representing the real full cost of the grazing program is obtained.

All that remains to be done in order to implement the Administrative federal grazing fee pricing policy is to settle on a pricing unit. Once a decision has been made on the unit of measure of benefit (AUM, permit, number of head under permit, or whatever), the current year number of units of benefit can be calculated, and that sum can be divided into the "real full cost" of administering the current year domestic livestock grazing program. The result is the full cost recovery federal grazing fee.

As noted earlier, the argument that federal grazing fees should be increased because the American taxpayer is subsidizing the federal land management agencies' grazing programs is not very strong. The statutes and existing pricing policies are clear on one thing—administrative cost recovery (calculated properly) is a valid federal resource pricing objective. The statutes and policies are somewhat contradictory as to whether or not the cost recovery price (fee) should exceed the economic value of the forage use to the permittee, leaving that concern at least in part to the discretion of the relevant Secretary.

Several Solicitor's opinions have confirmed that the Secretary should take administrative cost into account, but that this administrative cost is one of several factors relevant to the final fee setting decision. Congress removed that Secretarial authority through PRIA, continued under the February 1986 Executive Order—but Congress *de facto* accepted the value of the use to the user as well as the administrative cost of the grazing program as relevant determinants of the grazing fee (the Congressional Record and the various Hearing Records are clear as to that Congressional intent). For these reasons it is very clear that appropriate and uniform administrative cost accounting procedures need to be actively maintained by both the BLM and the Forest Service.

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FOOTNOTES

[1] Public domain lands as defined here include lands withdrawn from the federally owned land base available for disposition and reserved for some specific public purpose such as timber production. The original Forest Reserves, most of which now are part of our National Forests, are examples of reserved public domain lands. Another example, one relevant to the current policy debate, was President Franklin Roosevelt's November 26, 1934 Executive Order (No. 6910) withdrawing all remaining unreserved and unappropriated public domain lands in the Great Plains region from settlement or sale (Peffer 1951, p. 224). These lands were reserved for "grazing projects" and national parks. The action was strongly supported by the Forest Service (Wallace and Silcox 1936, pp. 485–486) and was similar to, but went further than, the Taylor Grazing Act passed a few months earlier (June 28, 1934) which authorized the Secretary of the Interior to establish grazing districts on unreserved public domain lands pending their final disposal. Resource conservation and regulated livestock grazing as a preferred land use were common themes in both the Administrative and the Congressional initiatives of 1934.

[2] It is commonly thought that these privately owned lands were being dryland farmed but were better suited for perennial grass cover and domestic livestock grazing. In fact, most of the acreage acquired under the various New Deal programs had not been previously cultivated. It also is commonly thought that these acquired lands were purchased under Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937. In reality, most of the acreage already had been acquired by the time the Bankhead-Jones Act was passed, and Title III became the authority under which the acquired lands were administered.

[3] Roughly 2.3 million acres of acquired "Land Utilization Project" (LU) lands presently are administered by the BLM. These were transferred by various Executive Orders of 1941 through 1958 from jurisdiction of the Department of Agriculture (USDA) to the Department of the Interior (USDI) and now are managed by the BLM where nearly all of the LU acreage (2,302,500 of 2,318,889 million acres) is inside Section 3 grazing districts. The largest such transfer took place in 1958 at the request of the Montana Congressional delegation. President Eisenhower (Executive Order 10787, November 6) transferred 1.9 million acres of LU Project lands in Montana from the jurisdiction of the Forest Service (USDA) to the Bureau of Land Management (USDI). Two years later, the USDA created 19 National Grasslands from the 22 LU Projects in 11 Western states still under the jurisdiction of USDA (*Federal Register*, June 24, 1960, p. 5845).

[4] In 1963 the Secretary of Agriculture amended Section 213.1 of the Secretary's Regulation of 1960 as follows (*Federal Register*, June 19, 1963, p. 6268): "The National Grasslands shall be part of the National Forest system and permanently held by the Department of Agriculture for administration under the provisions and purposes of Title III of the Bankhead-Jones Farm Tenant Act" [emphasis mine]. This appears to be inconsistent with Section 32(c) in Title III of the Bankhead-Jones Act (BJA) which reads: "The Secretary may recommend to the President other Federal, State, or Territorial agencies to administer [the LU Project lands], together with the conditions of the use and administration which will best serve the purposes of a land-conservation and land-utilization program, and the President is authorized to transfer such property to other agencies."

[5] The National Grasslands were excluded from the PRIA formula fee system in Section 11 of that Act (43 USC 1907). Section 11 was added to the text of the Public Rangelands Improvement Act after the August 9, 2978 hearing, apparently in response to the request of the Department of Agriculture (U.S. Senate 1978, p. 37).

[6] The various National Grasslands presently in existence include the recently created Butte Valley National Grassland in California (18,000 acres), and the original 19 National Grasslands: the Pawnee (193,000 acres) and the Comanche (418,000 acres) in Colorado, the Curiew in Idaho (48,000 acres), the Cimarron in Kansas (108,000 acres), the Oglala in Nebraska (94,000 acres), the Kiowa in New Mexico (137,000 acres), the Cedar River (7,000 acres), Little Missouri (1,028,000 acres) and Sheyenne (70,000 acres) in North Dakota, the Black Kettle (31,000 acres) and Rita Blanca (16,000 acres) in Oklahoma, the Crooked River in Oregon (111,000 acres), the Buffalo Gap (592,000 acres), Fort Pierre (116,000 acres) and Grand River (155,000 acres) in South Dakota, the Lyndon B. Johnson (20,000 acres), Caddo (18,000 acres), Rita Blanca (93,000 acres) and McClellan Creek (1,000 acres) in Texas, and the Thunder Basin (572,000 acres) in Wyoming. Collectively, there are 20 National Grasslands in 12 states containing 3,846,000 acres of reacquired private land. One original "Purchase Unit", the Cedar Creek in Missouri (13,000 acres), has not been designated a National Grassland (Forest Service 1989).

[7] The 160 acre size limitation was contained in the Homestead Act of June 2, 1862. As it became apparent that parcels of this size often were too small for successful homesteading particularly west of the 98th Meridian, the size limit was increased. The Enlarged Homestead Act of 1909 increased the limit to 320 acres, and the Stockraising Homestead Law of 1916 increased the limit to one full section (640 acres). As early as 1878, John Wesley Powell had recommended to Congress that if the semiarid West were to be successfully homesteaded, . . . a large acreage (2,560 acre minimum) of range land [would be needed] to round out an economic home unit" (Wallace and Silcox 1936, p. 220).

[8] In 1934 the Natural Resources Board released a study calling for the acquisition and removal from cultivation of about 75 million acres of farmland nationwide, supporting the land acquisition program of the Federal Emergency Relief Administration that already was underway (see Clawson 1981, pp. 107-124). Two years later Secretary of Agriculture Wallace submitted a report to the U.S. Senate (Senate Document No. 199) that went further, calling for the reservation and acquisition of 125 million acres of land in the Western federal range land states (Wallace and Silcox 1936, p. 486), and that the grazing districts established under the Taylor Grazing Act of 1934 be removed from the jurisdiction of the USDI and placed under the jurisdiction of the USDA Forest Service (ibid. pp. 538-539).

[9] The LU Projects had resource conservation as their original purpose. Agricultural adjustments were believed to be needed to assure that fragile semiarid lands remain in or be converted to perennial grasslands used for domestic livestock grazing. In many of the LU Projects, resource and livestock management responsibilities were shared by the Soil Conservation Service (the administering agency from October 1938 through December 1953) and local grazing district associations. The grazing district management structure remains today on the National Grasslands in the states of North and South Dakota, Colorado, and Wyoming (and on the Montana LU Projects transferred to the USDI in 1958). These four states account for 82 percent of the total National Grassland acreage in the National Forest System. Nowhere else in the System is there a similar grazing district organizational structure; although a similar structure does exist on Section 3 grazing districts administered by the BLM.

[10] The primary mechanism used to regulate grazing was the grazing permit attached to commensurable base property, i.e., to deeded land linked via the permit to a grazing allotment. One reason why the commensurability requirement was imposed may have been the desire to relative sedentary cattle operators to drive competing transient sheep operations away from the grazing areas used by both (Rowley 1985).

[11] Various writers categorize the attributes or "bundle of sticks" that comprise a property right differently. One useful categorization is that a full set of property rights include the partial rights of ownership, use, transferability, and enforceability. Any combination of the first three 'sticks" may be delegated by the sovereign to private individuals or groups, subject to attached limits, restrictions, or attenuations. Enforceability remains at least in part the responsibility of the sovereign, and without enforcement the delegated "sticks" are valueless. In the case of grazing permits, ownership remains with the sovereign (the Federal Government) while restricted use rights and sometimes restricted transfer rights are delegated to permittees. Since the restricted use and transfer rights are enforced by the sovereign, the grazing permit as a partial property right assumes value.

[12] Hooper (1971) called the "use right" a quasi-right representing possessory interest with strict legal interpretation. Since the use right or possessory interest has market value, the IRS taxes capital gains on permits when ranches holding grazing permits are sold, and therefore the IRS allows permit holders to write off the loss of a grazing permit as a capital loss. The literature is reviewed by Quigley et al. (1988).

[13] The major restrictions on the use rights of federal grazing permits thus are commensurate base property (land or water), season of use, and stocking rate (number of animal units). Permit value accrues to the base property (Harbison 1991). The magnitude of the permit's value is determined by stocking rate and season of use in relation to owned base property feed and forage resources, given the costs of using the permitted forage. The grazing fee is one cost associated with the use of permitted federal forage, but generally constitutes only about ten percent of the total cost of federal forage use (Obermiller and Lambert 1984, Obermiller 1992b).

[14] It is true that at some federal grazing permit price (either fee level or total cost of forage use), it may be less expensive to utilize an alternative private sector forage source such as purchased hay or leased private pasture. In reality, the marginal cost of purchased hay as a substitute for grazing season forage is greater than the marginal revenue from the use of hay, meaning that hay is not an economically viable substitute for the seasonal supply of grazed forage. In many areas in the West, no private sector range or pasture is available as an alternative to the permitted federal forage. Hence, given the existing structure of relative feed and forage supplies, the federal grazing permit is a complement to the feed and forage supplies owned by the permittee.

[15] For an expanded discussion and additional documentation of the relationships among federal grazing fees, the degree of dependency of Western ranches on federal rangeland forage supplies, and permit and range values see Obermiller's 1991 supplemental testimony requested by Congressman Charles W. Stenholm, Chairman of the Subcommittee on Livestock, Dairy, and Poultry, House Committee on Agriculture (Serial No. 102–35, pp. 146–160).

[16] A total of about 22 million federal AUMs are authorized under the existing 28,952 federal grazing permits. The average grazing authorization is about 750 AUMs per permit. Some of these are group permits (e.g., the BLM Rock Springs Wyoming grazing permit with an authorization of nearly one million AUMs shared by over 30 permittees, each whom uses on average about 3,000 AUMs). Some individual ranchers hold more than one grazing permit. Still, with an average permitted season of use of four to five months in duration, simple mathematics suggest an average herd size of 150 to 188 cows on the federal allotments. Nationwide, the average cow herd size is 174 cows. The rule of thumb minimum herd size for a one family ranching operation is 300

cows. In their April 30, 1992 Report to Congress (*Grazing Fee Review and Evaluation: Update of the 1986 Final Report*) submitted pursuant to the directive in the Conference Report on the FY 1992 Interior and Related Agencies Appropriations Act the Secretaries state ". . . it should be noted that 90 percent of the . . . BLM permittees and 81 percent of the Forest Service . . . permittees remain medium- to small-size family operators."

[17] Quigley et al. (1988, p. 13) note that grazing fees actually were first charged on an experimental basis in 1900 for sheep grazing on the Forest Reserves administered by the Secretary of the Interior.

[18] While popularly known as the "Organic Act of 1897" the authorizing legislation actually was in the form of the "Pettigrew Amendment" to the Sundry Civil Appropriations Act of June 4, 1897 which ". . . never had to surmount the full legislative process" (Steen 1976, p. 36). For a more thorough review of the history of federal grazing fees, see Quigley et al. (1988).

[19] In 1947 the LU Project grazing districts were administered by the Soil Conservation Service in the United States Department of Agriculture. Not until 1954 were the LU Projects transferred to the jurisdiction of the Forest Service. The "Barrett Amendment" did not apply to the LU Project grazing programs.

[20] The 1969 uniform fee system did not apply to the National Grasslands. Not until 1979 did the National Grasslands obtain a grazing fee structure comparable to the fee system used on BLM and National Forest grazing allotments. The 1979 National Grasslands formula fee system was and is similar to that used on other Western federal rangelands, but due to empirical inconsistencies results in a higher grazing fee than that paid by BLM and National Forest permittees. For example, in 1991 the PRIA grazing fee was $1.97 per AUM while the National Grasslands grazing fee was $3.58 per AUM. In 1992 the PRIA grazing fee is $1.92 per AUM while the National Grasslands grazing fee is $3.42 per AUM. A major reason for the discrepancy is the North Dakota private pasture rental rate used when constructing the 1979 National Grasslands grazing fee formula. The existence of the discrepancy and its apparent explanation have led to efforts to implement a combined formula fee system resulting in a single grazing fee charged to all permittees in the 17 Western federal rangeland states, regardless of the jurisdiction under which the federal rangelands are managed.

[21] This omission of amortized permit cost characterizes the National Grasslands grazing fee formula as well. Its base fee, $1.73 per AUM prior to adjustments reducing the base to $1.33 per AUM, excludes the effect of an amortized permit cost of approximately $1.88 per AUM using a six percent interest rate. The consequence of its exclusion is discussed further in footnote 22.

[22] As noted earlier, if the amortized value of the cost of purchasing the permitted AUMs is construed as a grazing cost, the nonfee costs incurred by permittees increase accordingly. In 1966, the amortized value was $1.52 per AUM on National Forests, $0.87 per AUM on BLM permits, and apparently $1.88 per AUM on National Grasslands. On National Forests, the unadjusted residual base (excluding the amortized permit cost) was $1.02 per AUM; on BLM permits the residual base (excluding the amortized permit cost) was $1.30 per AUM; and on National Grasslands the residual base (again excluding the amortized permit cost) was $1.73 per AUM. Subtracting the amortized permit costs yields an adjusted base of −$0.50 per AUM on National Forests, $0.43 per AUM for BLM permits, and −$0.15 per AUM on National Grasslands permits (American National Cattlemen's Association 1968, Appendix A; Obermiller 1991c). In other words, all things considered National Forest and National Grasslands permittees would have to have been paid to graze on their federal allotments in 1966 in order for their total grazing costs per AUM costs of grazing on privately owned rangelands in the vicinity of their allotments. BLM permittes would see their fees increase by only ten cents per AUM. If a single grazing fee were to have been charged system-wide, its per AUM weighted value would have been zero. This prospect clearly was unacceptable to the Secretaries and to the Bureau of the Budget, explaining why the 1969 fee system was announced just a few days before the Administration left office, prompting the highly charged Senate and House hearings of February 27–28 and March 4–5, 1969 respectively.

[23] Executive Order No. 12548 imposed a floor value of $1.35 per animal unit month (AUM) on the federal grazing fee below which the actual fee charge would not be allowed to fall. This value, $1.35 per AUM, was the amount of the PRIA grazing fee in 1985. If it had not been for the imposed $1.35 per AUM floor, the PRIA formula would have generated grazing fees of $0.93 per AUM in 1986 and $0.98 per AUM in 1987.

[24] In 1983, just over 21 million of domestic livestock grazing were authorized on the National Forests and BLM rangelands in the 11 western states. Of this total authorization, Nevada and Wyoming each accounted for 13 percent, followed by Montana with 12 percent and Idaho with 11 percent. These four states collectively represented over one-half of the total federal (excluding National Grasslands) livestock AUM authorization. On an AUM basis, they accounted for only one-third of the reported private rangeland leases in 1983, however, (Secretary of Agriculture and Secretary of the Interior 1986, p. 86). The farm unit based weighting system does not reflect the distribution of federal AUMs in the 11, or in the 17, Western states.

[25] The four largest federal AUM states (excluding the National Grasslands) with over one-half of the total AUM allocation accounted for only 20 percent of the total beef cattle marketings by liveweight in 1983 (Secretary of Agriculture and Secretary of the Interior 1986, p. 86).

[26] The Report to Congress actually was not released until March 1986. By that time President Reagan had signed Executive Order 12548, freezing the PRIA formula until Congress passed alternative federal grazing fee legislation.

[27] Although it was not acknowledged by Congress in the requirement that the PRIA formula fee system be evaluated, recall that there were problems with the original $1.23 and $1.33 base fees. The federal land management agencies apparently had agreed with the Western livestock industry to take "permit cost" into account in conducting the 1966 Western Livestock Grazing Survey. They did, and the results were, as previously noted, negative base fees on the National Forests (−$0.50) and on National Grassland allotments (−$0.15) and a low base fee ($0.43) on BLM permits if allowance in cost calculations were made for the annual capitalized (at six percent) cost of purchase of the grazing permit. Hence, the $1.23 and $1.33 per AUM "base fees" understated the full costs of livestock grazing on federal rangelands (USDI National Advisory Board Council 1966, Appendix 14). On December 5, 1968 the Chairman of the House Committee on Interior and Insular Affairs (Congressman Wayne Aspinall) wrote the Secretary of the Interior stating "While I have known of the desire of the government agencies involved to make these [grazing fee] increases, I have been of the opinion that final determination should wait additional *consideration by the interests involved* as well as the results of consideration by the Public Land Law Review Commission which is making several studies in depth of user fees of all kinds on the public lands . . Personally, I have difficulty of understanding why the Administration which will go out of office in the near future should attempt to work its will on the matters involved in these proposals just before the new Administration takes over." [emphasis mine: Aspinall also was Chairman of the Public Land Law Review Commission and the "interests involved" may have reflected the interest groups to be identified in the 1970 final report of the PLLRC] Late in 1968, three weeks before the 1969 fee system was announced by the outgoing Administration (on January 14, 1969), a decision was made by the Administration. Permit cost would be omitted in calculating the base fees. That decision was announced to the Grazing Fee Committee of the USDI National Advisory Board Council on December 18, 1968 (USDI National Advisory Board Council 1968, pp. 8–9). Board members protested vigorously, claiming that an agreement had been violated, but it made no difference (ibid., pp. 9, 15). After the 1969 fee system was announced, hearings were held by the appropriate authorization committees in the Senate (February 27–28, 1969) and House of Representatives (March 4–5, 1969). In those hearings the key witnesses for the Administration were Philip Hughes (Deputy Director of the Bureau of the Budget), Boyd Rasmussen (Director of the Bureau of Land Management), and Ed Train (Chief of the Forest Service). Under intense questioning by Aspinall, Congressman Walter Baring, and Senator Frank Church the Administration gave its reasons for the decision to omit permit cost. Those reasons were (1) the fear that recognition of permit cost would result in legal action to recognize proprietary interest on the part of the permittee in the permit itself, implying rights to compensation; (2) the concern that federal grazing fees could not approximate private pasture rental rates if permit cost were included in calculating fees; and (3) a strong push by the Bureau of the Budget for full cost recovery in the administration of the range programs of the BLM and Forest Service.

[28] It is apparent that since 1986 both the Forest Service and the Bureau of Land Management have lost confidence in the appraisal results as proxies for the "fair market value" of federal rangeland forage. Instead, the agencies seem to be opting for a new formula fee system based on technical modifications of the PRIA formula using updates of the base fees derived from the 1966 Western Livestock Grazing Survey (Secretary of Agriculture and Secretary of the Interior 1992, pp. 2–5, 35–36, and 57–58). Their technically modified 1966 PRIA base fee is calculated to be $2.93 per AUM, assuming no structural or institutional change in the federal rangeland grazing market relative to the private rangeland grazing market since 1966. In a recently published Oregon State University Extension Service Special Report, Obermiller (1992b) demonstrates that in an Eastern Oregon case study permittee grazing costs have increased by 16 percent relative to private rangeland grazing costs since 1966. If this relative increase holds westwide (and it is possible to test that hypothesis), the corrected modified 1966 PRIA base fee would be *$1.32 per AUM* (versus $1.23 per AUM in the current PRIA formula and $1.33 per AUM in the current National Grasslands formula).

[29] For a more thorough review and analysis of such proposed bills, see Serial No. 102–35, the August 19–20, 1991 Hearings Record of the House Committee on Agriculture, Subcommittee on Livestock, Dairy, and Poultry, pp. 105–113 (Obermiller 1991a).

[30] Various environmental organizations have expressed support for initiatives that would lead to an increase in federal grazing fees on the basis of the permit value argument. See for example Serial No. 100–18, the September 22, 1987 Hearing Record of the House Committee on Interior and Insular Affairs, Subcommittee on National Parks and Public Lands, pp. 136 and 410.

[31] The appraisal results state that there are 13 different "average" private leasing rates in the Western United States, and six different "regional" private forage markets. On statistical and economic grounds, such a claim is indefensible (Houseman et al. 1968, 1992 *Update* pp. 3–4). Observed variation in data obtained by the appraisers is so great that "average" rates are meaningless. No attempt was made to test for significant differences among regional average rates, because to do so would have shown that the regional averages are not significantly different from one another.

[32] The methodological shortcomings of the Appraisal Study have been widely noted. No attempt was made before the fact to classify population characteristics. Without prior classification, random sampling is impossible. If samples are not random, they are not representative of the population. In this case statistical analysis is fruitless, and any statistics derived from the data have no interpretable value. Nonetheless, the appraisers calculated statistics from their nonrandom data, and they defended those statistics as reliable based on their "informed judgment" while simultaneously making the disclaimer, "In no case do the appraisers represent this Appraisal Report or the conclusions contained herein as being a product of statistical methodology" (Tittman and Brownell 1984). It must be emphasized that the identified shortcomings are in no way redressed by the statement that" ". . . the agencies' appraisal report and the appraisal review were performed to recognized professional appraisal standards" (Tittman and Brownell 1984). That statement misses the point entirely. At issue is not whether the appraisal was done in a technically correct manner, but rather (1) should an appraisal have been done, (2) if so, what type(s) of appraisal, and (3) how should the results be interpreted and used?

[33] Look carefully at the testimonies of Assistant Secretary Dunlop (USDA) and Assistant Secretary Griles (USDI) in the 1987 Hearing Record (Serial No. 100–18, pp. 114–115 and 126–127) as expanded by the Bureau of Land Management's Senior Economist in his Natural Resources Defense Council et al. v. the Secretaries of the Interior and Agriculture, Eastern District of California District Court affidavit (Waite 1986).

[34] See especially "Part II: A Scientific Evaluation and Critique of the 1986 and 1992 Grazing Fee Studies." Dudley and Rostvold concluded that the "mass appraisal" approach to valuation (1) yielded highly questionable conclusion, (2) based on data altered by "analytic license" to produce "subjective results."

The Pepperdine University authors stated that the commensurability requirement demands absolute control over comparability of the appraised and the reference properties, and that no such control was exercised. They conclude that the final conclusions in the Appraisal Report (see Figure 5) have a probability of accuracy of less than one percent.

[35] Appraisers are taught to use two approaches when deriving subject property values. These are (1) the comparable market sales approach and (2) the income approach. The result is a value range representing economic use value on the one hand (income approach) and prevailing market value on the other (comparable market approach). The appraisers opted to place exclusive reliance on the comparable market approach, but did not control for comparability. Why? The answer is simple, according to the published Appraisal Report. The income approach was rejected *a priori* because this ". . . approach would be based solely in the user's ability to pay, and not on fair market value to the owner" (Titman and Brownell 1984). That is a peculiar statement. It implies on the one hand that conventional appraisal methodology should not be used to establish federal rangeland forage values. If that is so, why was exclusive reliance placed on the appraisal results? On the other hand, the Forest Service and Bureau of Land Management had been directed, by statute, to evaluate the PRIA formula fee system. PRIA specifically states that the formula reflects, in part, the economic value of federal rangeland forage to the user, the permittee. On what possible grounds may it then be argued that the income approach, that which estimates economic use value, is inappropriate? There is, of course, no answer.

[36] Quigley and Taylor (1983) identified market interdependence as the most damaging theoretical criticism of comparable market approaches for establishing federal grazing fees. In their Harney County, Oregon, case study, Collins and Obermiller (1992) detected strongly significant statistical interdependence between private and federal forage markets (at the 99 percent level of confidence). Noting that this interdependence violates the implicit assumption of market independence in appraisal theory (Boyce and Kinnard 1984) and therefore the comparable market appraisal approach can be used to determine the fair market value of federal rangeland forage only if the federal government's influence on the private forage market is minimal (Gulley 1983-1984), Collins and Obermiller concluded that the use of the mass appraisal results would have ". . . particularly undesirable consequences" (ibid., p. 188) and would result in poor federal rangeland pricing policy.

[37] Values are unique to things exchanged, to the individuals who buy and sell them, and to the times and places in which they are exchanged. If a market, and therefore a market price, does not exist for that which is exchanged, only with strictest caution can value be inferred from the observed price of a similar thing exchanged in an actual market.

[38] This point has legal connotations. As Achterman (1984) points out, it must be asked whether the "comparable market" data and conclusions contained in the 1984 Appraisal Report (and as incorporated in the "Market Value" fee alternatives to PRIA as reported to Congress and as incorporated in recent and current proposals to change the PRIA formula fee system) constitute a legally admissible basis for opinion as to value. At best, the appraisal results represent highly subordinate evidence of federal rangeland grazing values.

[39] To properly control for qualitative differences in the federal and private forage markets, three rules must be carefully observed. First, the buyers and sellers in both markets (the actual private forage market and the federal forage "nonmarket") must be similar, and must be unencumbered (willing and unrestricted) market participants. As has been noted, the terms and conditions of grazing permits are highly restrictive. Individuals can enter and leave the private forage market at will. Permittees cannot. Subject to a three year grace period, permittees must use their grazing permit, and pay the administered grazing fee, or risk losing their grazing privilege. Second, the qualities of the goods or services being exchanged must be identical (since perceived quality to an identified user is the source of a thing's value to that user). The existence of public domain rangelands suggests qualitative differences between those grazing lands that were successfully homesteaded and those which was not. Third, the markets must be separate and unrelated, or independent. Otherwise, is impossible to correlate cause (e.g., shift in demand for forage) and effect (e.g., change in price—private grazing rental rates or public land grazing fees) in either market because of market interactions. As Collins and Obermiller (1992) have demonstrated, the private and federal forage markets are neither separate nor unrelated, but rather are statistically interdependent.

[40] Documentation appears in a report of a survey sponsored by the Federal Extension Service (Obermiller and Lambert 1984, Obermiller 1992b). The report details results of surveys conducted in Oregon, Idaho, Nevada, Wyoming, North Dakota, and South Dakota. Similar results were obtained in subsequent surveys conducted in California and Colorado (Bartlett et al. 1984.)

[41] In Table 1 the nonlease costs for cattle grazing on private rangelands were $2.75 per AUM in 1966 ($4.54 per AUM minus the private lease rate of $1.79 per AUM). The nonfee costs for cattle grazing on federal rangelands were $3.28 per AUM. This means that the nonfee/nonrent costs for cattle grazing on federal rangelands were $0.53 per AUM more than on private rangelands in 1966.

[42] This has strong implications for the value of the price index adjusted base fee in the PRIA formula, as represented by the "PRIA with Technical Modifications" alternative described in the 1992 *Update*. These implications were summarized earlier (see footnote 24, p. 23).

[43] The Forest Service does not allow subleasing of grazing permits under any circumstances, but there are instances under which BLM grazing permits may be legally subleased. The sublessee must have control over both the commensurate base property and the livestock. The lessee may provide services, since the lessee can be assumed to be knowledgeable of the characteristics of the subleased BLM allotments. Ceteris paribus, it can be assumed that a legal sublease including services provided by the original permittee would command a higher lease rate than the grazing fee, since no services are provided by the agency.

[44] The $3.65 per AUM rangeland lease rate included the value of some unspecified bundle of services provided by the landlord. In the 1966 Western Livestock Grazing Survey the average "bare ground" or "no services' private rental rate was $1.79 per AUM, as reported in Table 1. Thus, the average value of services provided by the landlord was $1.86 per AUM in 1966. In 1966, roughly half of the prevailing rangeland rental rate was attributable to services provided in conjunction with the rental of private grazing land. If this same relationship were true in 1983, and if no structural change has occurred in federal versus private rangeland grazing since 1966, the appraisal values reported in Figure 5 (assuming they are accurate) overstate the value of federal forage by 50 percent.

[45] In 1922, given the number of BLM, National Forest, and National Grassland AUMs in the 17 federal rangeland states, the AUM weighted combined federal grazing fee would be $2.00 per AUM assuming all permittees paid the same fee. Correcting for the apparent error in the North Dakota base period data (see footnote 16, page 14), the combined westwide fee would be $1.96 per AUM in 1992. In contrast, in 1992 the PRIA fee is $1.92 per AUM and the National Grasslands fee is $3.42 per AUM.

Mr. DOMENICI. I remind the Senate that on a similar although little bit different amendment last year on appropriations, 60 Senators from both sides of the aisle supported a motion to table; 38 did not. I am also reminded that if this happens not to be tabled, I believe the Senate will be in on this bill not only tonight and tomorrow, but I think they will be in part of next week.

I yield back any time I have.

GRAZING FEE ISSUE

Mr. SYMMS. Mr. President, the grazing fee issue is not one that is taken lightly in my State of Idaho. Two out of every 3 acres of my State is owned by the Federal Government. Of the remaining private land, 98 percent is either incapable of producing the necessary forage for grazing, or it is already involved in agricultural production of other types. That leaves the public land to supply the bulk of Idaho's grazing.

Cattle production, in Idaho, is a very significant portion of our agricultural base. It constitutes approximately 2 percent of the State's gross state product, or $570 million dollars—1987 data. Just for comparison's sake, that is a greater percentage of the State's economy than wheat is in Kansas, twice what corn is in Illinois, and five times what oranges are to Florida.

So when Congress proposes a grazing fee policy that threatens to drive cattle production from the public lands in my State, you might as well be banning milk in Wisconsin. In truth, the impact on the State's economy would be 10 times greater.

There is an old saying that goes, "if it ain't broke, don't fix it." What that means for the public policy debate over grazing fees is that the burden of proof lies with those proposing to alter the current formula. They must show that it is broke, before we should jump toward any proposed fix. It is not enough for proponents to claim the fee is too low, or to claim that grazing is somehow abusing public lands. They must prove their claims.

And from what I can see, that will not be easy. The evidence seems to go in the opposite direction. Take the fee-too-low argument to begin with:

First, the USDA's Economic Research Service has found that there is no appreciable difference in net cash receipts between public and private land cow/calf operations.

Second, an independent cost analysis in the State of Idaho found that public land nonfee costs are actually much higher than private land costs—$14.59 per animal unit month compared to $7.54 per animal unit month on private pasture.

Third, the cost of grazing allotments is often built into that of a homestead or ranch, and is therefore paid as a capital cost when the base ranch was last purchased, that is, in any transaction of land since the 1940's.

Fourth, Pepperdine University completed a study earlier this year that concluded that BLM and USFS cost comparisons of private versus public grazing cost reports to Congress have drawn questionable conclusions based on manipulated information.

Fifth, more recently, the Heritage Foundation has studied this issue and recently released a report entitled, "Why Grazing Fees on Federal Lands Should Not Be Raised."

I've placed much of this information in the RECORD before, but this Heritage report is new and I ask unanimous consent that it be reprinted in the RECORD at this time.

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

[The Heritage Foundation, July 29, 1992]

WHY GRAZING FEES ON FEDERAL LANDS SHOULD NOT BE RAISED

INTRODUCTION

Congress currently is considering legislation which would increase the fees charged by the federal government to the 31,000 Western ranches who graze sheep and cattle on 318 million acres of federally owned land. A proposed 33.3 percent hike in the fees is contained in the appropriation bill for the Department of the Interior (H.R. 5503), which passed the House of Representatives on July 22, and in the authorization bill for the Bureau of Land Management (H.R. 1096), which passed the House last summer. Action on both bills is expected soon in the Senate.

According to a recent report by the Secretaries of Agriculture and the Interior, the federal government spent $52.3 million more on rangeland administration in 1990 than it received in grazing fees,[1] prompting the claim that ranchers who graze their sheep or cattle on federal land are receiving a subsidy. The wide disparity between grazing fees on federal and private rangeland also gives plausibility to the notion that ranchers receive a subsidy. The proposed fee increases are intended to eliminate this supposed subsidy. The average grazing fee on private land in 1991 was estimated by one researcher to be $9.19 per Animal Unit Month or AUM. An Animal Unit Month represents the amount of forage that normally would be consumed over a one-month period by one cow and her calf, or five sheep, or one horse. The fee on federal land currently is only $1.92 per AUM.

The argument for a fee hike is appealing on its surface, but closer scrutiny reveals serious flaws. For instance: There is a good reason why the price charged for grazing on public land typically is lower than for private land. Private land generally is of better quality and the owners provide ranchers with fences, roads, water, and protection for livestock. Ranchers must provide these services for themselves on public land.

The federal government does not, in fact, own the valuable water rights on its Western lands.—These rights already belong to the ranchers. Private landowners leasing out their rangeland, on the other hand, own the rights on their own lands. Thus it should be expected that ranchers using public land should pay a lower fee than they would pay for access to private land—otherwise ranchers would be charged for rights they already own on public land.

The federal government retains title to public land, but it may not actually own the grazing rights.—The law is unclear as to whether Uncle Sam or the ranchers own the rights. Ranchers used these lands for decades before the government began charging fees, but the federal government never explicitly recognized an ownership right to graze these lands. The government has, however, recognized property rights of some kind with respect to grazing. In fact, the Internal Revenue Service treats a rancher's grazing rights as private property for estate purposes.

If the fees were raised by the amount being considered by Congress, fewer ranchers would make use of public grazing lands.—In all probability, Washington would end up collecting less revenue rather than more.

The controlled grazing that now occurs helps to protect the ecology of the West, and so reduces the costs taxpayers otherwise would pay to protect the environment.—For instance, cattle aid decomposition of vegetation by trampling the soil and even help spread seed and fertilizer. Also, foraging keeps grass short and so helps prevent prairie fires. In fact, without cattle, much of the fertile land would become desert.

The dispute over grazing fees has its origin in government ownership of the land. If Congress were to sell the land to private owners, the government would obtain billions of dollars in proceeds and market-driven fees would accurately reflect the value of grazing rights to ranchers. Short of this step, lawmakers should recognize the flimsiness of the argument that ranchers receive a subsidy and keep grazing fees at their current levels.

ORIGINS OF THE GRAZING FEE CONTROVERSY

The ranchers who homesteaded the Western rangelands acquired some parcels of land outright, but simultaneously they obtained the right to graze livestock on adjoining lands still owned by the federal government. Just as mining companies in some instances acquired the mineral rights underneath federal land, so these ranchers acquired the grazing rights. Moreover, under state property laws in the Western states, sources of water were and still are considered owned by whoever first makes beneficial use of it. Since the ranchers used the water on the federal lands for their cattle and sheep, and the federal government did not, the ranchers became the owners of the water rights.

Fair Market Value.—Ranchers initially were not charged for access to federal land, but grazing fees were instituted in 1906. Significantly, the charge first was called a tax rather than a fee, out of tacit recognition that the ranchers already had the right to graze their cattle on federal land. The purpose of the tax was to pay for the cost to the federal government of managing the lands to prevent overgrazing. The Taylor Grazing Act, passed in 1934, required the federal government to charge the "fair market value" to the ranchers for their grazing allotments. Later, in 1978, the Public Rangeland Improvement Act (PRIA) created the current formula used to set the fees.

Congress recently ordered the two government agencies responsible for managing public rangeland—the Department of Agriculture's U.S. Forest Service and the Department of the Interior's Bureau of Land Management (BLM)—to update their 1986 report assessing the fair market value of federal grazing lands. The agencies concluded this year that the government currently charges below fair market value. This conclusion was based partially on the fact that the government charges substantially less money to ranchers. The current federal charge is $1.92 per AUM. While nobody actually knows the average charge for the use of private pasture, most estimates place it significantly higher than $1.92 per AUM. According to Frederick W. Obermiller, Professor of Agricultural and Resource Economics at Oregon State University, the average rental rate for private pasture is $9.19 per AUM.[2] The BLM also estimates that about 16 percent of federal rangeland is in poor shape. This has promoted members of Congress to advocate higher grazing fees to reduce grazing, which is perceived by some to harm the ecology.

Congressional Proposals.—There are three fee increase proposals now before Congress. One by Representative Michael Synar, the Oklahoma Democrat, would raise federal fees over several years to a minimum of $8.70 per AUM. A second proposal, offered by Representative Ralph Regula, the Ohio Republican, passed the House last year as part of H.R. 1096, the BLM authorization bill, and now is pending in the Senate. This would raise fees by 33.3 percent per year for several years, reaching an expected level of $4.68 to $4.87 per AUM in 1996, and likely rising even higher in subsequent years. A third proposal, which is a variation of the second, is contained in the version of H.R. 5503, the Department of the Interior Appropriations bill, which passed the House on July 22 of this year. Because H.R. 5503 is an appropriation bill, it cannot set fees for more than one year at a time. Therefore, H.R. 5503 contains only the first of the series of 33.3 percent fee increases proposed by Regula. This would raise the fee from $1.92 to $2.56 per AUM. If a one-year increase passes, Regula is expected to propose a further incentive next year.

Raising fees would seem on its face to solve two problems at once. The action would eliminate what appears to be a subsidy to ranchers, and a fee hike would reduce the supposed environmental harm caused by grazing. But the issue turns out to be much more complex. In fact, large increases in grazing fees actually could exacerbate the problems they are meant to solve.

WHY FEDERAL LAND IS WORTH LESS

In determining whether the government charges the fair market value for grazing on federal lands, a 1986 report by the Forest Service and the BLM and a 1992 update conducted by the same agencies make two crucial errors.[3] First, the report and update use faulty statistical methods to arrive at the conclusion that fees are too low. Cy Jamison, Director of BLM, has acknowledged these statistical methodology problems, admitting that "[f]rom where we took off to do the [1992] study, it never resolved issues of how the methodology [used originally in the 1986 report] was developed to set the fee. We need to go back and look at the whole picture."

Second, the report and the update assume that the value of foraging on federal land is equivalent to foraging on privately leased land. It is not. The right to graze on private land is far more valuable than the same right on federal land, because there are a variety of important differences between federal and private land.

Poor Quality.—For one thing, federal rangelands generally are of poorer quality, more remote, and more difficult to manage and control than private lands. Homesteaders had their choice of land, so naturally they took the best lands for themselves. Only the least valuable parcels remained federally owned.

Fewer Services.—For another thing, private lessors provide a number of important and valuable services that the federal government does not provide. A rancher who leases federal rangeland, for instance, usually must, among other things, build his own roads, erect and repair his own fences, and furnish his own water tanks and reservoirs. A rancher who leases private rangeland has all these services provided for him.

Shared Access.—Another important difference is that a rancher who leases federal

[1] Department of Agriculture, U.S. Forest Service, and Department of the Interior, Bureau of Land Management, *Grazing Fee Review and Evaluation: Update of the 1986 Final Report*, (April 30, 1992), p. 7, Figure 1.5. Data cited are based on the best available data from the most recent year available.

[2] Frederick W. Obermiller, "The June 20, 1991, Synar Amendment to the House Interior Appropriations Bill Effects on Fee Receipts and Grazing Use of Public Lands—A Preliminary Assessment," June 23, 1991, p. 4.

[3] Department of Agriculture, U.S. Forest Service, and Department of the Interior, Bureau of Land Management, "Grazing Fee Review and Evaluation" (1986). For the 1992 update, see footnote 1, above.

rangeland must share the land with the general public. Campers and hunters often leave gates open, requiring the rancher to retrieve strays and leading to loss of some to predators. Further, hunters sometimes shoot cattle by accident. On private lands, the lessor not only will prevent public access, thereby decreasing the frequency of animal loss, but normally is obliged to round up any strays that do wander. And in some instances the lessor even will insure the lessee against this loss as a part of his fee. The federal government never does this.

Because the operating costs of ranching on public lands are much higher than on private lands, the rights to graze public lands are worth less. In order to make a fair comparison, therefore, one would need to adjust the average grazing fee on private land by subtracting the value of all the services that a private landlord provides, differences in fence and road maintenance costs, the value of private water rights, and the value of the right to exclude the general public, as well as the differences in the underlying quality of the land. Oregon State University's Obermiller has estimated the appropriate fee differential between federal and private rangelands. By his calculations, if private land were provided under the same terms and conditions that currently apply to federal land, then even the best private land would be worth only $4.51 per AUM.[4]

This represents the highest fair market value that any parcel of rangeland could have, and it would have to be a premium-quality parcel. The overwhelming majority of public parcels are of lesser quality, more remote, and more difficult to manage. Thus, their fair market value is much lower—$2.09 per AUM or less, according to Obermiller.[5] Indeed, for a substantial portion of the federal government's rangeland, even the current fee of $1.92 per AUM is too high. According to the Forest Service, approximately 20 percent of the grazing allotments currently available go unused.

THE EXISTENCE OF PRIOR PRIVATE GRAZING RIGHTS

Another important difference between federal and private rangelands calls into question whether the federal government should charge any fee at all. Many Americans tend to think that owning a parcel of land implies the rights to build, farm, or use the land's resources, such as grass, timber, water, or minerals. But different individuals actually can own partial rights to the same piece of land. This is the case with federal rangeland. The land does not belong wholly to the federal government. Ranchers who graze their sheep or cattle on federal rangelands already own a variety of important and valuable property rights to the land.

In most instances, ranchers began to use lands adjacent to their homesteads and the water on it to graze their livestock decades before the federal government started charging a grazing tax or fee. Indeed, the federal government implicitly recognized these pre-existing grazing and water "rights."

Recognizing Rights.—When it first started charging a fee and regulating the number of cattle or sheep that could graze on the open range, for instance, it assigned the grazing allotments on the basis of these pre-existing rights. Further, the government in numerous other ways recognizes that some form of rancher ownership exists. The Internal Revenue Service levies an estate tax on the ranchers' ownership interests in federal lands. Also, the military is required by law to compensate ranchers whenever it appropriates the federal land. In addition, range rights can be purchased only from the rancher who owns them, not from the federal government.[6] Finally, the ranchers whose sheep and cattle graze on federal land have constructed, mostly at their own expense, hundreds of millions of dollars worth of fences, wells, reservoirs, and other improvements that are not required when they lease private rangeland. When Congress passed the Taylor Grazing Act in 1934, it explicitly recognized that ranchers owned these improvements. In fact, the Act required subsequent purchasers of the grazing permits to reimburse the previous owner for the value of those improvements.

One can argue, as many Western ranchers do, that pre-existing grazing rights already fully entitle them to graze their cattle and sheep on federal land. According to this view, any fee at all represents an attempt by the federal government to make the ranchers pay for property rights they already own. Moreover, even if a modest grazing fee can be justified as a user charge for land management services that the federal government provides, the government should take account of the ranchers' water rights and improvements in setting the level of the fee. The ranchers cannot fairly be charged for what is already theirs. Indeed, the government risks expensive litigation if it raises fees significantly, on the basis that it has "taken" the ranchers' property and thus owes them compensation.

HIGHER FEES COULD MEAN LESS REVENUE

Advocates of higher grazing fees want the federal government to take in more revenue so that it can cover fully the costs it incurs in managing federal range lands for ranchers. Their argument assumes that the federal government is not breaking even already. However, this is far from clear. The $52 million shortfall cited in the Forest Service-BLM update contains many costs not related to administering the grazing program. This alleged shortfall includes management costs that are attributable to recreational and other non-grazing uses of rangelands. Excluding these other costs from the calculation, it turns out that the average cost of grazing program management alone is only $1.47 per AUM for BLM land and $1.78 for the Forest Service land, according to Professor Obermiller.[7] Since the federal grazing fee in 1990 was $1.91 per AUM, the government has been making a slight profit on its grazing programs, not a loss. By comparison, the federal government recovers only one percent of its recreational management costs through user fees for visitors.[8]

Notwithstanding any calculation of appropriate management costs, higher grazing fees probably would result in a net loss of funds to the federal government. While the government would collect more money from any grazing allotments that continue to be used, a higher fee would mean that more allotments would fall into disuse. Some 20 percent of the current available allotments, or some four to five million AUMs, already go unused because, for many parcels, the current fee of $1.92 per AUM already is too high. Studies by Professor Obermiller indicate that the number of allotments used would fall sharply under the grazing fee formula proposed in the legislation now before Congress, from the current level of about 18 million AUMs to only about 9 million by 1996.[9] Since the formula proposed in H.R. 5503 eventually could raise the fee for grazing on federal land above the fair market value of even the best parcels, the number of allotments used conceivably could drop to zero sometime after 1996.

HOW COSTS WOULD INCREASE

The argument for raising fees implicitly assumes that the government's cost of administering its lands would be reduced with less grazing. In fact, most of the costs of monitoring and managing federal rangelands would be incurred whatever the level of grazing because most of the government's administration costs are fixed. Further, the government no longer would enjoy the many benefits it now receives from private ranchers, such as building and maintenance of roads and fences, the creation of watering holes, the clearing of brush, and control of erosion and predators. BLM Director Cy Jamison predicts that if ranchers were removed from federal land, the cost to the government of managing the range actually would increase by as much as 50 percent.

The increased outlays for the federal government due to higher grazing fees probably would be much greater than this estimate of increased outlays. For one thing, if ranchers are priced off federal rangelands, the government would have to build hundreds of thousands of miles of fences to keep cattle from trespassing onto federal land. In the Eastern states, a cattle owner is responsible for putting a fence around his land to keep his cattle in, and is liable to his neighbors if his cattle escape and trespass onto the neighbors' land. However, in most Western states, a landowner who fails to put a fence around his own land may not recover for trespass if other people's cattle come onto his land because the landowner is legally responsible for fencing the cattle out.

Billions for Fences.—No one knows precisely how many miles of fencing the federal government would have to build. Because federal land in most Western states is interspersed with private land in a checkerboard pattern, however, the amount of fencing required would be enormous. In one grazing district in Wyoming alone, the BLM estimates that it will have to put up 13,222 miles of fencing at a cost of almost $98 million if cattle grazing is discontinued because of excessive fees. The total cost to the federal government of fencing cattle off all its Western rangelands could be several billion dollars.[10]

The federal government also would have to pay additional billions of dollars to survey its land and determine its property boundaries. This was never completed in the past because there was no need to determine the precise boundaries between the federal lands and the adjoining private lands whose owners were using the federal lands. Since the cost of fencing and surveying would, in many instances, exceed the value of the land itself,

[4] Frederick W. Obermiller, "The Treasury and Land Use Implications of Increases in Grazing Fees on the Western Public Rangelands as Proposed Under H.R. 5503," July 13, 1992, p. 6.

[5] *Ibid.*

[6] Wayne Hage, *Storm Over Rangelands* (2nd ed.) (Bellevue, WA: Free Enterprise Press, 1990).

[7] Frederick W. Obermiller, "In Search of Reason: The Federal Grazing (Fee) Debate," testimony presented to the Subcommittee on Public Lands, National parks and Forests, Committee on Energy and Natural Resources, 102nd Congress, 2nd Session, July 1, 1992, p. 44.

[8] M. Clawson, *The Federal Lands Revisited* (Baltimore, Maryland: John Hopkins University Press, 1983), p. 100.

[9] Obermiller, testimony of July 13, 1992, *op. cit.*, p.7.

[10] See Warren Brookes, "Can Democrats Take Back the West?" *The Washington Times*, September 17, 1991, p. F4.

the government might have to let ranchers graze their cattle for free. However, if the federal government were to attempt to force the costs of fencing or surveying onto adjacent private landowners, it would face substantial litigation costs.

Reduced Revenues.—Above a certain level, a higher fee will produce less grazing fee revenue than a lower one. Professor Obermiller's calculations suggest that, ignoring increased outlays and reduced income tax receipts, gross grazing fee revenue alone would be maximized at a fee of around $3.30 per AUM. But this would bring in only about $15 million in additional federal revenue because of the sharp reduction in the number of AUMs that would continue to be used, considerably less the $25 million anticipated by proponents of higher fees. Under the formula proposed in H.R. 5503, grazing fees would rise above their gross revenue-maximizing level of $3.30 per AUM by 1994, and so the federal government would experience a reduction in grazing fee revenue when higher fees took effect in subsequent years.[11] Moreover, Obermiller's figure of $3.30 per AUM does not take into account either the increased costs that higher fees would entail or the loss in federal income tax revenues that would accompany a contraction in the cattle industry. Overall, even at Obermiller's gross revenue-maximizing level, net revenue probably still would decline. This would occur both because of higher costs and because a higher fee would reduce federal income tax collections by more than the increase in grazer fee revenue.

Because federal land in most Western states is interspersed with private land in a checkerboard pattern, most private ranchers have to use some federal land in order to raise their cattle. The private acreage alone cannot support enough head of cattle year-round to make most ranch operations profitable. Moreover, most ranchers paid a price for their land and have mortgage loans that reflect the current grazing fees. A fee increase immediately would reduce the value of their ranches as collateral, making it difficult or impossible for many to get operating capital. Thus, many ranchers—whose average annual income is only $28,000 even under the current fees—would be driven out of business. This would mean significant economic harm to the Western states and a reduction in U.S. beef, lamb, and wool production.

HARM TO THE ENVIRONMENT

Some advocates of higher grazing fees acknowledge that a fee hike would reduce grazing but maintain that less grazing would be good for the environment. But reduced grazing in reality would damage the West's ecology. The reason is that livestock grazing can be good for rangelands. Cattle and sheep accelerate decomposition of vegetation by trampling it, thereby recycling vital nutrients, and by helping to spread seeds and fertilizer. Grazing also helps prevent fires, which can start and spread most easily in long, dry grass that has not been clipped by foraging. Brush-clearing by private ranchers whose cattle graze on federal land further reduces the danger of fire. Furthermore, livestock producers have built tens of thousands of watering sites on federal lands, thereby improving those lands and benefitting various species of wildlife. Since 1960, for example, elk and moose populations on federal land have increased by 782 percent and 476 percent, respectively. And controlled grazing along riverbanks helps prevent the grass from becoming overgrown and can promote the growth of young trees that, when older, provide shade and prevent erosion

By contrast, a lack of grazing can lead to the land rapidly turning to desert, a process known technically as desertification. Lands left untrampled by grazing animals develop a water-resistant crust that causes the soil to absorb less rain. In addition, uneaten grasses remain standing after they are dead, locking up nutrients, blocking sunlight from reaching live grass below, and slowing seed dispersal. A striking example of the difference grazing can make is found in the Servilleta National Wildlife Refuge in New Mexico. Inside the Refuge, which has been off limits to cattle for more than fifteen years, the land is rapidly turning to desert. But pastures just outside the Refuge, which have been grazed continuously, remain as healthy as ever.

The fear of cattle destroying the range arose from several major episodes of overgrazing that occurred between the end of the Civil War and 1910.[12] However, ranchers and sheepherders learned from these experiences. Today, most use different grazing areas from year to year so that grazed areas have time to recover. Ranchers and sheepherders also take steps to keep their cattle and sheep on the move so that they do not linger in any one area long enough to eat all the grass. Because they have grazing rights on the federal lands, most ranchers and sheepherders realize that it is in their interest not to overgraze. Doing so would only reduce the land's value to them in subsequent years. Also, ranchers who allow their cattle to overgraze risk being fined and their allotment reduced the following year. As a result of the improved management practices ranchers have employed for most of this century, a 1990 BLM report concluded that federal rangelands are in better condition today than at any previous time in this century.

FIVE OPTIONS

As they wrestle with the question of grazing fees, members of Congress have five options:

Option #1: Increase all grazing fees.—This approach at best would produce only a modest increase in gross grazing fee revenue and would lead to a reduction if the hike was large. In addition, it would increase expenses to the federal government and reduce income tax collections. On balance, the government probably would lose money by raising fees.

Option #2: Reduce grazing fees.—It is possible that even the current fee level is too high. The federal government might actually be better off charging a lower fee if the 20 percent of federal grazing land now idle became grazed.

Option #3: Increase fees only on better quality land and reduce them on poorer land.—This would be the fairest and most efficient option as long as the federal government continues to own lands used for grazing. The advantage of this option is that, if the government were able to implement it, the fee would be based more accurately on the value of each parcel. The government then would collect more revenue on the few parcels of lands for which it currently undercharges, and it also would collect revenue from some of the 20 percent of rangelands that currently produce no revenue because the current fee is too high. Unfortunately, this option may have an Achilles' heel. The administrative cost of determining the correct fee for each of the federal government's 318 million acres of rangeland could exceed the potential increase in revenues.

Option #4: Privatize the federal rangelands, subject to existing private rights.—This is, in principle, the most attractive option. Privatization of the federal government's extensive land holdings could generate billions of dollars of revenue that could then be used for deficit reduction. Alternatively, the government could use the sale proceeds to acquire more environmentally sensitive lands elsewhere, such as wetlands or other critical wildlife habitat, thereby offsetting the current budget cost of land acquisition. Once the rangelands were privately owned, market forces would determine the proper mix of agricultural and recreational uses—and the proper fees—for each individual parcel of land. Unfortunately, this option is politically impractical at this time.

Option #5: Keep the grazing fees at their current level.—Congress simply could renew the current grazing fee schedule based on the formula agreed to in 1978. While imperfect, that formula was the result of a compromise between the government, ranchers, and environmentalists, and is about as good as any formula Congress is likely to come up with. Moreover, the $52.3 million shortfall calculated by the Forest Service and BLM included costs which have nothing to do with administering the grazing program. In fact, it appears that the government makes a slight profit on the program. No case has been made for a hidden subsidy that implies the fees should be raised.

Of these options, privatization would be best, but it would not be politically feasible at this time. If lands remain in federal hands, it would be best to have the fee vary with the quality and location of the land—provided that the administrative costs of determining the correct fee for each parcel would not exceed the increased revenue. But it probably would. In this case, Congress should either lower the fees or else make permanent the formula that was adopted in 1978. Certainly, fees should not be raised until new studies are available that are free from the fatal flaws that plague the 1986 report and its update.

CONCLUSION

The controversy and confusion over how and at what level to set grazing fees just serves to illustrate the difficulty of setting a fair and market-responsive fee when government owns the land. The checkerboard pattern of private and public lands established in the West complicates an already confused legal situation by making it difficult for ranchers to survive without grazing livestock and using water on adjacent government lands.

At a time of high federal spending and deficits, policy makers understandably want to cut a perceived subsidy. But the $52 million above fee receipts spent by the federal government on administering grazing lands is not really a subsidy to ranchers at all. Most of the administrative costs would be incurred even if no grazing were permitted, and the seemingly low fees actually reflect the quality of the land and the extra costs incurred by ranchers when they use the federal land.

Privatization Solution.—If the federal government wishes to resolve the dispute over fees, and to raise money to reduce the federal deficit, it should sell the rangelands to

[11] Obermiller, testimony of July 13, 1992, *op. cit.*, p. 7.

[12] For a brief discussion of these episodes, see *Public Lands Grazing Fees; A White Paper*, published jointly in 1991 by the Public Lands Council, the American Farm Bureau Federation, the Association of National Grasslands, the American Sheep Industry Association, and the National Cattlemen's Association, pp. 10-11.

private owners. If any of the lands in question are especially sensitive or environmentally valuable, appropriate conservation easements could be attached. This would ensure that the land is put to its best use and is best cared for without government expense.

When dealing with the issue of private uses of federal lands, it is important to remember that the relationship of rancher to the federal land is not that of a renter so much as that of a custodian whose family has cared for the land for generations. The federal government always has retained basic ownership, but it has passed on other, more limited forms of ownership to adjacent landowners whose ranching operations require full use of the federal lands. Unless policy makers want to put an end to ranching in the West, grazing fees should not be raised.

WILLIAM G. LAFFER III,
McKenna Fellow in Regulatory and Business Affairs.
JOHN SHANAHAN,
Policy Analyst.

Mr. SYMMS. In light of these reports, it is difficult to see how the current grazing fee gives public rangeland grazers any great advantage over their private land competitors.

As for the argument that cattle are abusing the public lands, I'd first respond that raising the grazing fee is an awfully poor way to address that problem even if it were the case, which it isn't. Raising the grazing fee serves no land management purpose. Rather, it merely devastates the hostage local economy.

I know of no expert, no rational analysis, and for that matter, no reasonable person who can maintain with a straight face that by making ranchers poor, driving them into bankruptcy, leading their local banks into insolvency, and generally undermining the entire economy of their communities, you will achieve the goal of better management of public rangelands. For all the talk of "cattle abusing the range," none of it is an argument for raising the grazing fee.

Worse, eastern Senators and big environmental groups apparently have no idea what the western rangelands were like before ranching came. For most part, the West was a big desert. Ranchers brought water to surface in the last 100 years and literally turned the desert into the grasslands and prairies we see today. One region of my State is called the Magic Valley because the ranchers and farmers used irrigation and wells to turn the desert into a green productive region of our Idaho.

Partly because of ranchers and the water they provide to wildlife, elk and deer populations are booming in the West. Without ranchers, there will be no water. Without the water the rangeland will again because a desert.

So, I reject the argument that grazing is not compatible with sound range management. In fact, when it comes to supplying water for wildlife grazing is sound range management. Two reports address this question. They are the Bureau of Land Management's report entitled "State of the Public Range," and a pamphlet prepared by range biologists at the University of Idaho and the University of Arizona, entitled, "Seven Myths About Livestock Grazing on Public Lands." Both documents support the statement that "our public rangelands are currently in the best shape they've been in this century."

Mr. President, the Senators from Vermont and Ohio could not convince the Senate to support a similar amendment last year. I am probably not the first Senator to remind my colleagues that 60 of us voted to table a similar amendment last year. Since then, even more information has weighed in to suggest that grazing fees on Federal lands should not be raised.

So, the case for a dramatic increase in grazing fees has failed to be made effectively in the U.S. Senate. I would again urge my colleagues in the Senate to oppose the Jeffords-Metzenbaum amendment to increase grazing fees in this appropriations bill.

Mr. DECONCINI. Mr. President, I rise today in strong opposition to the Jeffords-Metzenbaum amendment. This amendment will devastate the cattle industry in my State by raising grazing fees. This would have a disastrous effect on the economy of rural Arizona.

Most of the 3,700 Arizona ranchers who graze livestock in Arizona on public lands operate small, family-owned operations. They depend on Federal grazing lands for their livelihood. If the Jeffords-Metzenbaum amendment passes, many of these small operations will be forced to shut down due to this artificial increase in their operating costs.

To illustrate my point, I would like to point to a map of my State and a couple of charts comparing the land ownership of Arizona and that of one of the authors of the amendment, Senator JEFFORDS. As you can see, only 17 percent of Arizona land is privately owned. This land is indicated on the map by the white area. Pointing to the charts, in Vermont, you can see that almost 90 percent of the land is in private ownership. Ohio is in a similar situation with respect to amount of private land available to the citizens of the State. The bottom line is that the constituents of these two Senators can make a living off the land in their State. However, because of the limited amount of private land in Arizona, virtually all of the ranchers in my State must use public lands for grazing. The Jeffords-Metzenbaum amendment would have the effect of driving ranching off Federal lands and Arizona's Ranchers would have nowhere else to go but out of business.

Mr. President, those that support the amendment argue that because only 2 percent of the cattle in this country are grazed on public lands, we should raise the fees on these ranchers higher than economics truly warrant. That logic is similar to saying that because only 2 percent of the milk produced in this country comes from Vermont, we should eliminate dairy price supports. It does not make sense. For the information of my colleagues, 63 percent of the cattle produced in Arizona are grazed, at least part of the year, on public range lands. Livestock alone contributes almost three quarters of a billion dollars annually to Arizona's economy. Again, if the Jeffords-Metzenbaum amendment becomes law, this would cease.

There are other compelling reasons to block the Jeffords-Metzenbaum amendment. Practically speaking, the pattern of State lands interspersed with Federal lands in Arizona makes it difficult to separate the two ownerships from practical ranching.

Economically, according to figures from the Arizona land department, there would be a potential loss of $1.7 million in State land grazing revenues to the State land trust. A large portion of these monies go directly to State aid for the funding for K–12 public education. Mr. President, any revenues losses for public school in these economic hard times cannot be tolerated.

The current grazing fee formula was established by bipartisan approval under the Carter Administration and later extended under President Reagan by Executive order. It is my understanding that the Bush administration also supports the current formulation. The current system of determining grazing fees is based on market conditions and fluctuates, up or down based on changes in market variables. Over the past years, Federal grazing fees have risen from $1.35 per animal unit month [AUM] to $1.81 per AUM, and have been as high a $2.31 per AUM.

The Jeffords-Metzenbaum amendment raises suspicions in my mind as to its intent. I believe that the motivation is not to raise revenues, but instead it is an effort to eliminate livestock grazing on western public lands. I say this because the fiscal arguments used by the proponents of the amendment are simply not supported by the facts. A major argument for the amendment being offered by the Senators from Vermont and Ohio is that the current grazing fee is an unfair subsidy for public land ranchers. As evidence of this, proponents of the amendment attempt to demonstrate that there is a disparity between the fees paid by ranchers who graze their herds on private range and those who graze on public lands. This rationalization is intellectually bankrupt.

As many of my distinguished colleagues know, ranchers leasing on public range lands are required to pay for and build improvements such as fences, roads, and waters on the lands they lease.

On private lease ranges, these improvements are provided for by the les-

sor. Ranchers on public rangeland must also contend with higher cattle death-rates due to predators as well as higher transportation costs. Combine these additional costs with the fact that on private rangeland, ranchers can graze virtually an unlimited number of cattle. On Federal land, the government strictly limits the numbers. As a result the cost of grazing on Federal lands is comparable to the cost of grazing on private land. Mr. President, Federal grazing permit holders are not being unfairly subsidized.

The proponents of the amendment also argue that the costs of administering the grazing program are greater than the fees it generates. Again, blanket statements such as this are made without checking the facts. The BLM estimates that its cost to administer is $1.66 per AUM. Thus the government is making a profit of 31 cents per AUM. Proponents of the bill also contend that livestock grazing is adversely impacting wildlife habitat. While there is no question that some public lands were overgrazed in the past, rangeland experts from a number of universities and Federal land agencies agree that the public rangelands are in better condition today than anytime this century. As evidence of this, one need only look at the soaring numbers of big game animals on public range land. Mr. President, according to the BLM, big game populations since 1960 have increased dramatically—782 percent for elk alone. One can give a great deal of the credit to ranchers for this. More than just cattle drink from the waters ranchers have constructed.

Mr. President, I ask my colleagues to reject the Jeffords-Metzenbaum amendment.

Mr. McCAIN. Mr. President, I rise in strong opposition to the Jeffords amendment. This proposal to increase the grazing fee for public lands by 25 percent is another misguided attempt to unfairly penalize ranchers utilizing public lands. Increasing the grazing fee to $2.40 per animal unit month would undoubtedly cause undue hardships, bankruptcies, and economic decline in hundreds of rural communities in the Western United States.

There are a host of reasons to oppose this arbitrary increase in the grazing fee. First and foremost, it is unfair to the many hardworking families of modest means who depend on public lands, in whole or in part, to graze their cattle. The average income of ranchers who use public lands is $28,000 per year. I would hope that the Senate will not act rashly and single out these families for a possibly devastating grazing fee increase.

It is simply inaccurate to directly compare the fee for public lands with the grazing fee on private lands, and the sponsors of this amendment know it. Ranchers who graze their cattle on public lands in the West are responsible for maintaining roads, establishing fencing and water sources that lessors of private lands are not.

Furthermore, the current, grazing fee formula is already adjusted on an annual basis, according to the price of beef and the cost of production. When ranchers receive a better price for their cattle on the open market, they pay more into the U.S. Treasury. When times are lean, the grazing fee may decrease. This formula, enacted by the Public Rangelands Improvement Act [PRIA] of 1978, should not be undermined by a cursory swipe at ranchers without careful evaluation by this body.

I would view with interest recommendations to improve or adjust the PRIA formula by the Senate's Energy Committee, which has jurisdiction to evaluate it and suggest changes to the full Senate. The answer is not to jack up the price of grazing fees by 25 percent on an appropriations bill, and I urge my colleagues to decisively reject this amendment.

Such a drastic increase is likely to drive many ranching families out of business, and more economic misery is not something we should turn a blind eye to by passing this amendment. It is estimated that 20 percent of public grazing permits already go unused, and this increase could result in the loss of further revenues to the Federal Government.

I recognize and share the concerns that many Americans have about the conditions of rangeland in the West. We must carefully manage and protect our public lands so that they remain suitable for a variety of recreational and economic uses. If there are areas where overgrazing is occurring, then Federal land management officials should step in and restore sustainable practices.

If we truly have resource problems, let's remedy those specific situations with targeted land management strategies. It is worth noting that last year, the Director of the Bureau of Land Management testified before the House of Representatives that our public rangelands are in the best shape of this century. Let's not unjustifiably price ranchers off public lands.

Mr. President, I call on Members of the Senate to recognize the importance of a reasonable grazing fee to the economic viability of ranchers in Arizona and throughout the West. I urge my colleagues to defeat the Jeffords amendment.

Mr. JEFFORDS. Mr. President, will the Chair advise me whether anyone other than myself has time at this point?

The PRESIDING OFFICER. The Senator from Vermont has all the remaining time.

Mr. JEFFORDS. Mr. President, I will close. I do not think I will take all of the 5 minutes.

First of all, with respect to Dr. Obermiller: He sent me a proposal last year which he called Elements of a Grand Compromise, September 4, 1991. He recommended the grazing fee this year should be $2.49 per AUM—a figure slightly higher than what I am proposing to you today. The difference, however, is that my fee would apply to the large producers, the 15 percent that have more than 500 cows on their ranches. Dr. Obermiller's $2.49 would have applied to every public lands rancher.

This only applies to the large producers.

Now, we all have to think in terms of 30-second spots. Let me just let you know that if you vote against me you will be voting to give a continued subsidy to three billionaires. Let me give you their names: David Koch, Koch Industries; David Packard of Hewlett-Packard; Gordon Peter Getty. These three or their companies that hold permits and will be getting a subsidy at a time our deficit is booming. So too are Getty Oil, Chevron, Anheuser-Busch, Utah Power & Light, Japanese-owned Zenchiku Land & Livestock, Metropolitan Life, and the Mormon Church. So you will have to respond to that.

Now, what is the difference between this year and last year? Last year, we had a proposal about one-half of what the House approved, which was around $9 per AUM. Ours was around $4.50. So if you want to differentiate how you voted last year and this year, there is a very substantial difference. This year we have a 1-year proposal, only for producers with more than 500 head of cattle, and just a boot up to $2.40, which is the level—in nominal dollars—it was 12 years ago, in 1980. Now, how many of us would love to be paying the same rent that we paid back in 1980?

But also remember that we are talking about 15 percent of the 2 percent of the producers of beef in this country that hold grazing permits. Even out West, they represent fewer than 20 percent of the producers. The other 80 percent are paying fair market value or a value established by the States.

Why am I saying this is very important to you? Why am I doing it? Why is it only for 1 year? So they will have to do something this year. They will have to end this grazing subsidy some way. This is the only way we will force them to do something, to compromise. They will have a floor they cannot go below, and that is my amendment. So they will, at least, have to come up for 1 year.

That is all we are asking here; to make them do something. They have been telling us they would do something for years now. They have not done anything. We have had study after study; study after study torn apart. And where are we? Right back to another study. The time for study is over.

Study the budget if you want. Study the deficit. Can you defend this rent freeze from 1980 for 2 percent of the producers?

Let me end by rereading from the Montana Livestock Journal report. This journal reported that the majority of Montana private land ranchers surveyed favor a Federal grazing fee increase. Half expressed support for awarding grazing fee permits on a competitive bid basis.

You have an opportunity to help here, to help end this dilemma. Sure, I know the western Senators cannot do it in their own States. So it is up to us, Members from the other States, the 34 States that do not have these permits to say yes, you have to join the real world; you have to do your part to bring this deficit under control.

It is a small bit, and it does not affect the small farmer. But if we cannot do things like this, how can we ever get this deficit under control? I do not see how.

I believe it is important for us to help the Westerners along, push them along to a reasonable increase which will not reduce the number of people grazing their livestock on public lands. The figures are definite on that. What the amendment will do is to allow the permitters to have the feeling they are not taking advantage of the Federal Treasury.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I believe that consumes all of the remaining time on the amendment. I therefore will move to table. I do so apologetically to the distinguished Senator. He is a fine Senator. But this matter has been discussed at great length last year and it was a decisive vote at that time. So in order to move the matter along, I reluctantly will move to table, and do so. I ask for the yeas and nays on the motion.

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 table the amendment of the Senator from New Hampshire. The yeas and nays have been ordered. 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], the Senator from Louisiana [Mr. BREAUX], the Senator from Tennessee [Mr. GORE], and the Senator from Iowa [Mr. HARKIN], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH] is absent due to a death in the family.

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 Utah [Mr. HATCH] and the Senator from North Carolina [Mr. HELMS] would each vote "yea."

The result was announced—yeas 50, nays 44, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—50

Adams	Dole	Murkowski
Baucus	Domenici	Nickles
Bentsen	Durenberger	Packwood
Bingaman	Ford	Pressler
Bond	Garn	Pryor
Boren	Gorton	Reid
Brown	Gramm	Seymour
Bryan	Grassley	Shelby
Burns	Hatfield	Simpson
Byrd	Heflin	Specter
Cochran	Inouye	Stevens
Conrad	Johnston	Symms
Craig	Lott	Thurmond
Danforth	Mack	Wallop
Daschle	McCain	Warner
DeConcini	McConnell	Wirth
Dodd	Mikulski	

NAYS—44

Akaka	Jeffords	Nunn
Biden	Kassebaum	Pell
Bradley	Kasten	Riegle
Bumpers	Kennedy	Robb
Chafee	Kerrey	Rockefeller
Coats	Kerry	Roth
Cohen	Kohl	Rudman
Cranston	Lautenberg	Sanford
D'Amato	Leahy	Sarbanes
Dixon	Levin	Sasser
Exon	Lieberman	Simon
Fowler	Lugar	Smith
Glenn	Metzenbaum	Wellstone
Graham	Mitchell	Wofford
Hollings	Moynihan	

NOT VOTING—6

Breaux	Gore	Hatch
Burdick	Harkin	Helms

So the motion to table the amendment (No. 2905) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2907

(Purpose: To prohibit the use of funds to purchase, procure, or upgrade computers for the Forest Service prior to the implementation of reforms of the field structure and organization of the Department of Agriculture)

AMENDMENT NO. 2908

(Purpose: To increase funding for general maintenance and operations for the Bureau of Land Management, with an offset)

Mr. BYRD. Mr. President, I send 2 amendments to the desk, the first for Mr. BOND, and the second for Mr. WALLOP. I ask unanimous consent they be considered, agreed to en bloc, the motions to reconsider be laid on the table. These have been agreed to on both sides. Mr. NICKLES and I present them together.

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

Mr. WALLOP. Mr. President, I am submitting this amendment in agreement with the Senators from Montana, Idaho, and Wyoming. It is our intention to transfer $148,000 from the National Park Service Budget, park management/resource management account found on page 97 of the National Park Service fiscal year 1993 budget to the Bureau of Land Management general maintenance and operations account.

The amendments considered and agreed to en bloc are as follows:

AMENDMENT NO. 2907

On page 66, between lines 3 and 4, insert the following new paragraph:

None of the funds made available under this Act may be used to purchase, procure, or upgrade computer hardware or software used by an officer or employee of the Forest Service prior to the implementation, by the Secretary of Agriculture, of reforms of the field structure and organization of the Department of Agriculture.

AMENDMENT NO. 2908

On page 2, line 12, strike "545,517,000" and insert "$545,665,000".

On page 18 line 24, strike "989,330,000" and insert "$989,282,000".

Mr. BYRD. Mr. President, we have two amendments left. Senators are discussing those two amendments at the moment. They may be disposed of en bloc, hopefully, if they can be agreed to and accepted.

So at this point let me thank the staffs on both sides. There was excellent, excellent work on the part of the staffs. And I thank Senators, those Senators who had amendments listed and who agreed not to call up those amendments.

Mr. President, while Senators are discussing the two remaining amendments, and hopefully bringing the matter to a close quickly, I yield the floor if the majority leader wishes to make any announcements or any Senator wishes to speak.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I wish to just use this moment to say we are very close to finishing this bill. Hopefully, we will be voting on final passage in just a moment. We have two additional amendments. We think both of those amendments will be taken care of without a rollcall vote. I am not sure whether or not we will have a rollcall vote, recorded vote on final passage. My guess is we probably will. We may be able to do that in just a few minutes. It is my hope we can.

In the meantime I would like to thank the chairman of the subcommittee, also chairman of the full committee, Senator BYRD, for his leadership on this bill.

I might again repeat to my colleagues this bill has an increase in appropriations of less than 1 percent and that if you took out the increases for the Indian Health Service, this bill is a no-growth bill. It is basically the same amount of appropriations as we have had in fiscal year 1992. So I think the Senator from West Virginia has shown great leadership in saying he is willing to make some reductions. I think this bill has less growth than probably any other bill we have taken up on the floor of the Senate. So I compliment

him for that task. And also for his leadership.

We did not do a lot of things that a lot of people wanted us to do. We did not fund any visitors centers and we had lots of requests. We did not fund a lot of requests that were made, both to this Senator and to the Senator from West Virginia. That is not easy to do. So I compliment, again, the Senator from West Virginia.

I would also like to compliment the Senator's staff, Sue Masica has done an outstanding job, and Cherie Cooper of my staff—who have just been really working tirelessly to put this bill together. I think they have done an outstanding job as well.

I really encourage Senator BUMPERS and Senator STEVENS to see if we cannot finalize that amendment.

I have no objection to Senator STEVENS' amendment. I think it should be agreed upon. Then we have one additional amendment that I believe Senator REID was trying to work out. I think we are very close to getting it together. We would like to agree to both of those amendments by unanimous consent and go to final passage of the bill in just a few moments.

Mr. BYRD. May I ask, does any Senator wish to have a rollcall on final passage? Does any Senator wish a rollcall on final passage?

Mr. STEVENS. I say to the Senator from West Virginia, I do not know what the disposition of the other Senator is, as to what the objection is if there is one. I am waiting to hear if there is an objection.

Mr. BYRD. An objection to what?

Mr. STEVENS. To my amendment.

Mr. BYRD. I beg the Senator's pardon.

Mr. STEVENS. I would be pleased to offer that amendment and to explain it, and to ask the Senator from Arkansas if he intends to oppose it.

Mr. BYRD. I suggest the Senator do that.

AMENDMENT NO. 2909

(Purpose: To authorize a land exchange)

Mr. STEVENS. 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 Alaska [Mr. STEVENS] proposes an amendment numbered 2909.

Mr. STEVENS. 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:

Insert at the appropriate place in the bill:

"Notwithstanding any other provision of law, the Secretary of the Interior is authorized to exchange a property, located at 132–140 Manor Avenue, Anchorage, Alaska, for property that meets requirements of the United States Geological Survey located in Anchorage, Alaska, owned by AHPI/Municipality of Anchorage. This exchange will be based on terms and conditions determined by the Secretary to be in the best interests of the United States Government. Either party is authorized to equalize the value of the properties involved through payment or receipt of cash or other consideration.".

Mr. STEVENS. Mr. President, this amendment authorizes a lands exchange between the U.S. Geological Survey and the Anchorage Historic Properties. That is the Anchorage, AK, member of the National Trust for Historic Preservation.

That entity has asked me to offer this amendment because of this circumstance. The United States Geological Survey owns the old Wireless Building in Anchorage. It is currently used to store rock samples.

This historical properties group wants the Wireless site and it proposed to purchase the USGS a building in Anchorage more suitable for storage of the USGS samples.

I want to point out to the Senate that all communications to and from the territory of Alaska went through this building before modern satellites linked Alaska communications networks. It was part of the old Alaska communications system, operated by the U.S. Army. It is now under the control of the USGS. My amendment would authorize the exchange on an equal value basis.

I know of no opposition in the State of Alaska to this. I have raised it in the committee, but there was a request that this matter be examined and that is why it has come to the floor.

I said I know of no alternative to this. The Federal property management regulations do not permit the exchange of this property because it will be necessary, as the amendment points out, for one party or the other to equalize the value of the property through the payment or receipt of cash or other consideration, because the values, the property values, are not equal and cannot be made equal except through that provision that is in this amendment.

The municipality of Anchorage is comfortable and supports this exchange. The USGS has informed us they are satisfied with the arrangement in Alaska and at headquarters.

As I have indicated, the exchange cannot be done without billing Anchorage, and it is necessary for us to preserve this very historic wireless station as a historic property. It is the intention of a member of the National Trust for Historic Preservation to ask it be listed in the National Register of Historic Places when it is placed in their ownership.

I would like to have printed in the RECORD the letter I received on April 3 of this year, from the executive director, Kerry I. Hoffman, I believe it is Miss Hoffman, for the Anchorage Historic Properties, asking that this amendment be offered.

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

ANCHORAGE HISTORIC PROPERTIES, INC.,
Anchorage, AK, April 3, 1992.

Hon. TED STEVENS,
U.S. Senate, Washington, DC.

DEAR SENATOR STEVENS: Anchorage Historic Properties, Inc., a non-profit historic preservation organization, is interested in acquiring the property on Government Hill in Achorage known as the Wireless Station, as an historic property. A copy of the description from Patterns of the Past, an Inventory of Anchorage's Historic Resources, is enclosed.

The U.S. Geological Survey/Department of the Interior (USGS) currently holds the property, having acquired it from the Department of Defense. The USGS uses the buildings to store mineral samples. They would like to exchange the land and buildings for a 2,000–2,500 square foot storage space. We are looking for appropriate space to meet their needs. The Federal Property Management Regulations do not permit such an exchange of property. This exchange would be in the best interests of the Department of the Interior and AHPI/City of Anchorage. The DOI would obtain a true storage facility and AHPI/City of Anchorage would obtain a facility ideally suited for community use.

We would like you to consider offering legislation to a Department of Defense bill to provide for this exchange. Language similar to the following has been used in the past to complete such exchanges:

"Notwithstanding any other provision of law, the Secretary of the Interior is authorized to exchange a property, located at 132–140 Manor Avenue, Anchorage, Alaska, for property that meets requirements of the USGS located in Anchorage, Alaska, owned by AHPI/City of Anchorage." This exchange will be based on terms and conditions determined by the Secretary to be in the best interests of the U.S. Government. The Secretary is authorized to equalize the value of the properties involved through cash payment or other considerations.

Our goal is to do the necessary restoration to the property and put the buildings back into active use. To this end, we have been working very closely with the Government Hill Community Council, a vigorous neighborhood group, to determine the future use of these buildings. Ideas under consideration at this time include a day care center or a community hall. In addition, we plan to nominate the property for listing in the National Register of Historic Places.

I would be happy to discuss this matter with you and your staff at your convenience. Thank you for your help and interest!

Sincerely,

KERRY I. HOFFMAN,
Executive Director.

Mr. STEVENS. The amendment was provided by that organization.

Mr. BYRD. Mr. President, if the Senator will yield briefly for a unanimous-consent request?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to accept the Wallop amendment which has already been agreed to, even though it amends a figure previously amended.

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

The Senator from Alaska does have the floor.

Mr. STEVENS. I would like to confer with my friend from Arkansas. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2910

Mr. REID. Mr. President, under the agreement previously entered, I have one of the slots the manager of the bill has stated on a number of occasions. I now offer an amendment that has been cleared on both sides, the Bumpers-Reid amendment dealing with bonding.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment in order to take up this amendment?

Mr. REID. I apologize to the Chair for not having asked that. I ask unanimous consent that the pending amendment be set aside.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BUMPERS, proposes an amendment numbered 2910.

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

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

The amendment is as follows:

At the end of the bill, add the following section:

SEC. . NOTWITHSTANDING ANY OTHER PROVISION OF LAW.

(a) FINANCIAL GUARANTEE.—Prior to the commencement of any mineral activities conducted pursuant to the general mining laws causing more than minimal disturbance to the environment, the claimant shall furnish a bond surety, or other financial guarantee, which may include, but not be limited to, the use of bond pools, in an amount as determined by the Secretary of not less than $200 or more than $2,500 per acre, conditioned upon compliance with the requirements of this Act and other applicable laws and regulations. Regardless of the financial limits of the preceding sentence, the bond, surety, or other financial guarantee shall not be less than the estimated cost to complete the reclamation of the disturbed land.

(b) REVIEW.—The Secretary shall review the bond, surety, or other financial guarantee for sufficiency not less than every five years.

(c) PHASED GUARANTEES.—The Secretary may reduce proportionately the amount of bond, surety, or other financial guarantee from determination that any portion of reclamation is completed in accordance with this Act and applicable laws and regulations.

(d) RELEASE.—The Secretary shall provide for public notice prior to any reduction in, or final release of, a bond or other financial guarantee.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, this is an amendment that is not totally satisfying to me. It is a bonding requirement for miners. As I pointed out yesterday in the debate, BLM, the Bureau of Land Management, only requires bonds in 22 percent of the cases where they issue permits to mine. The Forest Service requires bonding in about 82 percent of their cases.

I think everybody agrees in this body, that all miners who are issued permits to mine hard rock minerals on Federal lands should put up a bond to reclaim the property.

This amendment is based on Montana law which has worked very well for them. It is almost verbatim their law. I personally do not think it is quite stringent enough, and I am offering it with my good friend from Nevada with the understanding that I will have an opportunity to look it over more closely before we go to conference with the House.

At that time, if I decide it is better to go forward with it, I will insist that the House recede to us on it. If it is less than I think we ought to have, and I think we are going to wind up stuck with something that is not as it ought to be in order to get the land reclaimed, then, of course I will insist that we drop it and we try again next year. Something is not always better than nothing, despite contentions to the contrary.

But, in any event, I am willing to go along with this, as is the Senator from Nevada. We will work together. He has agreed he will work closely with me and I will work closely with him. I hope the Senate adopts the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2910) was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 2029, AS MODIFIED

Mr. STEVENS. Mr. President, I have had further conversation with the Senator from Arkansas, and I will send to the desk a modification of the amendment I have offered. It will add the clause that "this transaction shall be accomplished pursuant to section 206 of the Federal Land Policy and Management Act of 1976" with the appropriate citation to the U.S. Code.

The Senator from Arkansas has also indicated he wants to reserve judgment in the conference as to whether or not this language should be maintained in view of the policy concerning other land exchanges.

I know of that policy and I have said to my friend I would not offer this if it were not for the fact it is the opportunity to preserve one of the historic old buildings in Anchorage for our entity, which is the member of the National Trust for Historic Preservation. If this is not done, we may well lose that opportunity to preserve this property.

So I send this modification to the desk. It is our intent clearly stated in that law, and I have stated previously before the Senator from Arkansas came back from the agriculture conference, that this amendment does authorize this exchange only on an equal value basis.

It is necessary because I am informed the exchange cannot be done without bill language that authorizes this type of equalization under the circumstances involved that the building is to be acquired. We do not know what the building will be that USGS will select, but they will be required to approve that transaction.

That is also part of the act that the Senator from Arkansas has cited. I am happy to make that addition. I will solicit comments from my friend, but I do ask that the amendment be modified.

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

The amendment, as modified, is as follows:

Proposed language for USGS/Anchorage Historic Properties land exchange:

"Notwithstanding any other provision of law, the Secretary of the Interior is authorized to exchange a property, located at 132-140 Manor Avenue, Anchorage, Alaska, for property that meets requirements of the United States Geological Survey located in Anchorage, Alaska owned by AHPI/Municipality of Anchorage. This exchange will be based on terms and conditions determined by the Secretary to be in the best interests of the United States Government. Either party is authorized to equalize the value of the properties involved through payment or receipt of cash or other consideration. This transaction shall be accomplished pursuant to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1716).".

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I just came from conference with the House, which we concluded a moment ago, on Agriculture appropriations. All day long somebody said this is going to be setting precedent; that is inappropriate language on this or we have never done that before. All conferences are very much alike when it comes to that because the truth of the matter is, once you get yours in, then it is inappropriate language if somebody else is doing it on something you do not like. That is just a prefacing way of saying that we have a number of proposed land exchanges before my subcommittee.

I was not familiar with this one until Senator STEVENS showed it to me this evening. He makes a very compelling case, and the rule that I am about to break of my own is that I will not accept these things normally on the floor

without a rollcall vote because it really is not fair to all the other people who have gone through introducing bills, holding hearings, got bills reported out in a timely way and considered in an orderly manner on the floor.

The Senator from Alaska makes a very compelling case that the National Trust for Historic Preservation is involved in this, and they are willing to put up some of their own money and buy a building that Senator STEVENS says is one of the most historically, shall I say, important buildings in the State of Alaska.

I asked him to modify it because the language simply said the Secretary could negotiate this deal in the best interest of the United States.

We never used language like that in our committee. The Federal Lands Policy Management Act which we passed I believe in 1976, section 206 of that bill covers this very kind of thing. So I asked the Senator to amend his bill to say that this exchange will be worked out under the terms of section 206. This means they have to be equal value. It has to be in the best interest of the United States, though that is not a part of the language, and everybody will be happy and we will save a historic building. But I also want to say, just because I just looked at this, I want to reserve the right to insist that the House not recede to us on this if we find it has any real problems with it.

I admire the Senator for trying to preserve a piece of property. That is always commendable. I always want to be helpful, so I will not object to the amendment.

Mr. STEVENS. Mr. President, conditions stated by the Senator from Arkansas are, of course, acceptable to me. I would not offer this if it were not for the special circumstances of historic preservation, because we have not offered, I have a whole series of land exchange amendments that I have not offered to this bill because of the other policy. But I do ask that the Senate consider this amendment at this time.

The PRESIDING OFFICER. Is there further debate on the amendment. If not, the question is on agreeing to the amendment.

The amendment (No. 2909), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, let me thank my friends for their patience. This was an amendment that was the last one to be cleared, and I do thank them.

Mr. BYRD. Mr. President, the Senate earlier agreed to an amendment by Mr. WALLOP amending a number on page 2, the number appearing on line 12.

I ask unanimous consent that the same number which appears on line 10, page 3, be amended accordingly.

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

Mr. BYRD. I wish to express my gratitude to the following staff members:

Barbara Videnieks;

Full committee, majority staff: Jim English, Mary Dewald, Anita Skadden;

Full committee, minority staff: Keith Kennedy;

Interior Subcommittee, majority staff: Rusty Mathews, Kathleen Wheeler, Ellen Donaldson, Larry Benna, on detail from BLM, Sue Masica;

Interior Subcommittee, minority staff: Cherie Cooper, Ginny James;

Appropriations Committee support staff: Nancy Brandel, Rheda Freeman, Jack Conway, Bob Putnam, Jodi Capps, Richard Larson, Bernie Babik, Bob Swartz, Clarence Erney, and P. Joe Thomas.

Mr. WELLSTONE. Mr. President, I rise to speak about four very important programs funded through the Department of Energy: the Low-Income Weatherization Program; the Institutional Conservation or Schools and Hospitals Program; the State Energy Conservation Program; and the Energy Extension Service.

These four programs produce significant energy efficiency benefits for all Americans, from the very poor in our society to small businesses and agriculture. With a comparatively small Federal commitment of $240 million, these programs deliver important services which help keep our national energy costs down. These programs make our industry more competitive and allow low-income people to live in homes not unduly exposed to the cold of winter in my home State, and the heat of summer in the South.

Mr. President, this body has proposed a 9-percent cut in these four programs below last year's funding level. Along with my colleague from Vermont, Senator JEFFORDS, I was prepared to offer an amendment which would have restored roughly half of this cut by transferring funds from increases in administrative expenses and program management accounts. I will ask unanimous consent that a copy of that amendment be inserted in the RECORD immediately following these remarks.

I do not intend to offer this amendment. After speaking with the distinguished senior Senator from West Virginia, I have every confidence that my concerns will be addressed in conference. I have engaged in a colloquy with my distinguished colleague from West Virginia and chairman of the Appropriations Committee, and despite the very tight allocations of this bill, he has indicated a desire to try to restore these programs to their 1992 funding levels, which I deeply appreciate.

These programs have already been cut severely, from $558 million in fiscal year 1979 to their $240 level today. If these programs had been frozen at their 1979 funding level, with inflation we would be looking at funding of over $1 billion today. We are sacrificing our future when we cut energy conservation funding. These programs have positive impacts from Maine to Hawaii.

Support for these programs is both strong and bipartisan. Along with 46 of my colleagues I joined in urging a 25-percent increase in these programs for fiscal year 1992. I will ask unanimous consent that this letter also be printed in the RECORD following these remarks.

Energy conservation represents an investment in both economic development and international competitiveness. For example, when our trading partners, such as Japan and Germany are far more efficient than we are, our manufacturing and industrial sectors suffer by paying an energy tax in the price of their products.

This body recently passed a comprehensive energy bill calling for expanded activities in energy efficiency, renewable energy, and a variety of other programs. These four programs are complementary to that legislation, and providing them with increased funding would support energy efficiency efforts in sectors, such as low-income housing, which unquestionably need expanded support. Moreover, increased funding for State energy offices is essential if they are to meet their expanded responsibilities under the national energy efficiency legislation recently passed by the Senate.

Mr. President, I wish to express my deep appreciation for the support which my distinguished colleague from West Virginia has expressed. I urge all of my colleagues to join in supporting increased funding for these four programs.

I ask unanimous consent that the material to which I referred be printed in the RECORD.

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

AMENDMENT INTENDED TO BE PROPOSED BY MR. WELLSTONE FOR HIMSELF AND MR. JEFFORDS TO THE COMMITTEE AMENDMENT

On page 106, between lines 11 and 12, insert the following new section:

SEC. 319. (a) Notwithstanding any other provision of this Act, the amounts otherwise provided in this Act for the following accounts and activities are reduced by the following amounts:

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICE

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

$2,271,000.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

$340,000.

CONSTRUCTION MANAGEMENT

SALARIES AND EXPENSES

$45,000.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

$290,000

RELATED AGENCIES

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Administrative expenses, $3,239,000.

NAVAL PETROLEUM RESERVE

Administrative expenses, $389,000.

EMERGENCY PREPAREDNESS

$150,000.

STRATEGIC PETROLEUM RESERVE

Management expenses, $878,000.

OTHER RELATED AGENCIES

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

$1,325,000.

(b) Notwithstanding any other provision of this Act, under the heading "ENERGY CONSERVATION", under the heading "DEPARTMENT OF ENERGY", the amount provided for energy conservation activities is increased by $4,700,000 and the amount provided for energy conservation programs (as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507(3))) is increased by $9,094,000.

(c) Notwithstanding any other provision of this Act, no funds made available under the heading "ENERGY CONSERVATION", under the heading "DEPARTMENT OF ENERGY", may be used to increase the management expenditures for any program under the Office of Technical and Financial Assistance above the amount made available for fiscal year 1992 or to increase the expenditures for general policy and management above the amount made available for fiscal year 1992.

COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC, June 10, 1992.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to urge your continued support for funding for the Department of Energy's State and Local Assistance Programs (SLAP) at a level of $309.8 million for FY 93. The $309.8 million funding level for the four SLAP programs—the Low Income Weatherization Assistance Program (WAP), State Energy Conservation Program (SECP), Energy Extension Service (EES), and Institutional Conservation Program (ICP)—provide crucial Federal funding for State and local energy conservation services to low-income households, non-profit schools and hospitals, small businesses, and farmers. We believe that these programs are consistent with the goals of the comprehensive national energy strategy currently being considered by Congress, as well as the recently enacted "State Energy Efficiency Programs Improvement Act of 1990" (Public Law 101-440).

The increase in funding for these programs is important in several respects. Public Law 101-440 reduces burdensome restrictions and increases the flexibility of State and local agencies to tailor SLAP programs to meet their individual needs, thereby allowing the money to be used to greatest advantage. In addition, advances in energy efficiency and renewable energy technologies have made possible dramatic improvements in the energy saving potential of the SLAP programs. Increases in the number of eligible energy efficiency and renewable energy technologies, as well as changes in program implementation, will allow the SLAP programs to provide an even greater level of benefits to program recipients.

In addition, because of the large number of eligible recipients of SLAP programs who are not receiving benefits, additional increases in program funding are warranted. This disparity between need and available funding resources is especially serious since oil overcharge funds and set-asides from the Low Income Home Energy Assistance Program to supplement appropriations have been declining.

It is encouraging to note the President's recent decision to request funding for the SLAP programs. The President's budget request for FY93 included increases in SECP/EES from $16.2 million in FY92 to $25 million in FY93 as well as funding for ICP at $30 million for FY93. However, requests for WAP were $80 million, dramatically below last years appropriation of $194 million.

The Administration has also proposed a new Partnership Grants Program under SECP to be funded at $20 million. This new program is designed to promote joint venture energy efficiency, alternative fuels and renewable energy projects between Federal, State, and local governments and the private sector. This innovative concept is supported by the States above the basic SECP/EES appropriation.

Given the passage of Public Law 101-440, the funding proportions in the FY92 appropriation, and increases in the President's budget request, we recommend the following funding levels for SLAP programs: WAP—$250 million; EES—$5 million; SECP—$20 million; and ICP—$34.8 million. We also recommend that the SECP Partnership Grants Program be fully funded and that funding be provided for the WAP Incentive Fund at last year's level of $3 million.

The enormous benefits of the SLAP programs are determined by their effectiveness and the amount of funds the programs have to work with. Congress improved the effectiveness of the programs by passing Public Law 101-440. We urge your support in ensuring that these vital programs have the necessary funds to carry out their important mission by increasing the appropriation to the aforementioned levels.

Sincerely,

Timothy E. Wirth, Chairman, Subcommittee on Energy Regulation and Conservation; Daniel K. Akaka; George J. Mitchell; Dave Durenberger, Thomas A. Daschle; Joseph R. Biden, Jr.; J. Robert Kerrey; Dennis DeConcini; Lloyd Bentsen; Jeff Bingaman; Harry Reid; Christopher J. Dodd; Quentin N. Burdick; Jim Sasser; Wyche Fowler, Jr.; Tom Harkin; Bill Bradley; Paul Simon; Kent Conrad; Wendell H. Ford.

Al Gore, Carl Levin, J. James Exon, Charles S. Robb, John D. Rockefeller IV, James M. Jeffords, John Glenn, Claiborne Pell, Herb Kohl, Howard M. Metzenbaum, Richard C. Shelby, Alan Cranston, Richard H. Bryan, Bob Graham, Edward M. Kennedy, Terry Sanford, Paul S. Sarbanes, David Pryor, Max Baucus, Joseph I. Lieberman, William S. Cohen, Daniel K. Inouye, Paul Wellstone, Donald W. Riegle, Jr., Harris Wofford, Frank H. Murkowski, John F. Kerry.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 5503, the Interior and related agencies appropriations bill for fiscal year 1993, as reported by the Senate Appropriations Committee.

I support this bill and thank the distinguished chairman and President pro tempore of the Senate, Senator BYRD, for deleting several House provisions of serious consequence to Western States.

Mr. President, the pending bill provides $12.6 billion in new budget authority and $8.4 billion in new outlays for various agencies of the Department of the Interior, for the U.S. Forest Service in the Department of Agriculture, for the Fossil Energy and Conservation Programs of the Department of Energy, agencies supporting the arts and humanities, and miscellaneous related agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $12.8 billion in new budget authority, with the inclusion of the emergency items.

To fashion its bill within the budget constraints, the subcommittee again considered budgetary practices to minimize the near-term outlays associated with the bill, or proposals to raise fees or increase receipts to the Federal Government.

I thank the distinguished chairman for forgoing proposals to raise fees for grazing on public lands, and keeping the States' share of the administrative costs for the mineral leasing receipt payment at the current level.

The House included in its version of the bill a provision to modify the Mineral Leasing Program to require the deduction of the full cost of administering the program prior to the distribution of mineral leasing receipt payment to the States.

For my home State of New Mexico, this would be a serious blow. Under the House proposal the State of New Mexico would lose approximately $8.7 million in receipts from the current level. All of these funds are earmarked directly for education programs for New Mexico's children.

I join my colleague from Wyoming, Senator WALLOP, in strongly opposing the House provision, which, as currently administered, unfairly burdens the States with costs not solely related to the administration of the Mineral Leasing Program. This proves a great hardship on my home State.

Mr. President, I am pleased that the committee has funded the Interior and Wildland Firefighting Programs at the administration's request.

As the Senate subcommittee so clearly recognizes, a certain level of expenditures for expenses to fight fires can be foreseen. The committee includes $300.6 million which reflects the previous 10-year average for the costs of emergency rehabilitation and wildfire suppression activities for both the Forest Service and the Bureau of Land Management.

The committee has also included $192 million, as requested by the administration, to establish an emergency contingency element. These funds, or any part, will only be available upon a Presidential designation of the funds as emergency requirements for the purpose of the Budget Enforcement Act of 1990.

Mr. President, I have some reservations about the new emergency pest management account established in both the House and Senate bills. The Senate recommends $20 million for this account.

In taking this action, the subcommittee reduces funding for the State and private forestry account of the Forest Service, and frees up such amounts to be spent on other domestic discretionary projects and programs.

The administration strongly objects to this provision because it would preclude the use of funds in the emergency pest management account unless the President declares this spending as an emergency, and thus, outside the spending caps in the budget enforcement act.

Because pest suppression costs can be reasonably anticipated and funded in advance, the Office of Management and Budget would not recommend that the President declare these funds as an emergency.

Mr. President, the subcommittee has also included $14 million in National Park Service operation funds for conversion of the Presidio in San Francisco from a military installation into a national park. The committee has assumed these funds as defense discretionary spending, however, the Office of Management and Budget will score these funds as domestic discretionary spending.

In all, Mr. President, I believe the distinguished chairman of the Senate Appropriations Committee has done all that he can to address the urgent requirements of the Department of the Interior, the Forest Service, the Fossil Energy and Conservation Program of the Department of Energy, and various arts agencies.

I will support the bill as reported, as I did during subcommittee and committee consideration of the bill. I will strongly oppose any attempts to amend this bill to increase grazing fees on public lands.

I will also work in conference to minimize the negative impact of the provisions in this bill on the Western States, including the mineral leasing receipt payments provision, which has such a serious impact on my home State of New Mexico.

I thank the chairman for the review and consideration he gave to the many issues in this bill that I brought to his attention. I appreciate his support for many important programs of particular interest to New Mexico.

I urge the adoption of the bill.

REID AND BUMPERS AMENDMENTS NUMBERED 2882 AND 2881

Mr. SIMPSON. Mr. President, we have visited this issue many times. This is an extremely important issue particularly to the West but, indeed, one which would have serious consequences for the entire country.

The amendment by the Senator from Arkansas would impose a moratorium on the issuance of mining patents. He would affect most significantly the manner in which hard rock minerals are developed in this country.

As the Senator from Alaska so eloquently stated this morning, the 1872 mining law is the last remaining cornerstone of the private-public land ownership relationship which created this noble country. Today, this relationship only exists in the West.

It is a very special relationship and one that you must experience and deal with first hand before you can ever possibly fully understand the dynamics, the benefits and the disadvantages. I trust my colleagues will listen to those of us from the States most affected by this issue.

I would encourage our dedicated and dynamic colleague from Arkansas to accept the invitation from the Senator from Alaska. Before we change the rules that have sustained American mining for over 100 years, the Senator should go out into the land and see and taste and touch the issue as fully as those who know it best see it and feel it.

Land and water and minerals are truly our lifeblood in the West. They are vital to our very survival. The relationship—the interdependency—that exists between private individuals and the Federal resources may be very difficult to understand when you are from a State that has very little public land.

Hard rock mining in the West under the existing mining law continues to be just as important as our original homestead laws. The Senator from Arizona made that point very clearly—and I trust our colleagues heard well what he said. No one should consider the mining law a subsidy for persons dwelling in the West today. This Government had to encourage people to take extreme risks in moving West that they might not have otherwise made, all in order to develop this Nation.

The same continues to be true for the hard rock mining industry. The risks are extreme—both financial and personal—and I think, upon closer scrutiny, we will see that the benefits to the Federal Government from a strong and healthy mining industry are real and would be very much in jeopardy should the proposal offered by our colleague from Arkansas become law.

It is sophistry to carve out a single claim or activity, a particular river or piece of land, or a specific agricultural product, and judge its worth by the revenue it generates for the Federal Government. These resources are all integral components of a much larger picture of our national productivity.

There are indeed some large companies—many foreign owned—that develop important mineral resources. But the vast majority of claimants are individuals. They are citizens who pay local and State taxes—they pay high Federal taxes—and they work doggedly to make a living from an often hard and unforgiving earth. They invest time, labor and money in the exploration and development of minerals that we desperately need in our daily lives. They make improvements to lands that might not occur otherwise.

The discovery of a mineral resource leads to production of that mineral, transportation of the mineral, marketing and sale of the mineral. All of these activities generate needed jobs and revenues for the local, State and the Federal Governments.

We are receiving important benefits from our mineral resources and the Federal Government is getting a pretty good deal from the 1872 mining law. It fits into the social, political, and economic system that we have in the West. The mining law serves a fine purpose and I must ask you to strongly consider the devastating consequences for our States' economies that we in the West will most assuredly have to pay should the Bumpers amendment pass.

PACIFIC YEW

Mr. LAUTENBERG. Mr. President, I rise in support of the fiscal year 1993 Interior appropriations bill, and to commend the distinguished Senate Appropriations chairman, Senator ROBERT C. BYRD, for his outstanding efforts on this bill.

This legislation includes an important provision which parallels a provision of the Pacific Yew Act, which I introduced last month along with several of my colleagues, to govern the forest shrub whose bark is the source of taxol, a promising new cancer fighting drug.

This legislation includes language which permits the Secretary of Agriculture to use moneys received from the sale of Pacific yew from public lands to fund the costs incurred by the Forest Service in harvesting the yew. This provision would help expedite the development of taxol by making available greater quantities of its source, the Pacific yew tree.

Cancer is a disease which touches us all. We may be lucky enough to avoid getting cancer ourselves, but nearly every one of us has a loved one, a friend, or a colleague who has had to deal with battling this debilitating disease. Every year nearly 1 million Americans learn they have cancer. All of a sudden their lives are reduced to hope, percentages, and uncertainty.

I've faced cancer in my own family and know from personal experience the deep and lasting pain it can leave when it steals our loved ones from us. My State of New Jersey ranks fourth in cancer deaths nationwide. And the incidence of cancer is 13 percent greater in New Jersey than the national average. What a terrible waste of human potential. We must respond aggressively to this pressing public health concern.

Scientists say that taxol is the most promising cancer-fighting drug to be developed in the last 15 years. The story of taxol is an interesting one. In 1960, the National Cancer Institute created a natural products program and sought assistance from the U.S. Department of Agriculture to test everything and anything which might provide a cure for cancer.

Things were tested as potential cures that most of us ignore or take for granted: twigs, insects, moss, fungi. Hundreds and hundreds of samples were collected and screened. Hundreds. And only one proved to be a promising cure for cancer in human beings. One.

The promise is called taxol, an extract from the Pacific Yew tree which grows in the old growth forests in the Pacific Northwest. The bark of the Pacific yew tree is the only known source of taxol. Yet, until recently, the yew tree was viewed as a mere nuisance in the way of harvesting valuable lumber. Now the yew is the "tree of hope" for cancer victims of today and tomorrow, many of whom would count hope as their most valuable possession.

The National Cancer Institute has been testing taxol on women who have refractory ovarian cancer for which no other treatment has proven effective. And the results of NCI's clinical trials are very encouraging. NCI has initiated studies on other types of cancer as well and reports that it appears likely that taxol may play a significant role in fighting breast and other types of cancer.

But the major problem with taxol is that there isn't enough of it. The only current source of taxol for clinical trials is the bark of the Pacific yew. It is difficult and time consuming to procure adequate quantities of the drug. To place this in perspective, Mr. President, it takes the bark of three 100-year-old yew shrubs to treat a single cancer patient. It takes 750,000 pounds of dried yew bark to get enough taxol for about 12,000 patients.

To help ensure rapid development, testing, and approval of taxol, the National Cancer Institute signed a cooperative research and development agreement with Bristol-Myers Squibb Co. which is responsible, under the agreement, to develop and provide an adequate supply of taxol to NCI for clinical trials. An important component of that agreement calls for Bristol-Myers Squibb to research alternative sources for the drug. The company has invested considerable resources in developing alternative sources for the drug including extract from yew needles, plant tissue culture, genetic engineering, tree planting and total chemical synthesis. NCI estimates that within 5 years it will no longer be necessary to rely on yew bark as a source for taxol.

Mr. President, I have read accounts of yew trees being left to rot and burn after a logging operation. We must treat these trees like the precious resource that they are. We cannot afford to let any more time elapse without increasing the protection of these "trees of hope."

I am glad that this legislation supports the Pacific Yew Act in making funds from the sale of the yew bark available to be reinvested in the Forest Service's yew harvesting program.

INSPECTOR FOR PORT OF PHILADELPHIA

Mr. LAUTENBERG. Mr. President, this legislation includes an important provision, at my request, to restore a part-time inspector at the Port of Philadelphia.

Under the Endangered Species Act of 1973, all fish and wildlife products, with limited exception, imported or exported through U.S. seaports and airports must be inspected by an authorized Fish and Wildlife inspector. In addition, this cargo must pass through a port designated to accept such cargo or shippers must obtain a designated port exception permit issued by the Fish and Wildlife Service. A wide range of cargo is covered under the Endangered Species Act, including products such as lizard watchbands, leather sofas, fur coats, and leather shoes.

The Port of Philadelphia is not one of the Fish and Wildlife Service's 10 designated ports. Until recently, however, the Port of Philadelphia was able to accept cargo regulated by the Endangered Species Act because a part-time inspector from Newark, NJ traveled to Philadelphia about once per week to inspect the cargo under a nondesignated port exception permit. When that wildlife inspector's position became vacant the Fish and Wildlife Service, citing inadequate funding and personnel, failed to hire a replacement inspector to service the Port of Philadelphia. As a result, cargo is no longer eligible for a designated port exception permit at the Port of Philadelphia.

The loss of an inspector has an adverse impact on the amount and type of cargo that can be handled at the Port of Philadelphia. Unless a part-time inspector is reinstated in Philadelphia, the port will no longer be able to receive shipments subject to regulation under the Endangered Species Act. Perhaps of even greater concern, however, is the potential loss of business from large shippers, like retail stores, who may choose to bypass Philadelphia for all of their imports. Importers tend to utilize as few ports as possible but expect full Government services regardless of the type of cargo.

A part-time inspector would ensure the issuance of designated port exception permits to shippers and help the Port of Philadelphia continue to play a vital role in the Philadelphia-southern New Jersey region's economic well-being.

I am thankful that this legislation includes funding to support restoration of a part-time inspector at the Philadelphia Port.

NATIONAL PARK SERVICE

Mr. LAUTENBERG. Mr. President, this legislation makes important investments in the preservation of our Nation's natural and cultural heritage, through its support of the National Park Service, the U.S. Fish and Wildlife Service, and the Forest Service. It also provides essential support for the National Foundation on the Arts and Humanities as well as for the National Holocaust Memorial Council.

I would like to discuss a number of items involving parks, historic preservation, and open space that are important to my State and are addressed in this legislation.

PROTECTING THE NEW JERSEY SHORE FROM OIL SPILLS

Mr. President, I'd like to express my support for the bill's provision banning OCS leasing activities on least sale 164, which includes the Mid-Atlantic planning area, including the waters off the New Jersey coast. The Senate bill retains the House report moratoria language, and I am very pleased that the committee chose to support my request to include the moratoria in the Senate bill.

This language is consistent with Senate action earlier this year. During the Senate's consideration of S. 2166, the National Energy Strategy Act, the Senate included a provision which would ban leasing off New Jersey for the remainder of this decade. The House companion bill includes a moratorium along the entire east coast of the United States.

In 1988, then-candidate George Bush visited the New Jersey Shore. He called the pollution of our coastal waters and beaches a national tragedy, and promised to protect the Nation's shores. Yet, in his June 1990 OCS moratoria decision, the President protected only a portion of the Nation's coastline. Although he recommended moratoria for most of the west coast, much of New England and certain areas off western Florida, the President flatly ignored New Jersey and the other Mid- and South Atlantic States. That decision effectively discriminates against those States by saying that other offshore areas are somehow more sensitive and more deserving of protection.

It took the National Academy of Science 3 years, and the President's OCS Task Force another year, just to conclude that the areas placed under moratoria needed further study. And the President's decision called for an additional 6 to 10 years of study to determine the environmental impacts on these States. How can the administration already have all the answers for New Jersey and the other unprotected States? The answer is, it cannot.

Obviously, the President does not believe that these States deserve protection. But the economies of these unpro-

tected States rely heavily on their coastal resources. And spilled oil can have devastating effects on a State's commercial and recreational industries, not to mention the damage it can inflict on its marine and estuarine systems.

The waters off New Jersey are just as precious as those covered by the President's ban: Our beaches deserve equal treatment. Since the June 1990 decision, I have sent several letters to the President, and have met with the Director of the Minerals Management Service. In each instance, I have urged that New Jersey receive the same type of environmental reviews as those States which obtained moratoria. Unfortunately, the MMS is proposing to make available vast acreage off the eastern seaboard for oil and gas leasing. It's now up to the Congress to remove the prejudice and instill some justice into the OCS planning and leasing processes.

In the wake of the gulf war, the administration's national energy strategy proposed increasing our domestic production to offset our dependence on foreign oil. And OCS development was to play an important role in the administration's energy plan. Yet, even if we did develop all of the unleased portions of our OCS, it would provide us with less than 1 percent of world oil supplies. The Mineral Management Service has estimated that there is less than a month's worth of oil in lease sale 164.

These are meager benefits in the face of the potential economic and environmental risks posed to our vulnerable coastal States, and OCS development would do little to affect our reliance on the volatile world oil markets.

Increasing domestic oil production from our ocean waters is a short-term fix to our shortage of oil. The United States simply does not possess large enough reserves—on land or offshore—to satisfy this Nation's insatiable appetite for oil. The United States has the highest per capita energy consumption rate in the world. If we truly want to wean ourselves from foreign oil dependence, the answer lies in reducing our use of oil, and increasing our use of alternative fuels and renewable energy—not in increased domestic oil production from our ocean waters.

I commend the Senate Appropriations Committee for its attention to this very important issue.

LAND ACQUISITION FOR WILDLIFE REFUGES AND PARKS

Mr. President, this legislation also contains funding for refuge land acquisition that is of special significance to my State. New Jersey is the most densely populated and urbanized State in the Nation, but New Jersey also has many beautiful natural areas that are home to diverse plant and animal life. The fact that New Jersey is so urbanized, makes the preservation of our remaining undeveloped areas that much more important.

The New Jersey coast is an area that feels the pressure of development very acutely. I'm very pleased that, at my request, this legislation contains $5 million to continue acquisition of critical properties at the E.B. Forsythe National Wildlife Refuge.

The Forsythe Refuge includes critical wintering habitat for black ducks and Atlantic brant, as well as habitat for the peregrine falcon, blue heron, and the piping plover.

Last year, I worked with the chairman to provide $4 million to enable the Fish and Wildlife Service to continue acquisition at the Forsythe Refuge. Recently, the Fish and Wildlife Service obtained title to the properties with money Congress appropriated last year. I'm very pleased that acquisition has begun, but more funding is needed to continue this very important project.

This money will provide a shot in the arm for conservation efforts at the Reedy Creek unit, the Brigantine unit and the Mystic Shores area of the Forsythe Refuge.

In 1990, the Senate passed my legislation to establish in law the Wallkill National Wildlife Refuge, and later Congress appropriated funds to begin acquisition there. Recently, I had the privilege to join with others in the dedication of the Wallkill Refuge. This year, I would like to commend the committee for its inclusion of $2.5 million to continue land acquisition at the Wallkill Refuge.

The Wallkill River and its adjacent lands comprise one of the last high-quality waterfowl concentration areas in northwestern New Jersey, and is home to a diversity of wildlife, including many State-listed endangered species. These acquisitions are another important step in the conservation of ecologically significant land in New Jersey.

Mr. President, I would also like to point out that, at my request, this legislation contains $1.375 million for land acquisition at the Great Swamp National Wildlife Refuge. This refuge, located 25 miles west of New York City, is under heavy development pressure. The acquisition of land provided for in the bill will prevent encroachment from residential development that is rapidly destroying valuable habitat, degrading water quality, and threatening the ecological integrity of the swamp.

This legislation also provides $3.5 million for land acquisition at the Cape May National Wildlife Refuge. The Cape May Refuge is divided into two sections, the Delaware Bay Division and the Cedar Swamp Division, and includes land considered among the Atlantic flyway's most important staging and wintering areas during spring and fall bird migration. The refuge also contains habitats important for various plant species being considered for Federal threatened or endangered listing.

I also want to thank the chairman for his help in having $3 million included in the legislation for continuing land acquisition within the Pinelands National Reserve.

Created by Congress in 1978, the Pinelands marked the first application of the national reserve concept. The Pinelands Reserve is comprised of 1.1 million acres of land that spans seven counties, and is characterized by low, dense forests of pine and oak, cedar and hardwood swamps, bogs, marshes, and pitch pine lowlands. The reserve contains 12,000 acres of pigmy forest which is made up of dwarf pine and oak smaller than 11 feet in height. Also, the reserve houses 850 species of plants and 350 species of animals including rare species such as the pine barrens tree frog.

Three major rivers run through the reserve. Funding for land acquisition in this area will be matched by New Jersey State funds making a minimum of $6 million available to preserve this unique area.

Overall, this legislation contains more than $15 million for land acquisition in New Jersey's parks and refuges, and I'm extremely pleased that we are taking important steps to protect and preserve these environmental treasures and open spaces for ourselves and for our children.

NEW YORK-NEW JERSEY HIGHLANDS

Mr. President, this legislation contains two important projects relating to the New York-New Jersey Highlands region. This bistate region consists of 1.1 million acres and serves as the backyard to the Nation's largest metropolitan area—1 in 12 Americans live within a 1- to 2-hour drive of the highlands.

The 1990 farm bill authorized the Secretary of Agriculture, using the resources of the U.S. Forest Service, to conduct a study of the New York-New Jersey Highlands region. To accomplish the study, Congress appropriated $250,000 to examine land use patterns and to outline alternative strategies to protect the long-term integrity of lands within the region. That study is in the final stages of agency review and is scheduled to be released this week.

I understand that the final study recommendations will highlight the immediate need to protect certain threatened tracts of land which are critical to protecting the quality of the region's water supply. There are 10 major reservoirs and more than a dozen smaller impoundments located in the highlands which, according to the Forest Service, supplies drinking water for over 3.8 million people in New York and New Jersey. Water quality cannot be compromised; it is an essential link to protecting public health and the economic well-being of the region.

The analysis that the Forest Service study provides is a good first step. Now it is essential that efforts be made in this bistate region to develop an accurate understanding among the varied interest groups of the impacts of development on the region's economy and environment, and to develop actual conservation and development goals.

We know that there are resources of national significance in the highlands, but we do not know the location and type of development that will place those resources in jeopardy. The funding that I requested would be used to develop tools so local and State governments can intelligently assess the trade-offs necessary to protect the economic and natural resources of the region.

Mr. President, the Forest Service, in cooperation with the Soil Conservation Service, Rutgers University and the States of New Jersey and New York, would develop for the highlands region a natural resource information system using the latest Geographic Information System [GIS] technology. The information system would provide useful analytical tools for identifying and protecting the resources of the region. Through the GIS, current land use will be inventoried and evaluated, and areas most likely to contribute to pollution of surface and ground water could be located. The information system would facilitate comprehensive State and county planning efforts, and help evaluate environmental and economic impacts of decisions.

The Forest Service would oversee creation of a Regional Information Council for the highlands which would serve the important role of reviewing the development of the GIS, and serve as a forum to discuss and provide direction on policy issues regarding protection of the region's resources. The council would have no regulatory powers and would be charged with developing a strategy for encouraging conservation of important tracts of land as well as to promote the economic well-being of the region.

Also included in this legislation is $15 million for the Forest Legacy Program, of which up to $5 million is available to assist in the preservation, on a willing seller basis, of Sterling Forest or other critical properties in the New York-New Jersey Highlands. The Forest Legacy Program is important to highly urbanized States like New Jersey which do not share in the Federal funds allocated for national forests. I would like to commend my colleague, Senator LEAHY, for his efforts in developing and for being a champion of the Forest Legacy Program.

Sterling Forest consists of 19,500 acres of forested ridges and valleys, lakes, streams, and wetlands. The 2,000 acres of the forest which lie in New Jersey is in the process of being acquired by Passaic County. The remaining 17,500 acres of the forest are located in Orange County, NY. According to the Forest Service, Sterling Forest provides critical protection of the watershed which provides over 2 million people in New Jersey with clean drinking water. I am glad that this legislation makes available funding, through the Forest Legacy Program, to help protect some of the important resources like Sterling Forest in the highlands region.

GATEWAY NATIONAL RECREATION AREA

Mr. President, I also want to point out that this legislation contains $9.25 million to improve the beach centers and wastewater treatment system at Gateway National Recreation Area's Sandy Hook unit.

Sandy Hook continues to be an especially important recreation spot for residents of highly urbanized areas of New Jersey. Gateway quickly became one of the Nation's most popular national parks, and each year millions of people travel to New Jersey to take advantage of Sandy Hook's acres of barrier beaches, bays, lighthouse, and historical forts.

With the funding that I requested, the Park Service could begin working on the beach centers and wastewater treatment facilities which are in dire need of upgrading to keep them safe and clean for Sandy Hook's numerous visitors.

AMERICAN LABOR MUSEUM

I am very pleased that the committee included $140,000 to correct structural deficiencies at the American Labor Museum in Haledon, NJ. In 1974, the American Labor Museum was placed on the National and State Registers of Historic Places. In 1983, the Labor Museum was designated a National Historic Landmark and in 1986, the museum was the subject of a National Park Service report which evaluated the endangered status of the landmark. The funding sought under this year's Interior bill would be used to rectify some of the most pressing structural deficiencies of the site as outlined in the National Park Service's own report.

Mr. President, this project has a personal significance to me. My father worked at the Paterson silk mills and the American Labor Museum earned its designation as National Historic Landmark for its critical role during the Paterson silk strike of 1913.

The building was the home of Italian immigrant silk workers, Peitro and Maria Botto. The Bottos opened their home as a meeting place for fellow striking silk workers who were banned from Paterson by hostile authorities. The strike is considered a milestone in the Nation's history because of the effort to reform the American workplace. This strike attracted nationwide publicity which was instrumental in gaining momentum for the adoption of Federal child labor and minimum wage laws.

The National Park Service had this to say in its 1986 National Historic Landmark Condition Assessment Report:

> A watershed in American labor history, the strike marked the emergence of non-English speaking immigrants as the major labor force in the Northeast. The nationwide publicity this strike engendered was instrumental in the development of the American social conscience and the adoption of Federal child labor and minimum wage laws. The weekly meetings held * * * at the Botto House were important in maintaining worker solidarity.

Today, the Botto's house is owned and operated by the American Labor Museum, a nonprofit organization devoted to advancing public understanding of work, workers, and the labor movement in the United States. The National AFL-CIO has encouraged unions and others to support the Labor's Museum activities.

If the museum is to be successful in its important mission, structural renovations are sorely needed. I hope my colleagues will join me in endorsing this legislation which provides a small, but important, investment of Federal dollars to improve this threatened National Historic Landmark which serves as a tribute to the national labor movement.

Mr. President, I would again like to commend the distinguished chairman for his outstanding work on this bill and for his cooperation, assistance, and attention to the needs of the State of New Jersey. I would also like to commend the chairman's chief clerk, Sue Masica, for her very helpful and competent assistance. I also would like to thank Rusty Mathews for his assistance.

I urge my colleagues to support this legislation.

WHITE CLAY CREEK

Mr. BIDEN. Mr. President, northern Delaware and southeastern Pennsylvania are in the heart of the megalopolis, as some call it, stretching from New York City to Washington DC. Most would not consider this area the likely host for a wild, scenic and recreational river. And if not for the efforts of thousands of citizens in Delaware and Pennsylvania over the years, that impression would be correct.

But in the middle of this urban sprawl is a natural treasure, the White Clay Creek, that starts in the southern corner of Pennsylvania and winds its way into northern Delaware, and then across the State to the Christina River and the Delaware Bay. Last year, Congress passed a bill to designate the White Clay Creek and its tributaries for study under the Wild, Scenic and Recreational Rivers System. It is a study that is just getting started, but one that many of us hope will form the basis for lasting protection of this regional treasure.

I have long supported the efforts of local citizens to protect the White Clay

Creek from overdevelopment. Earlier this year, I was joined by my Senate colleagues from Delaware and Pennsylvania in writing to the chairman of the Interior Appropriations Subcommittee, Senator BYRD, to request funding for this important study. I am pleased that the chairman and the subcommittee included funding for the study in the committee report.

As I stated, the National Park Service has started the study process. If this study is to be completed in a reasonable timeframe, and be of the quality that the citizens of the region have the right to expect, committee and congressional support is important. The committee report makes clear that this study should remain a priority of the National Park Service.

This study will help bring together Federal, State and local actions in a coordinated manner for the benefit of White Clay Creek and future generations. I look forward to working with the National Park Service on this study through its completion.

Mr. KERRY. Mr. President, I want to indicate my support for the Interior appropriations bill and I want to congratulate Chairman BYRD and ranking members HATFIELD and NICKLES and other members of the subcommittee and full committee for their efforts in bringing this bill before us today.

I know it was an especially difficult task this year given the restraints of an extremely tight budget and the ever-growing demands for additional protections for our natural resources and national heritage that are this subcommittee's charge.

Among the pressures with which the subcommittee must contend each year is the understandable desire by many Members to accord the status of national parks and forests to significant natural or historic areas in their States. There are many very deserving parks and forests, wildlife refuges and national historic sites, including many in Massachusetts, that merit inclusion in the National Park System, but limited financial resources tied the subcommittee's hands in 1992.

I hope that we can take the necessary steps to turn this economy around and get our Federal budget under control so that in future years the subcommittee, full committee, and the Senate will not labor under such handicaps in our efforts to meet fully the important obligation to preserve our national resources and heritage for future generations.

While I have some reservations about particular measures and some disappointments about some omissions, given the current situation I am pleased that a number of important Massachusetts components of the park system were selected for expansion or reconstruction, and I express my appreciation to Chairman BYRD, the ranking members, their colleagues and the staff.

In addition to the commission funding, the Lowell Historic Preservation Commission in Massachusetts received funding to continue land acquisition and complete construction of the Boott Mill Museum. A unique component of the National Park System because of its urban setting, the Lowell Urban Park serves as a commemoration of the technological resources and the human stories behind the Industrial Revolution.

Lowell is recognized as one of the Nation's most successful partnership parks. The cooperative relationship developed in Lowell between the NPS, the Commonwealth of Massachusetts, the city of Lowell and the private sector continues to yield a tremendously cost-effective and high quality historic preservation and public education effort. Lowell serves as a commemoration of the technological resources and the human stories behind the Industrial Revolution. The Lowell Historic Preservation Commission has worked well with the NPS to facilitate the historic preservation and cultural programs of Lowell since its establishment 14 years ago. I am pleased that the committee included funds for the Lowell Commission and to continue rehabilitation of the park's main historic building, the Boott Cotton Mills.

Another important historic site is the U.S.S. *Constitution*, the oldest commissioned warship afloat in the world. Both the warship and the adjacent U.S.S. *Constitution* Museum received $2 million in funding to complete the remaining Federal component of this private-public partnership. The museum has committed to raising half the funds needed to expand its facilities in an effort to increase its innovative educational programs and important conservation work to preserve priceless objects and papers that tell the story of the ship and the events and people related to her history.

I am pleased that two other important NPS facilities, Salem Maritime National Historic Site and the Adams National Historic Site, received additional funding for development of their sites. The Adams site, located in Quincy, interprets the lives of two Presidents, John Adams and John Quincy Adams, and four generations of the Adams family. The NPS' special resource study of Quincy highlighted the need for repairs to the United First Parish Church where both Presidents and their wives are buried, and rehabilitation of the historic home, carriage house and barn. Because visitation has increased by 147 percent in the past year, a shuttle system has been proposed to enable visitors to experience all portions of the historic site parts of which are over a mile from each other.

The Salem Maritime National Historic Site received additional assistance to continue its efforts to rebuild the wharves and to establish a new visitor center in the renovated old armory. This funding is critical to continue the 4-year effort to complete this nationally significant site which depicts the lives of those who were directly involved in the trading routes to the Far East.

In addition to NPS projects, I am pleased that Massachusetts received additional funding for the U.S. Geological Survey [USGS] National Coastal Geology Program to continue a major regional study of polluted sediments in Boston Harbor and the Massachusetts Bay. The Massachusetts Water Resources Authority [MWRA] provides additional funding from its monitoring budget and with this combined funding the program maps sediment contamination throughout the bay area and develops long-term sampling and numerical models of water circulation patterns to more accurately predict sediment buildup.

Unfortunately, for reasons I have outlined, many of these worthy projects—some of which I've previously mentioned, including Salem and Lowell, and others such as the Cape Cod National Seashore—received significantly less funding in this bill than in the House's bill. I look forward to working with Chairman BYRD and ranking members HATFIELD and NICKLES in the hope it will be possible to find a way to support the House funding levels in conference.

In closing, Mr. President, I once again commend my colleagues for their work on this bill, and the committee staff, especially Sue Masica who has been very generous with her time and attention. The bill is a particularly impressive accomplishment for them given the fiscal constraints under which they labored. I look forward to working with all of them as the process continues toward a conference committee.

INDIAN SATELLITE TREATMENT FACILITIES

Mr. REID. Mr. President, I want to take this opportunity to clarify the intent of language contained in Senate Report 102-345, concerning the location of the Phoenix area satellite facility to be established pursuant to the Indian Alcohol and Substance Abuse Prevention and Treatment Act. Schurz, NV, was the original site proposed for the Phoenix area satellite facility. For a variety of reasons, however, discussions between the Indian Health Service and the Walker River Paiute tribal government failed concerning the location of the satellite facility at Schurz, NV, which falls within the bounds of the Walker River Reservation.

Since that time, tribal governments in the Phoenix area have participated in ongoing discussions concerning an alternate site for the satellite facility. Recently, tribal governments in the Phoenix area have reached agreement on the alternate site. Therefore, the re-

port language adopted by the committee is intended to provide the Indian Health Service with the legislative authority required to change the location of the proposed regional youth treatment center satellite from Schurz, NV, to an alternate site to which Phoenix area tribal governments have agreed.

Mr. BYRD. Is it the Senator's understanding that the tribal governments in the Phoenix area have agreed to an alternative site in Nevada?

Mr. REID. Yes, indeed it is my understanding that both the Intertribal Council of Nevada and the Intertribal Council of Arizona have endorsed locating the Phoenix area satellite facility on the reservation of the Fallon Paiute-Shoshone Tribes in Fallon, NV. In addition, tribal governments within the Phoenix area which are located in Utah have endorsed changing the designated location of the satellite from Schurz to Fallon, NV.

Mr. President, funding for planning, design and renovation has been appropriated previously and allocated for the establishment of a youth regional treatment center satellite at Schurz, NV. I would like to inquire as to whether it is the intent of the committee that, in proceeding with the establishment of a satellite facility at the alternate site agreed upon by tribal governments in the Phoenix area—the Indian Health Service will reallocate unexpended funds toward the establishments of the satellite facility at the alternate site in Fallon, NV.

Mr. BYRD. I would say to my colleague from Nevada that the committee is in agreement that this is how the Indian Health Service should proceed.

Mr. REID. I wish to clarify another point, namely, that it is understood that the Indian Health Service will have to develop program specifications, including space requirements, appropriate for the establishment of the satellite facility at Fallon, rather than Schurz, NV. Unlike Schurz, there are no Indian Health Service buildings in Fallon, NV suitable for renovation. Location of the youth regional treatment center satellite at the agreed upon alternate site will therefore require construction of a building according to specifications developed by the Indian Health Service.

Mr. BYRD. It is the committee's expectation that construction of a youth regional treatment facility at Fallon will not exceed specifications appropriate for a satellite facility.

Mr. REID. I understand the term, satellite, does not refer to the size of a facility or to the extent of the services offered at any given facility. Rather, a satellite facility refers to the timeframe for inpatient treatment. In the case at hand, the proposed youth regional treatment satellite in Fallon, NV, would offer inpatient services for a period not to exceed 30 days, while the primary facility located at Gila River, AZ, would offer inpatient services for a period up to 90 days.

Mr. BYRD. I hope that this discussion clarifies the committee's intent with regard to the location of Phoenix area satellite facility in Nevada for regional youth treatment.

Mr. REID. Mr. President, I thank Chairman BYRD for discussing this issue which so greatly affects the Indian tribal governments in my home State of Nevada. Let me assure him that I am quite pleased with the increases made on behalf of the Indian Health Service and congratulate him for his leadership with regard to this program.

FUEL CELL VEHICLES

Mr. HARKIN. Mr. President, I would like to engage the chairman of the Appropriations Committee in a colloquy.

As the chairman knows, the Interior appropriations bill before us today includes $15 million for a new hybrid vehicle project within the Department of Energy's Electric and Hybrid Propulsion Development Program. My understanding is that the Department of Energy anticipates awarding three competitively bid contracts to develop hybrid propulsion systems by the 1997 time period. These propulsion systems would be battery powered, but with an auxiliary source of energy to extend the range of any vehicles in which they are integrated. Does the chairman understand that to be the case?

Mr. BYRD. Mr. President, the Senator from Iowa is correct.

Mr. HARKIN. I am a strong supporter of hydrogen powered fuel cell vehicles. These would actually be hybrid vehicles, in the sense that any fuel cell vehicle would have some batteries for getting started and for acceleration. The fuel cell provides the range extensions, just as some type of fossil fuel powered engine provides extra range in a hybrid vehicle.

But the fuel cell vehicle powered by hydrogen, unlike a fossil fuel powered hybrid, would produce no emissions. A fuel cell vehicle would satisfy the California 1998 Zero Emission Vehicle [ZEV] requirement.

This Nation needs an advanced fuel cell program, to develop an air-breathing, proton exchange membrane [PEM] fuel cell vehicle powered directly by hydrogen. PEM fuel cells could become the primary source of energy for hybrid electric vehicles in the 21st century, and I want PEM fuel cells to be manufactured in America.

Is it the chairman's understanding that the PEM fuel cell powered vehicles powered by direct hydrogen would qualify for the hybrid vehicle contracts funded in this Interior appropriations bill?"

Mr. BYRD. I appreciate the Senator's concern about both the need to support fuel cell technology, and the importance of such technology. The Department of Energy informs me that there are still many technical and economic hurdles which remain before industry could commercialize fuel cell hybrid vehicles. Programs which propose direct hydrogen fuel cell propulsion systems will be eligible to compete for the hybrid vehicle contracts on an equal basis with other hybrid systems.

SUBMARINE TAILINGS

Mr. STEVENS. Mr. President, I recently learned of a project related to an interesting environmentally preferred option for mine tailings disposal. The Bureau of Mines at the Department of Interior has expressed an interest in studying submarine tailings disposal which has been successfully used by the Canadians. Are the Chairman and Senator NICKLES aware of the work planned by the Bureau and can any funds be made available for this activity?

Mr. NICKLES. I have heard of the tailing disposal method that Senator STEVENS mentioned. Of course we are always looking for the most environmentally sound method to conduct mining activity. I would encourage the Bureau of Mines to expedite work on what appears to be a promising, environmentally sound option to allow even safer mining in the future.

Mr. BYRD. I too am glad to hear of this forward-thinking work by the Department and Bureau. If my colleagues concur, I think the Bureau should move ahead with this project. Within available funds, the Bureau should enter into a cooperative agreement with private industry to develop a field demonstration project and study and provide material for laboratory testing to determine the environmental safety and economic feasibility of submarine tailings disposal.

Mr. NICKLES. I think the Bureau should do that in fiscal year 1993.

Mr. BYRD. I concur.

Senator STEVENS. I thank the chairman and ranking member.

WEATHERIZATION ASSISTANCE

Mr. HATFIELD. Mr. President, I would like to address the distinguished chairman of the Appropriations Committee and the ranking member on the Interior Appropriations Subcommittee to raise a concern which we discussed in the Committee meeting. The Department of Energy's Weatherization Assistance Program is funded at $177.6 million in this bill which is a decrease of 8 percent or $16.8 million below its fiscal year 1992 level. I am aware of the difficult constraints the subcommittee faced in trying to accommodate so many demands on this bill. This Committee recommendation is a formidable achievement. However, I remain concerned the Weatherization Assistance Program, which reaches out to low-income Americans, was reduced while funding in other energy conservation activities, including program administration and management, were increased above the fiscal year 1992 levels.

In the Technical and Financial Assistance Office which administers seven activities: Weatherization assistance accounted for 71 percent of the funds in fiscal year 1992; 6 percent of the funds were in the State Energy Conservation program; and 11 percent of the funds were in the Institutional Conservation program. Each of these programs are reduced by 8 percent from the fiscal year 1992 levels. Yet, while this bill reduces the Office's largest responsibilities, it adds $3 million to the management line-item.

I would like to propose the Senate maintain the current fiscal year 1992 funding level of $24,000,000 for the management line item within technical and financial assistance and transfer the difference of $3,000,000 into the weatherization line item. I would ask the distinguished chairman and ranking member of the Interior Subcommittee if they would approve this request.

Mr. BYRD. I appreciate the Senator from Oregon's recognition of the difficult decisions the Subcommittee has made to select among the many priorities that claim these limited funds. It should be noted that of the $3 million increase in management for Technical and Financial Assistance, approximately $700,000 is for activities which were previously funded through the Energy and Water development appropriation, but which are now funded through this bill. An additional approximately $1.3 million is to assist state energy offices in deploying advanced energy technologies, providing training in energy efficiency design, and increasing the efficiency of the support offices. I can appreciate the gentleman's concern regarding the Weatherization Program and I have no objections.

Mr. NICKLES. I concur and will seek that result in conference.

Mr. HATFIELD. I thank the chairman and ranking member.

PRIME HOOK NATIONAL WILDLIFE REFUGE, DE

Mr. ROTH. Mr. President, I want to commend my friend, the distinguished Senator from West Virginia and President pro tempore of the Senate and chairman of the Committee on Appropriations, Senator BYRD, and my friend and colleague from Oklahoma the ranking minority member of the Interior Appropriations Committee, Senator NICKLES for their cooperation in getting the Interior Appropriations bill for fiscal year 1993 to the floor today. They have done a splendid job. I also want to thank them for their efforts, albeit unsuccessful, concerning a matter of great importance to my State. Last March I brought to their attention the need for a new office/visitor complex, a new vehicle and general maintenance shop and an equipment storage facility building at the 9000 acre Prime Hook National Wildlife Refuge. Due to the severe funding constraints every appropriations bill has faced this fiscal year, unfortunately no funds were available for any proposed new visitor center projects. Mr. President, I wanted to share with my colleagues some of the unique qualities of this refuge, and discuss the future needs of the facility. The refuge is one of two Fish and Wildlife Service Refuges' in my State, the other is the Bombay Hook National Wildlife Refuge. Since the Prime Hook Refuge was established in 1963 it has operated its administrative and public contact functions from a tiny square foot milk house on a former dairy farm. This completely inadequate facility has been scheduled for replacement since the refuge was first acquired by the Federal Government, but the purchase of new refuge lands elsewhere and the curtailment of construction funding has precluded any action up to this fiscal year. The refuge has become internationally recognized for its unique geographical and biological significance. It is currently the site of some of the most active wildlife management habitat work in the Northeast region of the United States, that includes extensive marsh reclamation and management work which last year resulted in the harboring of more ducks in the winter than any other location in Delaware. Many of the 50,000 people that visited this facility last year took advantage of the unique qualities this site offers. Mr. President, all these sound environmental management practices would not be possible however without the dedication of the various landowners who have made this possible. Their mission of conserving the unique wildlife and wetland habitats of the refuge are well recognized.

Mr. President, I requested funds for a replacement office/visitor facility this year because the current cramped space is inefficient for administrative functions and for public information/education on the natural values of the refuge. In addition, the Fish and Wildlife Service capability statement prepared for me for this purpose recognized this matter as well. I hope to secure funding in the future for a replacement office/visitor complex, and hope that future budgets will allow for accomplishing this goal.

Mr. BYRD. Mr. President, I commend the diligence of my good friend, the senior Senator from Delaware, Mr. ROTH. I would like to let my colleague know that the committee will consider the request of the Senator from Delaware in next year's Interior appropriations bill. In addition, the committee urges the Interior Department to consider the refuge's request for funding of a replacement office/visitor complex and new maintenance shop and equipment storage building in its fiscal year 1994 budget request.

Mr. NICKLES. Mr. President, I would like to concur with the statement of the chairman of the Appropriations Committee on behalf of my good friend from Delaware, Senator ROTH. I also understand that the U.S. Fish and Wildlife Service has indicated that the current space at the Prime Hook National Wildlife Refuge is inadequate and that its replacement is a top priority item. I look forward to working with the Senator and also urge the Interior Department to give this request every consideration possible.

Mr. ROTH. I would like to thank my friends, and look forward to working with them on this issue of such importance to my State and all Delawareans.

DOMESTIC ENERGY

Mr. JEFFORDS. I would like to thank my colleague for yielding to me. Though we differ on methods, I think we both agree that domestic energy production is very important to the security of this country. I also believe we agree on the importance of natural gas to our energy security.

Mr. NICKLES. My colleague is correct on both counts. Representing an energy producing state, I am intimately aware of the problems the domestic energy industry faces.

Mr. JEFFORDS. In researching alternative energy and fuel sources, I learned about several new technologies under development, one of which may be of interest to my colleague. I am sure he is very knowledgeable about cogeneration. Recently, I learned that some engineers are experimenting with what they call cryocogen. These researchers tell me that using natural gas as a feedstock, they can produce electricity, heat energy, and the inert gases carbon dioxide and nitrogen. The recovery of the carbon dioxide and nitrogen not only has positive environmental implications, but also improves the economics of the process for small scale applications. Reuse of the carbon dioxide can reduce total carbon dioxide emissions by 75 percent. I believe this technology deserves a closer evaluation by the Department of Energy. I recognize that DOE's budget is tight, but would my colleague support DOE looking into this process.

Mr. NICKLES. That sounds like an interesting process and I would certainly encourage DOE to work with these researchers to evaluate this process. I appreciate my colleague's willingness to address this issue in this manner.

Mr. JEFFORDS. I thank my colleague and yield the floor.

CROATAN NATIONAL FOREST

Mr. SANFORD. Would the distinguished chairman of the Appropriations Committee entertain a few brief remarks on a matter which is of significant concern to me and many other North Carolinians?

Mr. BYRD. I would be happy to hear from my friend from North Carolina.

Mr. SANFORD. Let me first commend the Senator for his extraordinary efforts as chairman of the Interior Appropriations Subcommittee in this cli-

mate of severe budgetary constraints. I do understand that not all worthy projects were about to be funded.

One such project which I, and a number of my constituents, have mentioned to the chairman, involves the acquisition of 4,734 acres by the Forest Service to be added to the Croatan National Forest in Craven County in eastern North Carolina. This property harbors wetlands, forests, and endangered species, and it is bordered by wilderness and a wildlife-rich lake. It is because of these special values that the Forest Service had made acquisition of this property a high priority. However, these attributes also make this property, known as the B.H. Oates tract, extremely attractive for development.

In fact, Mr. President, I have recently learned that the bank which has provided financing for the landowner will assume control of the Oates tract and pursue a development option if the bank does not have some assurance of the Government's intent to take an active posture regarding land acquisition.

Mr. BYRD. As the Senator from North Carolina is no doubt aware, the committee has been unable to commit to specific funding for the project for fiscal year 1993. Recognizing the importance of this matter to my friend, I will, however, pledge to give specific review of this land acquisition project when the Interior Subcommittee sets its priorities next year.

Mr. SANFORD. I am pleased that my friend has assured me that he will give the Oates tract his attention in the coming months and I hope that he will remain aware of the urgency involved with this project. I also intend to pursue other options for at least partially funding the project this year in hopes that the bank will recognize that we are indeed moving forward.

Mr. BYRD. As the Senator from North Carolina and his constituents have described the tract, the Oates property does seem to be a very worthy addition to the Croatan National Forest. I wish the Senator from North Carolina well in his efforts to find available funding soon to keep this project going, and I hope to be of help in the future.

Mr. SANFORD. It is gratifying to hear such words of support from the senior Senator from West Virginia. He has been a true friend to the citizens of North Carolina over the years. I thank him for his indulgence.

Mr. BYRD. I thank my distinguished colleague for his kind remarks and for sharing his concerns with me on the need to expand the Croatan National Forest.

OKLAHOMA INDIAN CULTURAL CENTER

Mr. NICKLES. Mr. President, I would like to bring an item to the attention of the chairman regarding the Oklahoma Indian Cultural Center. As the Senator may be aware, Oklahoma's Indian tribes, numbering more than 40, are currently working to develop an Indian Cultural Center to be located in Oklahoma City. The proposed center would highlight each tribe's history and culture, including the stories of their removal to Indian territory, which is now the State of Oklahoma. These stories have not been adequately told, and the proposed cultural center would allow the tribes a unique opportunity to educate the American public about the rich history and culture of the American Indian.

As the chairman knows, tribes now living in Oklahoma originally roamed and lived in every State, and their cultures represent and reflect those native lands from which they were removed. In fact, two tribes now located in Oklahoma were originally located in an area that included West Virginia. These tribes, the Eastern Shawnee and the Delaware, and their history would be highlighted in the proposed cultural center.

It is of great importance to all that the unique culture and heritage of the different tribes be preserved. Oklahoma Indian tribes represent all 48 contiguous States, making this a facility of national interest and significance. With tourism as one of the major industries in Oklahoma, this project is of great importance not only socially but economically.

Because of program restraints we were unable to provide an appropriation to fund a feasibility and site recommendation study as authorized under Public Law 102-196. This initial Federal funding is considered extremely important in establishing the credibility and feasibility of the project. Once the ball is rolling, the State and city are committed to providing funds as well as raise the private contributions that will be necessary.

Mr. BYRD. As my friend from Oklahoma knows, the funding available in this bill simply did not allow us to fund any feasibility studies for new projects. But I do understand the uniqueness of the Oklahoma approach and the wide range of support that it has from the large number of Indian tribes in Oklahoma. With that in mind, I give assurances to my friend from Oklahoma that I will work with him to continue the momentum on this project.

Mr. NICKLES. I thank my friend from West Virginia for his support, and look forward to continuing to work with him on this most important project.

BIG SOUTH FORK AND OBED RIVER FUNDING

Mr. SASSER. Mr. President, the committee report accompanying H.R. 5503 contains a line item appropriation in the National Park Service construction account of $1 million for the Big South Fork National Recreation area in Tennessee. This money is to be used to construct needed river access roads, trails, and overlooks. The Obed Wild and Scenic River area is a separate unit of the National Park Service, but is managed and administered by the superintendent of the Big South Fork. Would the Senator from West Virginia agree that the Park Service should utilize up to $200,000 of the appropriation for the Big South Fork to meet the long-neglected development needs of the Obed River?

Mr. BYRD. Mr. President, I would say to the distinguished Senator from Tennessee that I am aware of the development needs at the Obed River. I agree that the Park Service should utilize up to $200,000 of the appropriation for the Big South Fork to meet those needs, and I will take whatever steps are necessary in conference negotiations on the bill to make that intention clear.

STONES RIVER NATIONAL BATTLEFIELD

Mr. SASSER. I would like to engage the distinguished Senator from West Virginia in a colloquy regarding an item of great importance to Tennessee and the Nation. As you will recall, the committee has previously provided funding for land acquisition, planning, and construction at the Stones River Battlefield in Murfreesboro, TN. Late last year the legislation authorizing expansion of the battlefield by 234 acres became Public Law 102-225.

The House of Representatives has provided in its version of the Interior and related agencies appropriations bill $3 million for land acquisition to expand and preserve the battlefield. This land acquisition funding is essential to protect historically significant tracts that are imminently threatened with commercial development. The acquisition of the additional acres will not only increase the historical assets of the battlefield, but it will also improve the ease of access and aesthetic value of the entire park. This amount of funding was included on the funding priority list for land and water conservation fund moneys established by a consortium of 27 natural resource preservation and environmental protection groups.

I am pleased that the Senate Appropriations Committee has included in this bill $395,000 in construction funding for the battlefield to complete work on Fortress Rosecrans and Brannan Redoubt. Unfortunately, the committee was unable because of budget constraints to approve the money needed for land acquisition funding.

Because of the imminent threat to these lands, it is crucial that they be acquired as soon as possible. Therefore, I would like to request that the Senator from West Virginia carefully consider adopting the House position with regard to the Stones River National Battlefield land acquisition funding during conference negotiations on this bill.

Mr. BYRD. I understand the concern of the Senator from Tennessee regarding land acquisition funding for the

Stones River National Battlefield. As he says, the committee faced very difficult constraints this year and was unable to fund many worthy projects. I assure the Senator, however, that I will give every consideration to his request when we conduct conference negotiations with the House.

HANNAHVILLE INDIAN SCHOOL

Mr. LEVIN. Mr. President, I would like a moment to address the floor manager of the bill.

Mr. President, I was very pleased to see that the chairman included language in the report regarding reprogramming of funds from several construction projects that experienced delays to meet current school construction needs for fiscal year 1992. As the chairman knows, the Hannahville Indian School in our State of Michigan is currently under construction and both the tribe and the Bureau of Indian Affairs [BIA] now agree that the project is approximately $500,000 short of the funds required to complete the project and meet North Central Accreditation standards. It is my understanding that the committee would permit the BIA to expand up to $500,000 of available funds for facilities improvement and repair to complete the Hannahville Project.

Mr. BYRD. Yes; the Senator is correct.

Mr. LEVIN. Mr. President, my colleague from Michigan, Senator RIEGLE, joins me in thanking the chairman for his support and cooperation in this matter.

STEWARDSHIP END RESULT CONTRACTS

Mr. CRAIG. Mr. President, Senator BURNS and I are very pleased that our amendment to H.R. 5503 regarding stewardship contracts was enacted. It adds the Idaho Panhandle National Forest in Idaho and the Kootenai National Forest in Montana to the list of forests authorized to participate in the pilot program.

The stewardship approach permits the combination of a sequence of needed silvicultural practices under one contract, rather than contracting each individually. These contracts usually extend for a number of years, during which a variety of silvicultural activities may be needed. For example, a contractor may cut commercial timber, replant the cutting units, and tend the growth of the young trees over a 3- to 5-year period.

A number of benefits become obvious. Paperwork and administrative costs to the Forest Service are reduced because they will prepare, advertise, and administer fewer contracts. Unit costs bid for stewardship should be less due to economies of scale and more focused accountability. Stewardship should offer contractors greater opportunity to provide year-round employment since the various silvicultural practices are best done in different seasons.

Utilization of stewardship contracts does not change the amount of Forest Service appropriations. It offers promise that they may be spent more efficiently. For these reasons, Senator BURNS and I are supportive of the pilot program and pleased to have it extended to our States. We thank the chairman for his help in moving this amendment.

Mr. NICKLES. I thank the Senator and Senator BURNS for offering the amendment. I agree with them that stewardship contracts make sense and the concept should be developed further. Let me emphasize that this is a pilot program, and currently a very small one. I will be interested in the results achieved on all the pilot forests.

Mr. BYRD. I concur. Addition of two national forests in the northern Rockies is a modest and desirable modification in this pilot program.

FOREST SERVICE'S NEGRITO WATERSHED PROJECT

Mr. BINGAMAN. Mr. President, I want to discuss an important program that the Forest Service has for new initiatives, the New Perspectives Program. Through a demonstration project for ecosystem management on a landscape scale within the Gila National Forest, the Forest Service could address problems surrounding use of forest resources. An interagency team would work to ensure the sustained health of the forest community, and commodity production could be based on stewardship and sustainable local supply. Mr. President, although earmarked funding was not included in the fiscal year 1993 Forest Service appropriation for this program, it would be my hope that region 3 of the Forest Service would do its best to support a demonstration project at the Negrito Watershed. I feel very strongly that such a New Perspectives project—with its ecosystem approach—marks the future of forest management. This project would provide for citizen participation and is designed to promote a healthy landscape, biodiversity, sustainable resources production, and multiple use.

Mr. BYRD. I would hope that the Forest Service would support this project at the Negrito Watershed from within existing resources. As the Senator is aware, the committee report accompanying this bill (S. Rep. 102-345), includes direction to the Forest Service to give consideration to the Gila National Forest as a site for New Perspectives demonstration projects.

KEWEENAW NATIONAL HISTORICAL PARK

Mr. LEVIN. Mr. President, I would like to engage the distinguished chairman of the Appropriations Committee on a matter of great importance to me and to my State.

The committee's bill does not now include specific reference to the provision of $875,000 requested by the administration in funds for planning and implementing the proposed Keweenaw National Historical Park, subject to authorization. As the Chairman knows, I have been working assiduously to gain passage of my bill, S. 1664, to provide that authorization. These funds will be crucial to the expeditious development of the proposed park.

My understanding is that $875,000 will be available to the National Park Service under the terms of this bill for planning and implementation of the proposed Keweenaw National Historical Park in fiscal year 1993.

Mr. President, I ask that the Senator from West Virginia, in his capacity as chairman of the Appropriations Committee, confirm that my understanding is correct.

Mr. BYRD. The Senator from Michigan is correct. These funds will be available provided authorization is enacted. Specific reference is not provided since the committee report is written in terms of changes to the budget request.

Mr. LEVIN. I want to thank the chairman for including these funds in this bill. I would also like to ask the chairman to do his best to preserve these funds in conference.

Mr. BYRD. I will do my best to keep this provision in conference.

RED LAKE RESERVATION PROJECT

Mr. WELLSTONE. Mr. President, I would like to engage the distinguished floor manager in a brief colloquy regarding a project to upgrade the water system to areas within the Red Lake Indian Reservation. I am grateful to the chairman for his help in providing critical funding for several natural resource and Indian programs and projects in Minnesota in this bill.

This project would upgrade the water system which currently serves the Red Lake Indian Reservation in Minnesota. The tribe has already begun work on a related project under a grant from the Economic Development Administration [EDA] which will connect the water systems of Redby and Red Lake with a source of clean water. Unfortunately, the EDA grant will not fund system hookups from the transmission line to the existing households. The funding I requested again this year would allow 370 homes along the new water transmission line to be connected to the water system, finishing this project.

Improvements in the water system are critical to improving the public health on the reservation. People living in the 370 homes which would be connected if these funds are provided currently use well water which exceeds maximum EPA-approved secondary levels of iron, manganese and hydrogen sulfide. Among the health problems related to water quality is a very high local dysentery rate, and these residents are considered to beat a much greater risk of dysentery than is the U.S. population at large.

As the chairman will recall, last year he agreed to earmark funds for this

vital project, but the earmark was dropped in conference. Mr. President, the need is just as urgent this year as it was last year.

Mr. President, as is reflected in the letter I received today from the Chairman of the Red Lake Band of Chippewa Indians, the water project on the Red Lake Reservation continues to be the tribe's number one sanitation priority, and the Indian Health Service has been notified of the fact. I ask consent to insert that letter in the RECORD.

The Federal Government can save considerable time and expense by coordinating the construction of the EDA transmission line with the service connections to the homes adjacent to the EDA project. It is my understanding the committee has not earmarked funds for this or any other project this year, given budgetary constraints. I therefore ask the chairman if he would be willing to direct the Indian Health Service to give this project the highest rating under the category "other considerations," due to the special circumstance precipitated by the EDA project.

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

RED LAKE BAND
OF CHIPPEWA INDIANS,
Red Lake, MN, August 5, 1992.

Hon. Senator PAUL WELLSTONE,
U.S. Senate, Washington, DC.

DEAR SENATOR: Thank you for alerting me to the confusion which Indian Health Service is apparently still having over the Red Lake Band's Sanitation Priority Listing.

Over the past several weeks I have reiterated to representatives of the Indian Health Services that our Number 1 priority has been and will continue to be the service connections for homes located adjacent to the EDA water transmission line. This is so important to us that we have been reluctant to prioritize anything else for fear of detracting from that Number 1 ranking.

We sincerely appreciate anything you can do to keep this in the forefront of your colleagues' consideration during these final deliberations.

Thank you very much for all your assistance.

Regards,

GERALD F. BRUN,
Tribal Chairman.

Mr. BYRD. I thank my colleague from Minnesota, Senator WELLSTONE for his acknowledgment of the severe funding constraints under which the committee was working this year.

The circumstances concerning the Red Lake water project, particularly in regard to the improvement of health conditions, require special consideration. For that reason, I will expect the Indian Health Service to give the Red Lake project every possible consideration to providing the highest possible rating under the category other considerations, particularly given the efficiencies to be gained from this project. I would also note that every effort will be made in conference to provide the highest level of funding possible for Indian Health water and sewer projects, to ensure that this project moves forward.

Mr. WELLSTONE. Mr. President, I thank the chairman for his assistance. I am grateful for his continued support of this vital project.

STATE AND LOCAL ENERGY ASSISTANCE PROGRAMS

Mr. WELLSTONE. Mr. President, I rise to enter into a colloquy with my distinguished colleague from West Virginia, the chairman of the Senate Appropriations Committee, Senator BYRD. As my colleague knows, I am deeply concerned by the Committee's proposed reductions in funding for State and local assistance programs of the Department of Energy for fiscal year 1993. In particular, the committee proposes a cuts totalling $20.2 million for the low-income weatherization program, the schools and hospitals conservation program, the State energy conservation program, and the Energy Extension Service. I believe that these are vital programs to deliver energy efficiency services, and they are complementary to the comprehensive national energy strategy which the Senate just passed.

I wish to ask my distinguished colleague whether in light of the Senate's action to move forward with a national energy program stressing energy efficiency, he could work towards restoring the funding for these four programs in conference with the House.

Mr. BYRD. I appreciate my colleague's strong support for these programs, but as he knows I cannot make any commitment about the outcome of a House-Senate conference on this bill. However, I will try my best to restore these programs to their fiscal year 1992 funding level.

Mr. WELLSTONE. As my colleague knows, I was prepared to offer an amendment to transfer funds from administrative increases in several Department of Energy offices to these four programs. I would like to ask whether the Senator from West Virginia would be supportive of such a transfer.

Mr. BYRD. I have seen the Senator's amendment which would transfer $4.6 million from administrative increases in various DOE offices to these program accounts. While again I cannot commit to a specific outcome from the conference, I will assure my colleague that I am sympathetic with this approach and will favorably consider moving in this direction.

Mr. WELLSTONE. I wish to thank my distinguished colleague from West Virginia for his assurances. I know that with his support the conference will make positive efforts towards restoring funding for DOE's State and local assistance programs.

MINERALS MANAGEMENT SERVICE LEASING AND ROYALTY MANAGEMENT

Mr. JOHNSTON. Mr. President, I would direct the chairman's attention to report language on page 41 of Senate Report 102-345 that reduces funding in the International Activities and Marine Minerals Program of the Minerals Management Service [MMS].

First, let me say that I strongly share the committee's concern that funding of MMS activities overseas is inappropriate when MMS budget requests for important domestic programs of higher priority are inadequate.

However, I note that important domestic activities directed at coastal restoration and wetlands enhancement have historically been included in this account in coastal States including Louisiana such as the ship shoal project, which involves wetlands protection and barrier island restoration in an area of my State which is suffering from the effects of severe coastal erosion.

Is it the committee's intent that domestic activities and projects such as those described above as well as cooperative agreements with coastal States be continued at their current level within the funding provided?

Mr. BYRD. Yes; that is my understanding.

Mr. JOHNSTON. I thank the distinguished chairman for this important clarification and appreciate his time on this issue.

ACQUISITION OF BLOCK ISLAND PROPERTY

Mr. CHAFEE. Mr. President, I am here today to express my appreciation to Senator BYRD for offering an amendment on my behalf to provide $1.5 million for the acquisition of an important addition for the Block Island National Wildlife Refuge in Rhode Island. This is a unique area which would soon be lost to development, as I will describe further. First, I would like to seek a point of clarification with regard to the amendment from Senator BYRD.

My understanding is that the amendment that you referred to in your statement as the Chafee amendment to add $1,500,000 for Fish and Wildlife Service land acquisition at Block Island, RI, is amendment No. 2874 and that the $1.5 million in additional moneys provided in that amendment are to be made available for the acquisition of the Block Island property. Is that correct?

Mr. BYRD. Yes; that is correct.

Mr. CHAFEE. I thank the Senator for clarifying that point.

The acquisition of this addition to the Block Island National Wildlife Refuge represents one of the few remaining opportunities to preserve undeveloped coastal habitats in the Northeastern United States. Block Island is located about 10 miles south of the Rhode Island mainland and 15 miles northeast of Montauk Point, NY. The island was named by the Nature Conservancy as one of its "last great places" worthy of ecosystem conservation in the Western Hemisphere. It

serves as a refuge for plants and animals once common in New England that are now rarely seen on the mainland. It provides habitat for endangered species, including the Peregrine falcon and the American burying beetle. Block Island also serves as a critical link in the migration of many birds between southern New England and points south.

The Fish and Wildlife Service [FWS] identified Block Island as a significant coastal habitat in their 1991 report to the House and Senate Appropriations Committees known as the north east coastal areas study. This report found that the West Beach area—which is the site of both the wildlife refuge and the property which will be acquired—is of particular interest for protection.

Thus far, the FWS has acquired 46 acres near the northern end of West Beach on Block Island. Through cooperation between the FWS, the local government, and private conservation groups, including the Nature Conservancy, most of the area between the refuge and property owned by the Beane family located at the southern end of West Beach has been protected.

The Beane property, which will be purchased with the $1.5 million provided by this bill, is the missing link in providing for the conservation of the entire West Beach area. This undeveloped beach and upland now acts as a barrier between the Atlantic Ocean and the Great Salt Pond. It is one of the wildest and most remote properties remaining on the island. For these reasons, the FWS strongly supports the acquisition of this area.

Unfortunately, time to find a way of protecting this property has almost run out. The U.S. marshall seized a one-third interest in the Beane property when one of the three sibling owners was caught growing drugs on the property. The marshall has been ordered to sell the entire property on the open market as part of the settlement of the drug case. In fact the property will be advertised for sale on August 15, only 10 days from today. Time is of the essence. If this important area is to be saved, funds must be appropriated this year, in this bill. We cannot wait until next year.

Therefore, I am very grateful to Senator BYRD and the other members of the Interior Appropriations Subcommittee for their assistance in preserving this unique area before it is lost to development.

A FUTURE WESTERN WASHINGTON TRIBAL ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT CENTER

Mr. ADAMS. I would like to briefly discuss concerns expressed by tribes in Washington State regarding the level of funding available for alcohol and substance abuse treatment and prevention in the budget for the Indian Health Service. As you know, alcoholism afflicts Native American populations in proportionately higher rates and has ruined countless lives spanning many generations.

The appropriate treatment for American Indian alcoholism is perplexingly elusive as the cause for chemical dependency involves a mixture of psychological, biological, social, and cultural factors. Over the last two decades, Indian Tribes have established alcoholism counseling programs on their reservations to combat this disease in their communities. A cadre of trained American Indian alcoholism counselors have begun to make progress with individuals and their families through direct, personal intervention.

The Squaxin Island Indian Tribe in Washington State, joined by 12 other tribal governments, has requested funding from the Indian Health Service to establish an inpatient treatment facility for tribal referral of individuals suffering from chemical dependency. Currently, there is a lengthy waiting period for admission to existing facilities in the Pacific Northwest.

The consortia of tribes propose a 25-bed operation for inpatient care as well as outpatient services. A key feature to their proposed treatment is representative tribal policy guidance on the center's board and the use of culturally relevant curriculum in the treatment program. The treatment center staff will have direct communication with participating tribal alcoholism programs and expect to reduce recidivism. Also, the center will be centrally located in the south Puget Sound area to improve accessibility.

My concern involves the availability of funding to support this collective tribal effort from the Indian Health Service. The Squaxin Island Tribe estimates the operational cost for the proposed inpatient treatment facility at $765,000. Are there sufficient resources in the IHS to be able to address this self-determination proposal in fiscal year 1993?

Mr. BYRD. The committee has provided a $2.5 million increase for Indian alcoholism and substance abuse programs in fiscal year 1993.

The Squaxin Island Tribe's alcoholism inpatient treatment proposal for the entire south Puget Sound region may be consistent with this objective. The IHS, using the fiscal year 1993 increase and existing resources at the area office explicitly targeted to serve south Puget Sound Tribes, should be able to respond positively to the Squaxin Island Tribe's request if that is the desire of the tribes in the area, and using only that share of the funds for which these tribes would be eligible. No Federal funds are to be used in the construction of this facility.

Mr. ADAMS. I thank the Chairman.

NORTH KAIBAB ENVIRONMENTAL IMPACT STATEMENT

Mr. DECONCINI. Mr. President, during the committee hearings, I submitted questions to both the Forest Service and the Park Service regarding planning for recreational facilities on the north rim of the Grand Canyon and the adjacent Kaibab National Forest. The answers supplied by the agencies describe a critical situation. Public visits to the north rim currently tax the capabilities of the Park Service and the Forest Service to handle the traffic and other impacts. It is projected that visitor-use days to this area will increase greatly over the next 10 years. The result is an ever increasing and almost overwhelming pressure to deal with the corresponding need for water, sanitation, power, and greatly expanded lodging and recreational facilities. Of course, with the increasing visits we also get traffic congestion, air pollution, and noise and that has to be included in any planning process.

Mr. President, the Grand Canyon is, in every sense of the word, a national park and I know the chairman and other members of the committee share my concerns.

Mr. BYRD. The Senator is correct, the Grand Canyon is truly a national treasure and an inspiration for visitors from every nation. The committee is concerned that the increasing demands be accommodated as expeditiously as possible in a way that preserves the very unique experience that only the north rim of the Grand Canyon can offer.

Mr. DECONCINI. I thank the distinguished chairman for his comments and the committee's attention to this very critical situation. As the chairman knows, the Grand Canyon Park master plan is probably 5 years from completion, but decisions are being made, with wide public support, to severely limit the development of recreational facilities on the park lands at the north rim. This will properly help to preserve that awe-inspiring and completely unique experience found from this vista.

But these decisions place increased pressure on the adjacent north Kaibab National Forest. These greatly accelerated demands make planning all the more imperative on that forest.

The existing concessions and campgrounds in the National Forest are inadequate to meet even the present level of traffic and recreation. Add the anticipated increase in demands, and the demands and impacts that will result from the Park Service decisions to severely limit development at the north rim will, without doubt, result, in significant adverse consequences.

Mr. BYRD. The Senator accurately summarizes the situation.

Mr. DECONCINI. I thank the chairman. As he knows, the Kaibab Forest plan anticipates greatly expanded, and very expensive facilities from the private sector concessionaires at both the Kaibab Lodge and Jacob Lake areas. Costs for these facilities have been es-

timated at a minimum of $10,000,000, and combined costs could easily double that figure. The costs of these required expansions will be borne solely by the private concessionaires. They will have to raise the money and make the investment. That may be difficult in this economy, but I believe it is a fair arrangement. They will eventually recoup their investment.

But there is another requirement that is also a Federal mandate. That mandate is the preparation of an environmental impact statement under the National Environmental Protection Act, usually referred to as NEPA. In answer to our questions, the Forest Service states that the required expansion of the private sector facilities "* * * may involve a wide range of resource issues that require extensive analysis. These sorts of proposals require the preparation of an environmental impact statement, [EIS] which may span a period of several years or more. Costs associated with this kind of complex NEPA analysis and documentation can exceed $250,000." Also, Forest Service facilities will have to be coordinated with the private sector development and be subject also to the EIS. Some of the utility systems will be jointly utilized.

Mr. President, the EIS in this coordinated and complicated process is both a Federal requirement and a Federal responsibility. In further answer to our questions, the Forest Service stated that when an "* * * expansion proposal involves a specific business entity, the business entity normally assumes the majority of NEPA related costs." The operative word here is "normally." I would ask the chairman if he would agree that this is not a normal situation.

Mr. BYRD. When a private business concessionaire approaches an agency, be it the Park Service or Forest Service and proposes an expansion of his facilities, the concessioner is informed of the Federal environmental requirements under NEPA. If the concessioner chooses to proceed, the concessioner has the option to pay for NEPA costs in order to expedite the completion of this process. But I agree with the Senator that the situation on the north rim is unique wherein the Federal Government, through both the Forest Service and the Park Service, is separately making decisions which rely on future developments outside the boundaries of the park. These decisions greatly complicate the resource issues subject to the NEPA process. Sufficient funding has been included in the Forest Service budget to initiate this process. The committee expects the agency to report back as soon as possible with more complete estimates of EIS and associated planning and development costs and the timeframes.

Mr. DECONCINI. I thank the chairman.

SOUTHWEST FOREST STUDY

Mr. DECONCINI. Mr. President, I believe there are very few issues, if any, which consume as much of our time and energy as the continuing conflict between resource development and environmental protection. For example, I do not believe there is a Member from any Western State, perhaps from any State, who has not spent a great deal of time looking for a resolution between development, both public and private, and the issue of endangered or threatened species. The good news is that natural resource conflicts are not always without resolution. Public lands in the West can be and usually are managed to minimize or eliminate these conflicts.

The essential ingredient in resource management, as in any conflict resolution, is information. Often the real problem is lack of accurate and dependable scientific data upon which land planning and land management decisions can be based. This committee, under the leadership of the distinguished chairman, has taken steps to address the need for information in the Southwest and elsewhere.

Mr. BYRD. I thank the Senator. In fiscal year 1992, at the behest of the Senator from Arizona, the committee initiated the Southwest Forest Study, a research, development, and application program on the Santa Fe, Coconino, Kaibab, and Dixie National Forests in the Southwest to address very critical multiresource management issues. The committee directed that a consortium of universities be selected through a competitive bidding process. The fiscal year 1992 program is underway and the committee has provided funds for fiscal year 1993 to continue that program.

Mr. DECONCINI. I thank the chairman and commend the committee for making the funds available at a time when overall funding levels are lower, and very tough decisions have to be made. I am very proud to announce that a consortium of universities organized by Northern Arizona University has just been selected to conduct the study. The institutions which will be participating are Northern Arizona University, Western New Mexico University, New Mexico State, Utah State University, Arizona State University, and the University of Arizona. I believe that I speak for my colleagues in New Mexico and Utah when I say this consortium brings together some of the foremost researchers and experts in the country on natural resources in the southwest and can provide not just data, but true knowledge which can be applied to critical resource conflicts.

Mr. DOMENICI. I would certainly agree with the statement from my friend from Arizona and would like to add that I am indeed pleased that the New Mexico State University and Western New Mexico University are a part of this research, development, and application program. The expertise and information which will be derived from the beginning of this study can be applied to resolving resource conflicts. The most immediate conflict perhaps is the issue of habitat for the Mexican spotted owl. I believe the Forest Service is now drafting a conservation strategy which will be reviewed by the United States Fish and Wildlife Service prior to their decision whether or not to list the owl as threatened or endangered. This may be one area where the consortium could play a key role. There is certainly a need for data and technical expertise in the consideration of this or any species.

Mr. DECONCINI. I certainly agree with the Senator from New Mexico. There may be a very important role for the consortium in a cooperative effort with the Forest Service and the Fish and Wildlife Service. This in fact may be an excellent opportunity to develop a cooperative demonstration program on a voluntary basis for the agencies. In this Senator's opinion, we need to explore the possibility of a total and sustainable ecosystem approach to forest management. In testimony before the committee, the Forest Service has agreed that the "[M]anagement of an ecosystem, rather than habitat for each individual species, would eliminate duplication and opposition of efforts, and would reduce the administrative requirements of developing effective management strategies." The ecosystem approach allows for the protection and recovery of multiple species which may already be listed as threatened or endangered. And even more importantly, it could provide the means to prevent species from becoming threatened. The savings would be great, both in the number of protected species, and in real dollars.

Mr. GARN. The Senator from Arizona makes a good point. The agencies, together with State agencies and the public, have an opportunity to use the scientific panel assembled through the Southwest Research, Development and Application study to closely examine these issues and provide information which would be crucial to prelisting decisionmaking. I am pleased that the Utah State University is participating in the study. The Southwest will benefit greatly from the program and I thank the Chairman and Sen. NICKLES, the ranking Republican, for their support.

Mr. DOMENICI. I would say to the agencies and to my colleagues in the Congress that we will have to address the authorization of the Endangered Species Act next year, and certainly a lot of dissatisfaction has been expressed from many quarters with the structure of the act. The Mexican spotted owl conservation strategy, or a similar situation, provides the agencies with an opportunity to cooperatively

develop a demonstration program which could lead to recommendations as to how the goals of the act can best be preserved and achieved.

Mr. DECONCINI. I thank the Senators for their comments. Although no funds have been included in the bill for the university consortium to function as a scientific review panel for a cooperative demonstration program, that may be an issue we could discuss in conference with our colleagues from the House. Again, I would thank the chairman for his leadership and support.

GAP ANALYSIS

Mr. GARN. Mr. President, I would like to direct my colleagues' attention to the language on page 18 of the committee report regarding increased funding for gap analysis. In that language, the committee recommends an increase of $750,000 over the President's request. The committee further recommends that the Fish and Wildlife Service make use of the expertise developed by Utah State University as a result of its work to date on gap analysis.

Mr. President, the College of Natural Resources at Utah State University is preeminent in gap data collection and has become a national data center for gap analysis. As my colleagues know, there is a serious need to look beyond State boundaries and coordinate efforts to facilitate conservation on a bioregional level. As the national data center, Utah State University is in need of additional funding to conduct research on innovative management approaches that conserve biodiversity while allowing for responsible resource use.

Am I correct in my understanding that the committee intends that a portion of the increased funding to be used for gap analysis work will be performed at Utah State University?

Mr. BYRD. Mr. President, the Senator from Utah is correct. The committee's expectation is that the increased funds be used to build upon existing gap analysis work, with which Utah State University has been actively involved. Rather than expending the increased funds to involve additional parties, the funds should be used to expand, to the extent possible, existing capabilities and expertise.

Mr. GARN. I would also inquire of the distinguished ranking member if that is his understanding.

Mr. NICKLES. The Senator from Utah is correct.

Mr. GARN. Mr. President, I want to thank my colleagues for clarifying this point.

SAFFORD MULTIAGENCY VISITOR CENTER

Mr. DECONCINI. Mr. President, I would like to raise a matter with the distinguished chairman of the committee. As he knows, I requested funding for the Safford Multiagency Visitor Center in Safford, AZ. As I have previously indicated to the chairman, within the immediate vicinity of Safford, AZ, there are several Federal public resource areas. These include Mount Graham, the Galiuros, Aravapai Canyon Wilderness Area and the Santa Teresa Wilderness Area, Gila Box National Conservation Area and other sites administered by the Bureau of Land Management and the Forest Service. There are also locations accessible to the public administered by the State and several Indian Tribes.

For some time there has been discussion of building a multiagency visitor center in Safford, AZ, to serve all of these areas in the upper Gila Valley and provide a contract point for all the visitors to these sites.

Presently, these discussions for a multiagency visitor center focus on a proposal for a "Museum of Discovery." Among those presently involved in discussions for the museum are the Forest Service, the Bureau of Land Management, Graham County Chamber of Commerce, Eastern Arizona College, the Phelps Dodge Corp., and the San Carlos Apache Tribe.

A steering committee has been formed and contracts are being made to secure necessary commitments of outside funds for the project.

Mr. BYRD. Will the Senator yield?

Mr. DECONCINI. I will certainly yield to the distinguished chairman.

Mr. BYRD. The Senator from Arizona did make a compelling case before the Committee for the Safford Multiagency Visitor Center. However, as he knows, because of the budget constraints the committee is operating under this year, we were not able to include funding for any new visitor centers for any of the agencies under the our jurisdiction.

Mr. DECONCINI. I thank the chairman. It is, however, important to point out the preconstruction engineering and design for the Museum would be paid for with Federal funding, but the final construction would be paid through contributions from outside sources. Total cost for the planned facility is $36 million. Costs associated with planning and initial construction designated for Federal sources are only estimated to be $6 million, with the balance of $30 million for construction costs to be raised through private contributions. Also, the BLM has been budgeted $140,000 to allow it to design and build an ecological display related to natural and cultural resources in the area.

This project represents a worthy effort to coordinate and combine efforts by public and private sectors in the best interests of the public. A central location with the integrated and interrelated exhibits and materials makes sense because it prevents unnecessary duplication yet provides visitors essential services and information opportunities.

Mr. BYRD. Again the Senator from Arizona raises outstanding points. I can tell him that if he raises this issue with the committee again next year, we should certainly consider this project.

Mr. DECONCINI. The distinguished chairman can be sure that I will again request funding for this most worthy project. I am hopeful that in the intervening period, both the BLM and the Forest Service will continue to work with the steering committee to develop this project.

NEZ PERCE NATIONAL HISTORICAL PARK

Mr. ADAMS. The President's budget requested funds to expand the Nez Perce National Historical Park to include staffing for the Old Joseph Monument Visitors Center. I support the expansion of the Nez Perce National Historic Park to designate and commemorate significant and historical sites in northeastern Oregon, Idaho, Washington, and Montana.

After the Nez Perce War of 1877, Chief Joseph and the Nez Perce Tribe were transported to Oklahoma. Due to unsanitary living conditions and an alien climate, many Nez Perce died there. Finally, in 1885, Chief Joseph and the Nez Perce were allowed to return to the Northwest. Although they could not go back to the Wallowa Valley in Oregon, they were placed on the Colville Indian Reservation in Nespelem, WA. Chief Joseph died there on September 21, 1904.

In the State of Washington, the National Park Service has identified the winter and summer campsites of Young Chief Joseph, and his final grave site. It is my hope and intention that this authorizing bill will pass soon and we can further clarify the intent of the expansions proposed in the President's Budget. I would like to request that the Senate conferees have the opportunity to address the expansion of these sites when the Interior appropriations bill goes to conference with the House of Representatives.

Mr. BYRD. Mr. President, I would respond to my friend from Washington that in the event authorizing legislation is enacted expanding the Nez Perce Park, funds provided in the act can be used for the additional sites within the allocation made by the National Park Service to the Nez Perce Park.

BATTLEFIELD OF CORINTH

Mr. LOTT. Mr. President, the battlefield of Corinth is a significant part of our Nation's history. Corinth was the scene of a monumental battle during the War Between the States. The Battle of Corinth, the largest to take place in Mississippi, and the siege of Corinth, both rank, in terms of aggregate numbers of troops involved, among the

largest in the history of the Western Hemisphere. I have drafted an amendment which proposes $135,000 for archeological surveys, studies, and exhibit designs for an interpretative center. However, I understand that the committee has adopted a policy that no new visitor centers be funded due to limited funds.

Mr. COCHRAN. Corinth was the Confederacy's only East-West link; here the Memphis and Charleston Railroad crossed the critical Mobile and Ohio Railroad. These were the two longest railroads in the South, and this junction eventually acquired the nickname "crossroads of the Confederacy." The possession of Corinth was the key to victory during the War Between the States because of the railroads.

Mr. NICKLES. As I understand, the Corinth battlefield and the site of the Corinth siege, they are the only sites in Mississippi included on the Secretary of the Interior's list of priority Civil War Battlefields. They are 2 of the 25 endangered battlefields identified for immediate action by the Secretary of the Interior. These sites are now threatened by urban encroachment due to residential development and rezoning. What actions would be necessary to protect this site?

Mr. LOTT. The National Park Service has prepared a prospectus for Corinth, with the first step in protecting the battlefield to be the completion of an indepth plan with a series of specific alternatives for preservation and acquisition. To begin preparation of the plan certain resource information is needed. This includes archeological studies and interpretive designs that would be prepared in consultation with local officials and the city of Corinth.

Mr. BYRD. Due to limited funds, the committee was unable to provide funds for the entire amount of the battlefield request. However, the committee did increase technical assistance to local communities working on battlefield protection by nearly $900,000 above the base. We understand the need for this planning to begin for the Corinth battlefield site and other projects like it. We will work during conference so that the Secretary of the Interior will use the funds provided to give technical assistance to local communities like Corinth for archeological surveys, studies and interpretive designs.

Mr. COCHRAN. We thank the chairman for his attention to this item, and we appreciate all that has been done for Mississippi in the past.

SALVAGE SALES

Mr. HATFIELD. As the distinguished chairman of the Appropriations Committee knows, some of the national forests in the States of Oregon and Washington have been decimated by insect infestation, disease, and other natural disasters. As a result, there is a large volume of dead and dying timber which should be made available for sale under the Forest Service's salvage sale program.

In light of the many problems the forest products industry and its workers face in the Pacific Northwest regarding the spotted owl and various Federal court injunctions, I am eager to free up some of the salvage volume for sale to Oregon sawmills.

However, I also am concerned that proper care be taken during salvage operations to protect the long-term health of the forest. In particular, I am concerned that salvage activities be carefully managed not to harm sensitive riparian areas which serve as important habitat for threatened and endangered salmon, other fish species, and other forms of wildlife.

Accordingly, I believe that the Forest Service must ensure that parameters are established for forest health restoration and salvage activities which specify methods of protecting sensitive fish and wildlife habitat in these damaged areas.

Mr. BYRD. I agree with the Senator from Oregon. The Forest Service needs to identify and protect those sensitive riparian areas and take the necessary measures to return them to a healthy condition. What measures does the Senator from Oregon have in mind to accomplish this objective?

Mr. HATFIELD. To begin with, the Forest Service should salvage only dead or dying trees. Buffer strips along streams should be designed appropriately to meet site-specific needs, particularly with respect to water quality, fish habitat, long-term stream channel function, and the overall health of the watershed.

As the chairman knows, Speaker FOLEY and I recently requested the Secretary of Agriculture to conduct a comprehensive review of forest health restoration health requirements, and this study is to be completed next spring. We expect the Forest Service, together with its sister resource agencies, will fully evaluate the study, and include recommendations to the Congress which identify additional actions necessary for adequate protection of damaged watersheds in these areas. Such recommendations could include, but not be limited to, evaluation of soil erosion, the need or impact of new road construction, advanced hydrological recommendations, temperatures, and flow levels, among other measures.

Mr. BYRD. I agree with the senior Senator from Oregon, and the committee expects the Forest Service to fully protect forest health, endangered species requirements, and other forest resource values while still meeting the economic and human needs of our communities.

Mr. HATFIELD. I thank the distinguished chairman of the Appropriations Committee for clarifying the Forest Service's responsibilities in this area.

NET RECEIPTS

Mr. WALLOP. Mr. President, I would like to ask the chairman a question regarding a provision in the interior appropriations bill which revises Federal law to require States to pay a portion of the Federal administrative costs for mineral development on public lands. I do appreciate the hard work by the chairman, the ranking member, and their staffs on this matter.

Recently, the chairman and I were involved in rather intense, but ultimately fruitful, negotiations regarding the rescue of the United Mine Workers retirees health insurance program. This was an issue of great importance to the State of West Virginia due to the large number of retired coal miners. Therefore, I think my colleague from West Virginia will understand my passion about the issue of administrative cost share for mineral receipts because of the impact on my State of Wyoming.

The diversion of payments under the State share to cover Federal administrative costs is a severe blow to Wyoming's resources. Being a public lands State, Wyoming is denied tax revenues from much land and resources in the State. When mineral receipts are diverted to federal administrative costs, every community in Wyoming suffers. Funds are denied for our children's education, our transportation system, police and fire protection, and other basic services.

The authorizing committee, the Senate Energy and Natural Resources Committee, authored the Federal statute which prohibits any cost share. The position taken by the Interior Appropriations Subcommittee on mineral receipts is to require the States to share 25 percent of the costs. While this modifies the position than the authorizing committee, it is much closer to that position than the language included in the House Interior appropriations bill. That bill requires 50 percent cost share. I would therefore seek the assurances of both the chairman and ranking member that they will vigorously defined the Senate position at conference.

Mr. BYRD. I appreciate the Senator's point of view and I can assure him that I will make every effort to uphold the Senate position.

Mr. NICKELS. I would join in the chairman's remarks.

Mr. WALLOP. I thank my colleagues for their help on this. For next year, the administration assures me they will pursue this matter through proper channels. That is, if they seek administrative cost sharing in future years, they will do so by recommending to the authorizing committee a change to the Mineral Leasing Act of 1920 rather than including it in the President's budget proposal.

ADVANCED BATTERY RESEARCH AND HYBRID VEHICLES

Mr. KASTEN. Mr. President, I understand this legislation includes a provision to grant limited protection of proprietary information developed in the electric and hybrid vehicle research program. I support the committee's action, and believe this will help advance our technology.

Mr. BYRD. That is correct. We do provide a 5-year protection for trade secrets on commercial or financial information that is privileged or confidential if that information is developed through the U.S. Advanced Battery Consortium [USABC] or through the proposed hybrid vehicle propulsion development program. These protections only apply to these two specific programs.

Mr. KASTEN. I do have a question about who can participate in these programs. It is my understanding that it is not the committee's intention to either restrict or select who is eligible to participate in this program.

Mr. BYRD. It was not the committee's intent to limit or restrict eligibility in the USABC, nor is it the committee's intent to limit or restrict participation in the proposed hybrid vehicle propulsion development program. We do recognize the need for a selection process, but it is not the intent of the committee to make these selections by the Congress. With regard to the advanced battery work which is being funded through the USABC, the USABC requested proposals for advanced battery research. The deadline for those proposals has passed and the USABC has entered into at least one contract as a result of those proposals. It is my understanding that more than 40 proposals were received and that the competition was open and competitive. Negotiations with successful proposers are currently taking place.

It is expected that battery manufacturers will be part of the competitive consortia formed through the hybrid program and participation will not be limited to those selected through the USABC.

Mr. KASTEN. I thank the distinguished chairman.

PONY EXPRESS VISITOR CENTER

Mr. DOLE. Mr. President, I have been told by the Senator from Oklahoma that, because of a tight budget allocation, the Interior Subcommittee was unable to fund any new visitors centers this year. Well, I think that is a good rule. It is time we start making some tough choices around here.

Unfortunately, I think the subcommittee may have wrongly ruled out one of my requests by applying this rule too strictly. The project is a visitor center at the pony express station in Hanover, KS. This is not a new project. The Senate provided $150,000 for a feasibility study in the fiscal year 1991 Interior appropriations bill.

The Park Service completed this feasibility and planning study in March of this year. The study concluded that, as the only remaining unaltered pony express station, the Hollenberg Pony Express Station is a nationally significant property that is a target destination for people following the route of the pony express. The Park Service recommended that because of the site significance, a visitor center should be built at the Hollenberg Pony Express Station.

It is my hope that the subcommittee would consider providing either $2.2 million for the design and construction of a visitor center or $235,000 for the design alone.

This is a very reasonable cost for a visitor center. Once it is built, the operation of the center would be funded and managed by the State of Kansas through a cooperative agreement.

I apologized for not coming to the subcommittee earlier with this request, but the pony express national trail bill was just signed into law on August 3, 1992. I did not feel it was proper to move ahead with a visitors center until the trail was recognized as a national trail.

Mr. NICKLES. The subcommittee has had a number of requests for visitor centers this year and we have set some tight restrictions to narrow the list. Since we are unable to do anything this year, I can assure you we will give this project priority next year.

Mr. DOLE. I appreciate the Senator's support of this project and look forward to working with him next year to fund the pony express visitor center.

AMENDMENT NO. 2901

Mr. SANFORD. I rise today for a moment on Senator FOWLER's amendment offered last night regarding below-cost timber sales. It was with great care and caution that I cast my vote against that amendment.

Senator FOWLER is unquestionably sincere in his efforts to improve national forest management. While I do not always agree with the proposals of the Senator from Georgia, I certainly do share his interest in forest management policy reform, and I have supported him on a number of issues, including the two votes today regarding the Forest Service administrative appeals process.

I agree with the Senator from Georgia that we must reduce below-cost timber sales. I have strongly encouraged the Forest Service to accept the input of all parties that are sincerely interested in, and knowledgeable about, forest management reform in order to try to gain some consensus on timber sale procedures and surrounding issues. The Forest Service appears to be making progress, but I realize that more must be done.

Last night, Senator FOWLER offered language to reduce the timber sales preparation account by $35 million. The argument behind this amendment reasons that this reduction in funding would reduce below-cost sales by 25 percent. I certainly want to reduce below-cost sales, but I could not support the Senator's amendment.

It helps to put this amendment in perspective. I would, therefore, note that in fiscal year 1992, $124 million was provided for the timber sales preparation account. For fiscal year 1993, President Bush proposed $109 million for this account, and the Senate Appropriations Committee reduced this amount by $16 million, for a figure of just over $93 million. I believe this reduction of approximately 25 percent from fiscal year 1992 to fiscal year 1993 is a responsible step in reducing the timber sales preparation account and in reducing the below-cost sales.

Given the Senate Appropriations Committee's recommended level of funding, it would have been irresponsible of me to vote for an additional reduction of $35 million this year. Such a reduction would have undoubtedly adversely affected those individuals in my State of North Carolina, and others across the Nation, who depend upon Forest Service sales for a significant portion of their income. Had the amendment prevailed, many worthy potential sales, not just below-cost sales, would undoubtedly have been delayed or never be acted on. Such a drastic cut in one year might go beyond the fat and to the meat of the timber sales program.

I am a strong believer in the multiple-use of our forests, including the need to meet the demands of timber harvesting, recreational opportunities, and wildlife habitat preservation. I could not, and can not, vote for a policy that would suddenly cripple any of these goals. While the Forest Service accounting process is undergoing significant review, and it is appropriate to send a message to the service that it must run a tighter ship, we should not pull the rug out from under the agency in one appropriations cycle.

To Senator FOWLER I must say that I appreciate his efforts and I hope to work with him to address the below-cost issue in the future. I will continue to work for reasonable reform to make the timber sales process more cost-efficient.

AMENDMENT NO. 2902

Mr. SANFORD. Mr. President, I rise in strong support of the appeals amendment offered by my colleague from Georgia, Senator FOWLER.

I have expressed concern many times to my constituents over the announcement earlier this year by the Secretary of Agriculture to begin proceedings that might do away with meaningful public input into the management of our national forests. The amendment offered by my friend from Georgia is only necessary because of this action by the Department of Agriculture.

Since my colleagues have spoken at length about the specific content of the Fowler amendment, I will only make a few brief remarks regarding my reasons for supporting this measure.

Let me state briefly that I support sustainable yield harvesting of timber on our national forests and realize that our forest system was originally established to provide this Nation with a long-term timber supply. However, Mr. President, we are talking about public land, purchased and managed at the taxpayers' expense. I have consistently supported efforts to ensure that the public is not removed from this management process.

Citizens, whether they be acting on behalf of themselves, a local government, a sportsmen's group, or a conservation organization, deserve the right to request clarification of the legal requirements and soundness of decisions handed down by the Service. It doesn't seem unreasonable to, in the words of the Office of Technology Assessment, encourage "more responsibility and accountability on the part of deciding officers. * * *" Accountability on the part of our government is not something we should be discouraging.

I find it difficult to believe that the elimination of project-level appeals will save the government time and money. Under the Forest Service's current proposal, those who find fault with project decisions must carry their grievances to court. We all know the costs incurred by all parties involved in a lawsuit, and we all know how long it takes for the cogs of our legal system to turn—the winners are generally the lawyers. It seems reasonable to have the Forest Service, with its professional staff, review most of these matters internally.

I have been straight with my colleagues and constituents about the problem of frivolous appeals. Several of my friends in the Senate have pointed out examples of this problem. The actions of those who file appeals with no other purpose than to thwart the business of the Forest Service should not be condoned. However, Mr. President, if the problem is frivolous appeals, then let's address this problem directly. The Service is, instead, about to throw the baby out with the bathwater. The Fowler amendment will keep this from happening.

My colleague from Georgia has spoken about his concern over how this proposed new Forest Service policy came to be announced, and he has mentioned that a recent Service review of its own appeals program has received limited attention within the Department of Agriculture. Whatever the case may be, it is essential that, within our open form of government, the taxpayers be given legitimate input into those Forest Service decisions which must seek to balance the interests of timber, wildlife, and recreation.

I hope my colleagues will support me in denying any effort to table the amendment by the junior Senator from Georgia.

AMENDMENT NO. 2904

Mr. SANFORD. Mr. President, I rise in opposition to the Gorton amendment on the sale of salvage timber.

Congress devised the National Forest Management Act, the National Environment Policy Act, and the Endangered Species Act with the input of scores of citizens, scientists, and other professionals. Several proposals are now before House and Senate committees which require a reevaluation of these laws.

I am not comfortable with this proposal, which sounds fine on the surface, but effectively gives the Forest Service the authority to violate or suspend standing statutes. Not only does this amendment confront existing environmental laws, it also appears to override an existing court injunction which calls on the Forest Service to complete a sound management plan to preserve Northwest wildlife habitat.

In addition to those arguments which point out the impact that salvage sales may have on wildlife habitat and the threat of fire in our forests, this amendment simply represents bad public policy in my opinion.

As the Department of Agriculture has testified to the fact that the Forest Service presently has sufficient authority to conduct salvage timber sales in our national forests, I urge my colleagues to support the motion to table the Gorton amendment.

Mr. BYRD. Mr. President, I ask that the Senate proceed to third reading.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 5503), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill, as amended, passed.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes, 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. BYRD, Mr. JOHNSTON, Mr. LEAHY, Mr. DECONCINI, Mr. BURDICK, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, Mr. NICKLES, Mr. STEVENS, Mr. GARN, Mr. COCHRAN, Mr. RUDMAN, Mr. DOMENICI, Mr. GORTON, and Mr. HATFIELD conferees on the part of the Senate.

Mr. BYRD. Mr. President, once again I want to thank all members of the Appropriations Committee and all Members of the Senate for their patience. I especially thank my counterpart on the Appropriations Committee on the Department of Interior, Mr. NICKLES. He is a fine Senator, and I am exceedingly proud of my good relationship with him.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I thank my friend and colleague, the chairman of the subcommittee and chairman of the full committee, Senator BYRD, for his leadership. We have had an excellent working relationship. I believe we came up with a very good bill, one that has less than 1 percent growth in budget authority and outlays.

I might mention if you took out the increase for Indian health service, it would have zero percent growth. And that was not easy to do in light of the fact we had thousands of requests for special projects.

I also wish to thank the staff on both sides, particularly Sue Masica and Cherie Cooper, for doing one outstanding job.

VOTING RIGHTS LANGUAGE ASSISTANCE ACT

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill H.R. 4312.

The legislative clerk read as follows:

A bill (H.R. 4312) to amend the Voting Rights Act of 1965 with respect to bilingual election requirements.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I do not see my colleague, Senator SIMPSON. I would like to enter into an agreement that only a certain number of amendments would be in order. But I will hold off doing that until Senator SIMPSON is on the floor.

I am pleased to speak in behalf of the extension of the Voting Rights Act, of the language assistance amendments. And I am pleased to say we have 30 sponsors of this legislation. My principal cosponsors are Senators HATCH, DECONCINI, SPECTER, KENNEDY, INOUYE, MCCAIN, DASCHLE, DURENBERGER, CRANSTON, BINGAMAN, WIRTH, METZENBAUM, DIXON, WELLSTONE, MURKOWSKI, PACKWOOD, WOFFORD, AKAKA, KASSEBAUM, BOREN, MITCHELL, HARKIN, GRAHAM, BRADLEY, DODD, D'AMATO, LEVIN, ADAMS, and CHAFEE.

We are meeting on August 6. This particular portion of the Voting Rights Act expires August 6, 1992. It could hardly be more timely that we meet tonight. Back in the early 1900's, as the

U.S. Supreme Court ruled, the protection of the Constitution extends to all, to those who speak other languages as well as to those born with English on the tongue.

What we have experienced with a limited amount of experience on the language assistance portion of the Voting Rights Act is that it has encouraged more people to vote and it has particularly been of help to older Americans.

We will jeopardize the means by which hundreds of thousands of limited English-speaking U.S. citizens will exercise their right to vote in the November election if we do not pass this legislation.

It is particularly designed for the Hispanic, Asian-American and Native American communities.

Enactment of this legislation, as I indicated, is extremely timely, but it is timely also in the fact that we are heading soon toward an election. California's chief elections officer, Secretary of State March Fong Eu has written to me with some urgency about this legislation. She states that "any significant delay will increase the cost of compliance and could interfere with the right of the franchise itself." She concludes very powerfully, "We need to know now."

The right to vote in the United States has generally been expanded through our history with one exception, and that exception is early in our history noncitizens generally had the right to vote. Today, there are still a few jurisdictions where noncitizens can vote, but generally it is only citizens who have the right to vote.

Two hundred years ago, you had to be 21, you had to be white, you had to be male, and in many jurisdictions, you had to own property. We have expanded the right to vote, and we are a better country for it.

The Voting Rights Act of 1965 focused primarily on electoral discrimination against African-Americans in the South. But in 1975, we expanded the Voting Rights Act to cover those groups where they comprised at least 5 percent of a local jurisdiction's population.

In those jurisdictions, English-only election procedures were supplemented with oral and written assistance in the language these U.S. citizens knew best, be it Spanish, Navajo, Chinese, or another, along with English.

Let me add again, it is the older Americans, and a majority of them native-born Americans, who are beneficiaries of this. American Indians who need help are Americans, just as much as any of us. Puerto Ricans who need help are Americans, just as much as any of us.

Hispanic voter registration increased 83.4 percent from 1976 to 1988, almost four times the 21 percent increase among the general population. We see more Hispanic, Native American, and Asian American elected officials than ever before.

The Judiciary Committee—I have great respect for my distinguished colleague, Senator SIMPSON—but the Judiciary Committee passed this legislation out by a 12-to-2 vote. This authorizes a 15-year reauthorization. So it expires with the rest of the Voting Rights Act.

Language assistance voting is not new. It is not untested. We have had a good experience with it. Language minority citizens see a difference in their daily lives when they are able to participate.

Suddenly, elected officials become more responsive when people vote. That is nothing new to any of us. And it is one of the reasons, frankly, that Puerto Rico, for example, gets short shrift: Because the U.S. Senate does not need to pay attention to Puerto Rico. It is why the District of Columbia too often gets short shrift. When people vote, there is more attention paid to them.

Larry Echo Hawk, who is now the attorney general of the State of Idaho, and I believe the only Native American who is a statewide elected public official in the country right now, testified about the real difference the language assistance in voting has made to Native American residents of his State.

He told the Constitution Subcommittee that Indian leaders had experienced difficulty in attracting the interest and attention of State and county elected officials. After some initial resistance, the county provided Indian-speaking deputy registrars and poll workers. Election day 1984 was a very special experience. There was a record turnout of Indian voters. Many Indians, including several tribal elders, voted for the first time ever in a State election.

On the island of Puerto Rico, you have voter participation that is regularly above 80 percent. But here on the mainland, language is clearly a barrier.

Under the current law, Hispanic and Asian American communities in Los Angeles, New York City, Chicago, Philadelphia, San Francisco, and other cities are not covered by the current 5 percent in the Voting Rights Act. There is a significant gap between the voting participation rate of Hispanic U.S. citizens and the general population where we do not have language assistance.

In the State of Illinois, for example, where we have not had language assistance under the act, the Hispanic voter registration rate is less than half of the rate among Anglo voters.

On the other hand, in the State of New Mexico, where bilingual voting has been the rule since statehood in 1912, the Hispanic voter registration is 85 percent of the Anglo rate. And in the State of Texas, the Hispanic voting registration rate is 65 percent of the Anglo rate.

The typical voter, as I indicated, who benefits from this is someone who is of limited background in terms of education, usually not a high school graduate, an older citizen. But the majority are native-born U.S. citizens.

The General Accounting Office reported in the 1984 general election in 1,102 Texas precincts, one-quarter of Hispanic voters used bilingual voting material. These voters accounted for 9 percent of the total voters in these precincts. Oral assistance at the polls was used by 32 percent of Hispanic voters; 12 percent of all voters in these precincts.

Asian Americans are the fastest growing ethnic group in the Nation. Some like to consider Asian Americans as the model minority, but that perhaps well-intentioned moniker masks real challenges facing that community.

The U.S. Commission on Civil Rights, in its comprehensive 1992 report on the Asian and Pacific Islander community, made very clear the need for language assistance in voting.

According to the Commission's report, limited English proficiency is a serious barrier to the political participation of many Asian Americans.

Census figures reveal 69 percent of all Laotians now living in the United States do not speak English, as well. The same is true for 38 percent of Vietnamese; 24 percent of Koreans; and 23 percent of Chinese.

I would like to also mention the area of cost, because that has been mentioned. First, we are talking about a fundamental right in the right to vote. Even if it were very expensive, it is something that I think we should address. But the reality is that it has cost 4 to 7 percent, on the average, of the costs in the various jurisdictions.

In San Francisco, for example, a city that has elections in three languages—Chinese, Spanish, and English—bilingual election amounts to just 5 percent of the total cost; 21 percent of the population in San Francisco speaks Chinese and 12 percent Hispanic.

I might add, Mr. President, I have here, for any Member who would be interested, the sample ballot from San Francisco, if any Member wants to see it.

And you have it in English, in Spanish, and in Chinese, all in one line—it is not that complicated; not that complex; not that difficult. We are not talking about a huge burden for these various election jurisdictions.

The administration agrees that a numerical trigger is necessary and important, and an important adjustment to the current coverage formula. They frankly favor 20,000 rather than the 10,000 that we have in this bill. But I am pleased that Senator HATCH and others in the committee agreed on the 20,000 figure.

Finally, Mr. President, there is no question that to function effectively in

our society, you need to speak English, and we ought to encourage that.

But in San Francisco right now, 12,000 people are on the waiting list to get into classes to speak English. In Los Angeles, it is 30,000.

I ask unanimous consent to have printed in the RECORD, Mr. President, an article from the San Francisco Chronicle. The heading is "Thousands Shut Out of English Classes in California Schools."

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

[From the San Francisco Chronicle, Nov. 5, 1991]

THOUSANDS SHUT OUT OF ENGLISH CLASSES IN CALIFORNIA SCHOOLS

(By Louis Freeberg)

With English language classes filled to capacity, tens of thousands of new immigrants to California have been unable to sign up for English courses at community colleges and adult schools.

The shortage of the language classes has raised concerns that many in the state's burgeoning immigrant population will have a more difficult time coping economically and in this society in general.

"It will make them less employable and less capable as people," said Renato Rosaldo, an anthropologist at Stanford University. "What I see is that there are a lot of people falling through the cracks."

According to officials, there are waiting lists for English as a Second Language, or ESL, classes at the majority of the state's 107 community colleges, which serve more than 75,000 immigrant students.

"We could serve twice as many students as we are serving now if funding were available," said Saeed Ali, a vice chancellor of the California Community Colleges.

He said getting an exact count of the need is difficult.

"Often waiting lists are so huge and so long that it doesn't make sense to keep them," he said.

WHAT ADMINISTRATORS SAY

Officials say their inability to expand adult classes for immigrants is tied to the state's budget crisis, which has frozen or cut back on financing to community colleges and school districts. Many have already stretched their resources by providing classes for which they are not reimbursed by the state.

"The demands are expanding fantastically," said Irving Weinstein, vice chancellor of the Los Angeles Community College District. "And with budgets shrinking, it's going to be an even worse problem in the future."

In San Francisco alone, more than 12,000 people are on the waiting list at six campuses of City College, where enrollments, in ESL classes total about 25,000.

In Los Angeles, at least 30,000 students are on waiting lists at both the Los Angeles Community College and in classes run by the Los Angeles schools. At adult classes at the Eastside Union High School District in San Jose, 2,832 adults are enrolled in ESL classes, and an additional 2,600 are on waiting lists.

A survey conducted two weeks ago by the Eastside district of adult programs in 10 surrounding districts found that immigrants had tried unsuccessfully to get into classes in seven of them.

The problem is apparent at the crowded Alemany campus of the San Francisco City College on the corner of Van Ness Avenue and Eddy Street, where ESL classes are filled to capacity. During the past five years, not only have enrollments climbed, but the average number of students in each class has crept up from 24 to 29 per class.

Almost 7,000 adults have signed up for ESL classes, and an additional 2,214 are still on the waiting list.

In the counselor's office of the old elementary school that now serves adult students, a blackboard with a listing of dozens of ESL classes is covered with yellow stickers indicating that the classes are either closed or drawing students from the waiting list.

Counselor Sharon Fain said the waiting list is deceptively short. She says many students do not bother to sign up because they have heard from family members that classes are full. Others are turned away without being given the test.

"We could easily have twice as many teachers and classes," she said. "My sense is that there are many thousands of people who we could be serving that we aren't."

On the second floor of the old school, instructor Bob Nelson, now in his 27th year as an instructor, coaches his beginning English students. Each class is two hours long, and students are expected to attend each day of the week.

"You can say "he likes swimming' but you can't say 'he likes eat'," Nelson explains to his attentive class. Fifteen are Asian, and 11 are from Spanish-speaking countries. Most came to the United States during the past year and a half, and only 10 had ever studied English before signing up for classes here.

Guillermo Romero, a 35-year-old Colombian, came to San Francisco less than two years ago hardly speaking a word of English. "I arrive on a Monday, and on Thursday I was taking classes here," he recalls. Since then he has taken classes steadily, and has leapfrogged into the highest level of ESL instruction.

Maya Kuznetsova, 52, a Soviet Jewish immigrant and a part-time housekeeper, says she started with "zero" English when she arrive two years ago.

David Nguyen has been in the United States for 10 years, but he only started taking classes this year.

"If I had been here earlier, my English would be better," said Nguyen, a former officer in the South Vietnamese army who was imprisoned for five years by the Vietnamese government.

Kenji Hakuta, a professor of education at Stanford University, said, "Immigrants are the first to realize the value of these kinds of classes."

He said expectations that immigrants can pick up language skills on their own is unrealistic.

"Language acquisition is a complex process, and there is nothing that can beat getting formal instruction."

Mr. SIMON. Mr. President, I appreciate the help of a great many people. I particularly appreciate the help of the chairman of the full committee, Senator KENNEDY, and Senator HATCH, who is not able to be with us this evening because of an illness in his family.

Before I yield the floor, Mr. President—and I have not had a chance to talk to Senator SIMPSON about this—but I wonder if we could agree on a limitation.

I believe the Senator has three amendments. Is that correct?

Mr. SIMPSON. What is correct.

Mr. SIMON. Mr. President, if we could agree that there could only be three amendments offered by Senator SIMPSON; one amendment offered by Senator BROWN; and no further amendments other than those amendments.

Mr. SIMPSON. Mr. President, we struck that unanimous consent agreement to do just that. So we are ready to proceed.

Some have indicated to me that they wished an opportunity to amend.

The PRESIDING OFFICER. The Chair informs the Senators that the agreement was entered into previously. It is the order.

(Mr. AKAKA assumed the chair.)

Mr. SIMPSON. I certainly concur and agree fully with the Senator from Illinois.

Mr. SIMON. All right. Mr. President, I yield the floor.

Mr. SIMPSON. Mr. President, to discuss this is obviously a bit difficult to do, perhaps probably the most politically incorrect thing to do, but I want to share with my colleagues some very serious concerns. I hope we all understand that what we are addressing here is not a civil rights bill, which has all the connotations of sparks and fire and racism, and all the stuff that goes with this kind of a debate. This is not a civil rights bill. Some are portraying it that way—not the proponents, but others out there known as "the groups," which is a sinister phrase in itself. It is not a civil rights bill. It is a bilingual ballots bill.

I oppose this bill in my own complete good faith, because I truly believe that it will actually promote divisiveness rather than inclusion, rather than cohesion.

It certainly will not happen with my friends, Senator SIMON and Senator KENNEDY. The three of us happen to constitute one of the smallest subcommittee in the Senate, the Subcommittee on Immigration and Refugee Policy. There are only three of us. Senator KENNEDY is chairman, Senator SIMON, and I am the ranking member. I think that is because no one else likes to even get involved in these issues. Our chairman, Senator BIDEN, and our ranking member, Senator THURMOND, allow us to proceed in these tough issues of immigration, refugee policy, funding of refugees, issues of illegal immigration, legal immigration, restrictions, allocations.

These are difficult things, but I trust that we will not be drawn into any ugly suggestions of racism. Certainly, it will not come from my colleagues on the subcommittee, because we all get quite enough of that in our line of work in this place.

As I have often said—and I know it is tedious to many, and I know you all tire of it—I have been here 13 years plus, and I have watched continually how the deft use of emotion, fear, guilt,

or racism is used to pass or kill a measure. "So it was in the beginning, is now, and ever shall be," we say in our faith. Let it be clear, too, that this is not a stall on my part, and I know Senator SIMON and Senator KENNEDY will agree. I see the groups, as we call them, have indicated that I was up to something like that. That is not true. You will see that, indeed, it is not true.

I want to thank the fine majority leader. He has been very helpful. I know there has been a great deal of pressure from the groups to press forward, regardless of intent or content or anything else, or even discussion to try to wrap this one up. He has given me the opportunity to express myself here in a brief period of time, as has Senator SIMON, as has Senator KENNEDY, the chairman of the subcommittee.

So I just say that this amendment would extend what I consider, and others out in the land at least—there will not be many here that will surface on this one. This is very politically incorrect to dabble in this mystery right here, and that is why I want to dabble with it for a little bit of time.

This amendment would extend what I consider to be an ineffectual provision of the Voting Rights Act, which is the bilingual ballots provision, for another 15 years. I had hoped that we could examine it and let it be extended for 5 years or 10, not 15, especially when for 17 years it has proven to be, I think, ineffectual.

Let me say that I do not believe in any way that the proponents do not feel strongly that it will increase voter participation via minority language groups and bring them more fully into the political system. I do not question in any way the good will or good faith of my colleagues who sponsored this bill, but I do fear—and I share with my colleagues—that these provisions will do more to separate than to include.

I believe we must be very, very careful when we treat certain groups special. In some cases, the end may justify special treatment, but in others, such as in the case of bilingual ballots, the special treatment that they provide has not been shown to result in greater participation of language minorities in the voting process.

My concern about the bill comes, in part, from my participation in this area of immigration and refugee matters for 12 years. In 1986, I sponsored an immigration bill with a highly successful legalization program. It brought nearly 3 million additional new immigrants into a legal status in the United States, into the fabric of our Nation where they could no longer be exploited or used. I had a tough time hauling the water on that, but we got it done, thanks to the help of a lot of thoughtful Republicans and Democrats, because the only avenue for the legalization of these 3 million was the bill. Yet, the groups resisted the passage of the bill, which was a totally selfish and rather repugnant act, I thought, as I observed it take place. That is history.

Then, in 1990, Senator KENNEDY and I cosponsored an immigration bill which increased legal immigration to this country by nearly 40 percent—we took some rocks on that one—the largest single increase in our country's history. But we got reform and changes in the preference system, and we got some things that made a difference, and it is on the books. So, as a result, immigration now to the United States is at an all-time high. We will admit, legally, more than 800,000 newcomers to the United States this year alone. People are observing this, especially in times of their own extremity, in times of their own jobs at stake. They are watching very carefully, not in a racist way, just in a way of surviving.

So we will take in 800,000 newcomers this year alone. Hundreds of thousands more will enter illegally still and remain in this country, until we do something with the identifier systems. I think, without putting any type of pressure on my colleague, I think Senator SIMON agrees that some type of universal identifier, which is not intrusive, not carried on the person, not used for law enforcement, not used for any other purpose than presentation at the time of new hire, is something to consider.

I will not take him any deeper into that pit this evening, but we will discuss that at a future time, indeed. Again, that is something that is not maybe PC, but let me tell you it is very important if you want the systems to work with existing legislation that we have.

So with what is coming legally and illegally, because of the lack of proper identifiers and total fraud within the system of what is presented, we will raise the total annual immigration to more than 1 million persons this year.

With legal immigration at record rates, we have to pay, I think, clear attention to the integration and assimilation of these new Americans. Those are not nasty words. Assimilation and integration never have been flash words or charge words and, yet, they seem to be somewhat now. That is not my intent. We really do not ask very much of a new immigrant to this country, but one thing we do expect of them is that they accept our system of government and our common language and a common flag. I refer to this as our public culture. What they wish to do in their private culture is nobody's business.

It is particularly important that we insist upon this acceptance of our public culture if we expect the majority of American people, the majority of American people, to continue to support—and I do not know that they will much longer support—continued large-scale immigration to the United States.

In my mind, the surest way to encourage xenophobia, fear of foreigners, which is all over the continents of the world now—people run in various countries as xenophobes, as foreign baiters, and they win tremendously increasing amounts of the ballot strength in each country. Very disturbing.

But in my mind the surest way to encourage xenophobia and ethnic prejudice is to encourage the growth of enclaves in the United States where English is not the common language, which is the language of commerce, the language of Government, and the language of jobs. The language of employment is English.

The late Theodore White, the great author and the man I got to know somewhat, wrote to me during the consideration of the 1986 Immigration Reform and Control Act, saying that he considered—this is Teddy White— he considered bilingualism and biculturalism to be the greatest threats that our country faced. That is Theodore White, "The Making of a President," a chronicler of our times.

Similarly, the deeply loved and respected author, James Michener, who is a personal friend of mine—I met him many years ago when he was writing "Centennial." He has studied and written about most of the societies and peoples of the world, and faiths and ethnic groups. He has been a guest in my home and I in his. We have personally visited many times about his concern that bilingualism seems to be permitted or to be encouraged in so many forms in the United States.

I think Senator KENNEDY will remember, as we dealt with this bill twice before, James Michener in the gallery observing the Senate activities, and I remember that very well.

Arthur M. Schlesinger, Jr., who is not unknown to my colleague from Massachusetts because of his remarkable work with the Senator's brother, in his recent book, Arthur Schlesinger, Jr. said—this is the book entitled "The Disuniting of America, Reflections on a Multicultural Society." And he writes:

> What happens when people of different ethnic origins, speaking different languages and professing different religions, settle in the same geographical locality and live under the same political sovereignty? Unless a common purpose binds them together, tribal hostilities will drive them apart. Ethnic and racial conflict, it seems evident, will now replace the conflict of ideologies as the explosive issue of our times.

And he was not just talking about foreign countries, he was speaking about all societies.

Now, all of these men are true civil libertarians, not racists, not xenophobes, but they do care about unity and stability in their beloved country.

I fear that providing bilingual ballots to certain groups in this country will

not encourage the learning of English. Rather, it will reduce the pressure to learn English on those who are offered ballots in another language. Bilingual ballots give the impression that our Government does not consider English knowledge to be especially important. We need to bring people into the mainstream of our society, and treating them specially, differently or separately, does not further that goal.

Recent events in this country have focused on differences between ethnic groups. We hear of news reports around the world reporting about an America which is fragmented, which is not united, which consists of groups of others fighting among themselves, beating each other up; stories about black persons being brutally beaten by white cops, Korean immigrants trying to make it by working hard defending their stores with guns against mobs who would burn them out because of their race and their color. That is how others in the world see us today.

It just seems to me that we in Congress should be doing whatever we can to help people to become and feel that they are part of our society, part of our system, one nation, our Nation, indivisible and under God. That is not corny stuff. That is how we formed this country. It is the only nation on earth founded with the belief in God or founded on the belief in God. People came here for that purpose, significantly and primarily so.

So what is the one thread that holds us all together, united? I believe that it has to be the English language, and the rest of our public culture.

I believe that anything we do to discourage the use of English, particularly when participating in our system of government and voting for people who represent it, is wrong. To be able to communicate and understand one another is a key to an integrated society that we all aspire to in this country. But we will not have an integrated society unless we can all communicate in a common language.

A few weeks ago—and you will hear this—on CBS radio there was a news report discussing the unrest in Mount Pleasant a year or so ago, and the complaint by some Hispanic leaders that not much had changed. They did not feel their promises had been kept and the promises of the majority in the District had not been met.

The Hispanic leader who was speaking about what needed to be done by the D.C. government was giving his address in Spanish, while another person was providing a simultaneous translation in English. We all know what simultaneous translations are. It is kind of like taking a deep breath and hope you got some of it. Whether it is the Russian or Turkic or whatever it may be, simultaneous translations leave so much unsaid.

So, my thought was, as I thought of that, that the District government should do more to include the Hispanic population, and that the Hispanic leaders should communicate their concerns much more effectively if they could do it in our common language, which is English.

My point, Mr. President, is that the building of any consensus, the doing of things we do here, parties working together, the reason that has ruptured in legislatures all over the world is that sometimes they do not speak a common language and they do not care to speak a common language and they do not intend to.

My point is that the building of consensus, the implementation of any solution that we come to in government, can best be done in a single, common language. And for the essence of American politics, the genius, if you will, of American politics is compromise. Compromise is an art that many, no, I would say, that most other countries have totally failed to achieve.

But to compromise, you must first understand clearly the other's position. And to understand the other's position, you must be able to listen to the other person. And how can we listen or learn or hear or explain to each other if we do not speak the same language? It cannot be done.

Now, I know that my friend from Illinois, a fine friend of over 20 years—we met long before we came to this place; we were legislators together in our respective States, known to me during those years—who authored the book "The Tongue-Tied American," believes that we should all learn other languages. He puts great stake in that. I agree.

And I am ashamed that I and so many of us right here are monolingual. Learning another language is so important. I hope that those that come here knowing another language will keep that language and teach it to their children.

But for a successful, truly successful, life to be led in America, whatever that term means—and it does not mean money; it means satisfaction and the blessings of America—but for a successful life to be had in America, they must know and use English.

All the great leaders of the Hispanic-American community know that. And yet they also know that they can build their constituencies if they can just take anybody into their system, under their wing, and they know in their heart what they are doing to their own system.

We here in the Senate have acknowledged the importance of knowing English on many occasions. And let me refresh your memory on this one. I recall the very first successful amendment to my original immigration bill in 1982 was a provision—it was a sense-of-the-Senate provision—to adopt English as the official language of the United States. It passed big. The vote was 78 to 21. Go look at the rollcall vote on that one. An array of the most extraordinary liberals, progressives, conservatives—whatever you want to define in a category, and it passed 78 to 21.

Of course Senator Hayakawa was here. And he was the one speaking very vigorously on it. I think it came up again. There was a vote of 75 to 25. There were other times when we dealt with it.

Sam Hayakawa was absolutely eloquent as he described how he succeeded in America, and he succeeded because of his knowledge of English and nothing more. Except he became, then, a semanticist and taught in the colleges of America.

I opposed that amendment when it came up. Go look at the people who opposed it, too. But I opposed it only because I believe it has no place on an immigration bill dealing with illegal immigration. Nonetheless, it passed this body by a 4-to-1 margin and, as I say, our departed friend Sam Hayakawa, rest his soul, led the debate on that.

I also then remember the Jim Wright amendment to the Simpson-Mazzoli immigration bill of 1986. That amendment, sponsored by the then House majority leader, became part of the House bill and was accepted by the Senate conferees in conference. It required any illegal immigrant receiving legalization to learn English before acquiring permanent status.

Speaker Wright, as he later became, knew exactly what was required to make it in America: English. He was from Texas. English proficiency is not only the key to success in America, but increasingly the key to success around the world and is the key to jobs.

So when I see any Government program that does not encourage English proficiency—and this is surely one—I wonder what effect that will have on our common bond, the common thread that binds us all together. I worry that what we are doing is simply for effect, for temporary, feel-good effect, which would surely backfire upon us in the future. So I look at this bill and I ask if it will have the effect of making everyone from every group feel included, represented, involved, given a stake, being a player in our society?

Let us look at the figures. I have said this before. Everyone is entitled to their own opinion but no one is entitled to their own facts.

I have looked at them. I am not convinced at all that bilingual ballots do anything to help unity, cohesion, and inclusion. I wonder if bilingual ballots might actually encourage feelings among those people of feeling very separate, and very apart, and very different.

I think we could all agree that nothing is more important to full participation in our system of government than the act of voting, the sacred act. Are

bilingual ballots our way of telling people that they can fully participate in our society without knowing English, or are we telling them they are separate and different? Or is it just big nanny or a paternalistic Federal Government saying to someone that what we are doing is best for you, or we think it is best for you?

I am concerned that Congress does not have the evidence to support continuing bilingual ballots. I feel that by going ahead despite having no knowledge of its effects, we could be doing even more damage by expanding bilingual ballots to additional jurisdictions, and that is what this bill does.

But, let me say right here and right now and maybe this debate can bring us to that point, if someone can show me that bilingual ballots are truly needed, effective, and increase voter participation, and if they are truly useful and helpful in bringing people into our public culture, making them feel part of rather than separate from, I will support this bill. And I urge my colleagues to do the same.

But I am not ready to do that on faith; or on the vaporous and heady fumes of feel-good symbolism. I believe that a Federal requirement that State or local jurisdictions print official documents in languages other than English is generally a very bad idea. And there must be solid evidence that will produce a substantial good, before we continue that activity.

Let me go over some of the questions I have about bilingual ballots. Let us start with the hard data. This data all comes from the U.S. Department of Commerce, Bureau of the Census.

If bilingual ballots are intended to increase minority group participation in the voting process, I am here to tell you that they surely have failed. First let us look at the Hispanic voter registration numbers. I have heard it said that bilingual voting assistance doubles or triples voter participation. That is not true. After 15 years of bilingual ballots, the registration among Hispanic citizens moved up only 4 percent, to just over 50 percent. When it comes to actual voting the numbers are worse, 34.3 percent of Hispanic citizens of voting age actually voted in 1978. In 1990 that number had declined to 33 percent.

So, since the institution of bilingual ballots, the rate of voting participation for Hispanic citizens of voting age has declined. Please hear that. I have a chart to reflect that and would ask Mr. Day if he would retrieve that and I will present it to you without the giant rack which goes with it, which looks like a roller coaster apparatae.

So, hear that. Since the institution of bilingual ballots the rate of voting participation for Hispanic citizens of voting age has declined. Some will say—so what? All voting percentages have declined.

Let us look at the relative decline in voting. Are white voting rates declining faster than minority language voting rates? No. They are not. Minority language voting rates declined faster over the last 15 years.

So, do bilingual language, bilingual ballots, bring white and minority language participation rates closer together? No. That is certainly not the way I see it.

There is your description, percent of citizens reporting voting in congressional election years—by race. Rather an interesting thing we do now in our electoral process. It seems to be big in both parties but let us look at it because here it is.

In 1978 there was a difference here between white voter turnout and Hispanic voter turnout of 14.5 percent. Here to here.

And in 1990, this difference between the white voter turnout and the Hispanic voter turnout is 15.2 percent.

So there you are; 34 percent here dropped to 8 percent there. That is extraordinary. And that is the facts. That is what we are talking about here. I know there will be other, I am sure, facts. But I do not know anything more graphic than that.

So, do they bring these participation rates together, closer? No. That is not the way it is. That is not so. And these are from the Department of Commerce and Bureau of the Census.

Then, between 1978 and 1990, the gap as I say between the percentage of Hispanic citizens voting and the percentage of white citizens increased from 14.5 to 15.2, and that is not a majority/minority distinction either; or a problem with the Voting Rights Act in general. Blacks—and let us get this out of the way so we can move on to the debate—blacks have greatly benefited from the Voting Rights Act. And that is marvelous. That is what we were about.

In Mississippi, for instance, only 6.7 percent of the black voting age population was registered before 1965, the year the Voting Rights Act was passed. Only 7 years later, 63.2 percent of such persons were registered to vote.

Clearly, when the Voting Rights Act is the legislative solution to a very real problem, it can be very effective, was and is, and I have supported that fully.

Please hear me, I do not blame bilingual ballots for the decline in the voting participation rates by Hispanic citizens. I know the census figures are not perfect. I believe there are probably more Hispanic voters today than there were 15 years ago, and there certainly should be, because I have been involved in that, as our immigration laws over the last 15 years have been particularly generous to regard Hispanic immigration. And I have been an engine in that change.

But these census figures do raise some very valid questions about whether bilingual ballots are doing anything useful to increase the participation of language minorities in the electoral process. I do not doubt that bilingual ballots are used, but that does not mean that they are needed. I hope we can make that distinction, or that it means that they are effective in increasing voter participation.

I would believe it to be natural for a person who speaks English at work and Spanish at home to choose the Spanish language ballot if it were available, even though that voter could fully understand the ballot or other materials in English. The fact that bilingual ballots are used does not mean that they are needed or that they increase voter participation.

So, has section 203 of the Voting Rights Act been a factor? I see no statistics at all to reflect that. If the all-English ballot is the problem, then 15 years of bilingual ballots has not been the solution.

I am told that some proponents of this bill are working to come up with additional information that will show that bilingual ballots are effective. They say, do not rely on the national data; look to the individual jurisdictions where these laws apply.

I would like to look, but I have not seen that information yet. If it exists, I hope someone will show it to me with dispatch. This is the place for that. If it does not exist, I would like to get it. Or perhaps help find it. In fact, if additional information is forthcoming, I would hope then that we would postpone action on this bill to see what we may be able to learn from the new data and, remember, if this bill did not pass just because this is the date of expiration, not a single person would be denied their right to vote. Not one.

And I urge commentary with regard to that. No one would be deprived of their right to vote if this did not pass. It will pass. They would only be denied their right to have a bilingual ballot, but not the right to vote, so that is not a correct statement anyway. So I await that data.

I will have an amendment to reauthorize bilingual ballots for 5 years and give us an opportunity to get a detailed report of the necessity and effectiveness of bilingual ballots. At the end of 5 years, we can review all the data which we do not have at this time and then make an informed decision about the continued use of bilingual ballots. That is a sincerely offered proposal. I am more than uncomfortable dealing with this bill otherwise.

I do not think we can find any justification to reauthorize bilingual ballots until the year 2007—2007. How can we impose something that has hardly worked, or maybe it does not work at all, on the country until the year 2007? That is regrettable logic. How can we explain it to people if we do not have any evidence to support it?

I believe that the American public is largely opposed to bilingual ballots. Every time it is on the ballot, they vote against it with big numbers, and we are not talking about racism. Let us not slip back over into that where we always go when the facts fade. The American public is largely opposed to bilingual ballots. They are even opposed to further immigration. They are even opposed to further illegal immigration. They always have been, and they are even opposed to legal immigration. That is why I have been proud to wend my way through that and try to bring more people to the United States, and we have been successful, but it is not the most popular thing.

When Congress last addressed bilingual ballots in 1982, there had been virtually no polling or voting by the American public on the issue of English as our Nation's official language. Since 1982, the people have expressed themselves and their position on this issue time and again, and as their representatives, we must try to make certain that their desires are at least considered instead of just laughed off.

I think that the position of the general public is pretty clear. San Francisco, 1983, 64 percent of voters in a referendum in that remarkable, multicultural city voted against bilingual ballots and asked Congress to repeal the law mandating it.

California, 1984, 72 percent of the voters in a statewide initiative voted against bilingual ballots and asked Congress to repeal the law mandating it. The Governor duly petitioned the Congress, and we duly ignored it and the wishes of the people of California.

California, 1986, 63 percent of the voters approved a constitutional amendment making English the State's official language. One of the biggest issues in that election was bilingual ballots.

State after State have been passing laws making English their official language. It has been my personal experience that support for the use of English is particularly pronounced among the recent immigrant groups. I do not believe it is the newcomers themselves who expect or want the Government to do this or to coddle them. I really believe that. And I have talked with them.

We in the Congress have been criticized up and down the pike for allegedly ignoring the wishes and desires of the American public. I do not believe that. But, nevertheless, they say we are out of touch or we do not get it—a certain arrogance and real elitism there. A nice phrase from the groups who really do not get it themselves.

It seems to me that the American public, including our various and diverse ethnic groups, have made their position quite clear on the language issue, and it is as if we ignore them again as we consider bilingual ballots this year, we will be giving them one more piece of evidence that we are indeed out of touch, we really do not get it.

Let me speak for just a moment on the proposed expansion of the bilingual ballot which is also contemplated by this legislation. This is not just a renewal or an extension, this is an expansion.

The bill proposes new coverage for jurisdictions for more than 10,000 of the citizens of voting age who are members of a single language minority and have limited English language proficiency. This apparently is intended to cover language minority citizens who, even though they might number 10,000 or more in a single county, still do not make up 5 percent of the voting age population. Counties like Los Angeles, Cook, and some in New York would probably be among those newly covered by these provisions. Indeed, they would.

I believe the sponsors' estimate this measure would extend bilingual ballots to an estimated 24 counties.

What bothers me is that I have not seen the justification for this expansion of coverage for these areas.

Good questions would be:

Are they hotbeds of discrimination in voting? I would like to know that.

Are they in for use for English-only election material? I would like to know that.

Are minority language voters in these areas clamoring for bilingual ballots? I would like to know that. I do not think so, though. The Justice Department has testified that "it has not received significant numbers of complaints" for these jurisdictions.

Is there a compelling reason to expand bilingual ballots into these large counties?

The reasoning behind this adding of 10,000 persons, a quota, makes sense only if one blindly assumes that bilingual ballots are inherently good. But also note that the expansion of bilingual ballots to every county, which includes—now get this, because we have Indian reservations in my State. Those that do not are not really understanding this one. I also note that this is going to go to every county which includes any part of an Indian reservation, and that would require bilingual ballots in every single one of those counties, even if the Native Americans all lived in one part of the reservation in one county. That is bizarre.

Furthermore, languages of the Indian Native American people which have never been set down in writing. They cannot be. They have passed into history, or maybe never started with a written language.

But that is the paternalism we are going to take care of. What is the justification for the type of expansion of the program?

When the Justice Department does not receive many complaints, and that is their testimony, when the proponents cannot really tell us why we should expand this coverage except to say that it is American and it is patriotic and it is right—and all those things are great, but what is the reason—then my question is why are we then doing this other than the fact you will not find many people voting against it? But there are a lot of them who will come up to you in the hall and say, "AL, you are really on the right track with that one, but I will not be anywhere around when the vote is called up yonder on that one." I understand that. That is how I get in a lot of trouble around here.

Why are they then doing this? As we consider this legislation, I hope every one of us will consider that question: Why are we then doing this? If there is a hard reason or a real need, I would very much like to hear what it is.

No election will be affected this year. Everyone will have the right to vote. They can go to vote. They can pick up the ballot. The only "right" that will be missing is the bilingual ballot. So I would like to hear what that is. I presume that the new trigger was written into the bill for a reason. I cannot believe we believe that we are expanding coverage just to cover more jurisdictions. That is what a lawyer might call "boot strapping."

A third question to consider is who uses bilingual ballots? I know there is a position of my colleagues in support of this bill which says that some of our senior citizens are incapable of learning English so they need special assistance. After all, these folks are given an exception under the naturalization requirement that they know English before becoming citizens. They have already received that exception, and that is good. Or perhaps they are used by persons like Cuban Adjustment Act citizens who become citizens only 3 years after coming here—we never corrected that one yet—and they do not have time to master English.

But, my colleagues, they really do have time. They have had time to do very well in this country, and they probably have learned English if they are doing well. If they are not doing well, they probably have not learned English, and they learn in an abused and exploited condition in the bowels of New York, in the ghettos of larger cities. That is where they are, being abused because they do not know English.

So they really do have time to learn, and we have English as a second language. I am ready to support that. I am ready to put up more money for that anywhere in the United States. I think it is very important.

But I am certain that bilingual ballots do serve some people in these categories. I believe that. And we need to do what we can to help these folks in the electoral process. But what about

this? And hear this carefully. I am going to conclude in a very few minutes. What about the report—now get this one—of the GAO that 77 percent of the users of Spanish language ballots are native-born Americans? Try that one on. GAO reports 77 percent of the users of Spanish language ballots are native-born Americans, not the people we are trying to bring in to help over the hump, to give that little boost; indeed not.

What about our naturalization laws that require a knowledge of English in order to become citizens? I do not think bilingual ballots should be used to fill the holes of a faulty naturalization process or a faulty educational process where people are not learning English who were born in the United States of America. That is not the purpose of the bilingual ballot. That is the purpose of an educational system that apparently is not working.

Bilingual ballots are not a solution to our Nation's educational problem. I fear that they are, indeed, a divisive, misleading, expensive, and disruptive Government program that as far as I can determine—and I have been looking around—has produced no real results after 15 years.

There is no real reason given to us to expand and extend this program. It is an unnecessary intrusion of the Federal Government into the processes of State and local governments. And I want to quote Linda Chavez. Mr. President, do not think she does not get a rich rash of stuff from some of the groups, because she is very successful, very outspoken, former staff director of the U.S. Commission on Civil Rights. She recently wrote this, and I think it has a tremendous ring of truth from my knowledge in these past years in dealing with the groups.

> Today, few Hispanic organizations on their own promote English or civic classes for Latin immigrants. Instead of imbuing immigrants with a sense of the importance of acquiring and adopting the common English language, Hispanic leaders place greater emphasis on retaining Spanish and thus encourage Hispanics to remain separate from the culture in which they reside.

I share Ms. Chavez' view that the efforts of the groups to extend bilingual ballots could better be directed at promoting English classes for those who need to improve their English to naturalize or to vote or simply do as well as is possible to do in this country. That is what those groups ought to be doing, but they do not do it.

Ask them the reasons for that. I have my own view and I have shared it with many of them in their organizations.

It is just my hunch they hope that then those people realize somehow those people who are in the groups have been their salvation, when their salvation will be the English language.

What about the possibility of translation errors? That is a real possibility based on past experience. Some of these California propositions and even Wyoming constitutional amendments are difficult enough to read in English, much less figure them out well enough to translate into another language. Translations are not exact, as we all know. In Canada, where every law in the books is printed in both English and French—get this—lawyers spend hours pouring over each version to determine which one would best suit their purpose when bringing an action based on a statute. Sometimes they choose the French version, sometimes they pick the English version, not because they favor one language or another, but because the nuances of one translation will better assist them in their cause and in their case.

As far as the ballot initiatives are concerned, the solution is to improve the procedures a State or locality uses to put a measure on the ballot, not to have bilingual ballots.

In fact, I believe that most States provide a separate ballot summary and a title for complex initiatives. You will find that.

I fully support a translated sample ballot if someone needs it. But why does the Government have to require it? Why cannot community groups such as the local chapters of MALDF, Mexican-American Legal Defense Fund, or LULAT, League of United Latin American Citizens, voluntarily provide sample ballots translated into the language of the local community? It would be a good exercise and good civics for their lawyers to explain the ramifications of a complex ballot measure to the folks right there in their own communities. And if the Government is going to continue to require translation ballots, I think we would do a great service by requiring notice on all translated materials, and that notice should acknowledge the possibility of translation errors, and inform the user that the official version of the ballot is the English version.

One thing we do not need are disputes arising from voters casting their ballots in the foreign language, while voters using the English versions cast their votes for something different. We do not need that. That happens in other countries, and those countries are in civil and social turmoil.

People who do not feel comfortable with an English language ballot have all sorts of options open to them right now, if this thing was never on the books. These options are available for everyone, every voting citizen, including people who are native-born Americans who are illiterate in the English language.

One option is the absentee ballot; do that, which a voter can fill out at his or her leisure at the kitchen table. You can do that right now, long before this ever came into the system.

If the voter does not understand something, he or she will have time to ask. Look it up, or read more about it in the newspaper, if they can. And the newspaper can be in whatever language they want; whatever one the voter chooses.

Another option that many people use is to bring a friend or a relative to the voting booth to provide assistance. Some people might claim this is an invasion of privacy and of their right to a secret vote. But it is an option that many people can and do use.

One can also take notes into the ballot box, and marked-up sample ballots with them into the voting booth to cast the ballot. It is not like some closed-book test, where you walk in with no notes, try to understand the question, and through some higher power—one I sometimes never found in some classes—try to divine the right answer.

But it is a culmination of a process which includes watching television, reading the newspaper, and talking with friends and relatives, neighbors, coworkers and fellow union people, or fellow farmers, about the pros and the cons of the ballot choice. That is what it is about. That is participatory democracy, not just machine stuff, automation—walk in; crank; out the door.

If one wants to write down the choices before entering the voting booth, and take the votes with him or her, in any language chosen, he or she is free to do so. That is the law now. So there are many alternatives, and most of the immigrant groups may have to use these alternatives. They will.

Yet, this legislation provides bilingual ballots for a select group—Hispanic Americans, Asian Americans, and Native Americans. There is not one single thing here for the voter who speaks Russian, or Polish, or Italian, or whatever language. And—get this—more Russians received immigrant visas last year than any other national group. I am sure that will be a very quick amendment. We will have that in there very swiftly, I would think, when we brought in over 50,000, or some such figure, in these last months of people who speak Russian. They are not mentioned here.

There is nothing here for the Ethiopian or the Iranian refugee, but these folks will do quite fine, thank you. They will learn English; they will vote; and they will succeed here without bilingual ballots. That has been our tradition. That is our history.

I fear this legislation will only serve to reinforce the non-English speaker's native language, and relieve the pressure—that is a good word to use, the pressure—on that individual to learn English. And that we must never do. We must keep that pressure on our citizens to learn English always, for their benefit, for the betterment of their own lives, for their totally selfish benefit, for their jobs, and for our country's benefit.

Mr. President, the Government-mandated program also most surely does create additional expense for local jurisdictions, and I firmly believe that if we are going to issue a Federal mandate to these local jurisdictions and if we feel this is so important that we must require them to provide bilingual ballots, then we must be ready to put our money where our mouths are and provide the necessary funding for that.

I will offer an amendment which will provide for Federal funding of any federally mandated bilingual voter assistance.

I would like to speak a great deal more about such things as the unfairness of providing bilingual ballots to some groups and not to others; the serious insult we pay to immigrants who have taken the time and have made the effort to learn English; and other problems I have with this legislation. But I am not going to do that. It is not my intent to filibuster this legislation, and never was.

So I do want once again to ask my colleagues this question: What are bilingual ballots for? Then I want to ask another question: Does this legislation, in its parts or in its entirety, accomplish that purpose?

I know all of us still have in mind the Los Angeles riots, the problems troubling our Nation that that violence brought home to us.

I believe we must consider whether this Government mandate or these bilingual ballots contribute to a common, central experience to all Americans, or whether it will send a message that we are composed of separate groups. Do we get along as best we can, or does the Government once in a while step in with something like bilingual ballots that are well meant, but indeed may simply contribute to the problem we set out to address?

I close with something else that Linda Chavez recently wrote, and she received unshirted hell from most of the groups, as we refer to them.

She said this:

> Assimilation has become a dirty word in American politics, invoking images of people, cultures, traditions, forged into a colorless alloy, in an indifferent melting pot. Where once the goal of new arrivals was to gain admittance to the American mainstream as rapidly as possible, now ethnic leaders advocate groups remain separate; that native cultures and languages be preserved intact; and that every effort be made by society to accommodate ethnic "differences."

This brash and strong-willed woman, Linda Chavez, goes on to point out in the article that while it is true in some parts of the country that Hispanics are less likely to vote than either whites or blacks, the problem is not language, but the fact that then-Senator Barry Goldwater once put in an earlier hearing on the bilingual ballot issue that:

> Forty percent of all Spanish-origin persons who were not registered in 1974 reported they were not citizens.

I hope that big government will not once again, in this year, take a well-meaning step that has an adverse—if unintentional—consequence. This is one of those issues which is politically correct here inside the Beltway. You bet. When we get one of these types of issues, we sometimes do strange things.

During the debate on the immigration bill when Senator KENNEDY and I sponsored, for instance, while this body warmly embraced my proposal that we give preference to an immigrant who had a Ph.D., it voted down my proposal that we give preference to an immigrant who spoke English, despite the fact that the immigrant was a doctor, and is likely to be more wealthy, more privileged, and elite than the one with the high school diploma who has learned English.

A vote against a preference for knowing English was the PC vote—politically correct—in the finest form. Now this body that was opposed to giving immigration preference to immigrants speaking English will have an opportunity to vote on whether the Federal Government should mandate special help for immigrants and others who cannot read or speak English very well. That will be the amendment of Senator BROWN.

The census form says that if you speak English very well you do not do the bilingual ballot. But if you speak it only well, you do. That needs a new definition, and Senator BROWN will discuss that.

So I see it simply as a question of what is in the national interest. I believe unity and commonality and inclusion are in the national interest. I believe a common language, through which all Americans can communicate with each other, is in the national interest. And I believe that unrelenting pressure to learn English on all who join our society is certainly in the national interest.

As for political correctness, a politically correct vote in our own districts and States will be against a Government-mandated program which has not been shown to be effective, and which may indeed be unintentionally very much against the national interest.

I thank my colleagues for their patience. I think this is well within the discussion of time, and without a time agreement.

I appreciate the indulgence of my colleagues.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I want to express my appreciation to the majority leader for bringing this matter to the Senate in a timely way. As has been pointed out earlier in the debate, this legislation expires this evening. We know that the Senate schedule will put the Senate out next week, and we will be facing a number of local elections this fall. This legislation is extremely important in the counties across this country that have been attempting to ensure that the right to vote is going to be available to all Americans; it is important that they understand what the intent of the Senate of the United States is on this issue. The legislation was overwhelmingly accepted and endorsed in the House of Representatives, and now this evening we will have a chance to address this issue ourselves.

Mr. President, I also want to express my appreciation to the floor manager of this legislation, Senator SIMON, who has provided real leadership on this issue and many other issues in the Judiciary Committee. He has always been a constructive force to expand the right to vote and to permit all eligible individuals to participate in our election system. I congratulate him on his leadership in this area.

Also, although I differ with my friend from Wyoming, I want to express my appreciation to him for the matters which he has brought to the floor this evening. Many of these matters we did discuss and consider in the Senate Judiciary Committee, and we will have an opportunity to debate them further this evening.

I would like to make some general comments and not take a great deal of the Senate's time. Before I do, I want to pay tribute to our good friend and colleague from Utah. This legislation is Simon-Hatch legislation. The principal cosponsor is Senator HATCH, from Utah. It is only because of the personal sadness of the loss of his father in the early morning hours of this day that has necessitated his absence from this debate and prevented him from adding his own strong sense of justice in support of this legislation.

We are indebted for his leadership and strong support of this legislation. I will include in the RECORD the letter that he wrote. I will not read Senator HATCH's statement, but I think his strong support for this legislation is illustrated in a letter that he sent to his colleagues in the Senate. I'll just read:

> DEAR COLLEAGUE: We are writing to inform you of the Administration's support for the reauthorization and strengthening of the federal bilingual voting assistance mandate contained in S. 2236, the Voting Rights Language Assistance Act of 1992.
>
> Two of the important provisions of S. 2236 designed to support greater access to the ballot box by Hispanics, Asian-Americans, and Native Americans include:
>
> reauthorization of the current bilingual voting assistance mandate for 15 years.

As Senator HATCH pointed out, and as others have pointed out, the reason for the extension of 15 years is so that this law will terminate along with the rest of the Voting Rights Act, which we have supported and passed, so that they will all terminate at the same time, and we will have an opportunity

to examine all of those particular measures.

He goes on to say:

* * * inclusion of a numerical "benchmark" in the formula used to determine coverage. The benchmark would close gaps in coverage which have left large Hispanic and Asian-American communities without bilingual voting assistance.

Consistent with its strong commitment to the inclusion of and expansion of opportunity for minorities in the American political process, the Administration supports both of these important provisions.

We urge you to join us in support of the Administration by casting a vote for democracy and supporting S. 2236.

I think this captures the spirit of what this is all about—democracy, participation in the electoral system. The letter was signed by Senators HATCH, MCCAIN, DURENBERGER, KASSEBAUM, CHAFEE, SPECTER, D'AMATO, MURKOWSKI, and PACKWOOD.

So, Mr. President, this is the essence of the real issue—whether we are going to continue the long march toward democratic institutions and democratic rights.

The right to vote is the cornerstone of our democracy. Without it, all other rights are in danger. We are proud of our democracy. Our history has been marked by a continuing struggle to extend the franchise to all Americans.

In the past two centuries, a number of key amendments to the Constitution have enlarged the right vote:

The 15th amendment in 1870 prohibited voting discrimination because of race.

The 16th amendment in 1913 provided for direct popular election of Senators.

The 19th amendment in 1920 prohibited voting discrimination because of sex.

The 23d amendment in 1961 granted citizens of the District of Columbia the right to vote.

The 24th amendment in 1964 prohibited the use of poll taxes to restrict the right to vote.

And the 26th amendment in 1971 granted the right to vote to citizens eighteen years of age or older.

The words of the Constitution are not self-enforcing. In many cases, it has been left to Congress to enact statutes to carry out the intent of the Constitution. In 1965, Congress took a giant step in that direction, when it passed the Voting Rights Act to prohibit practices that limit the right to vote on account of race or color.

One of the most serious legacies of past discrimination is the large number of American citizens of Hispanic, Asian, and Native American heritage who have been deprived of fair educational opportunities, and as a result, are not fully proficient in English.

In 1975, Congress recognized that if the right to vote is to be meaningful, these Americans must be given the opportunity to obtain language assistance such as bilingual registration and ballot materials. To achieve that goal, Congress added section 203 to the Voting Rights Act to require jurisdictions with significant language minorities to give eligible voters this kind of language assistance.

Section 203 has made an enormous difference in giving citizens access to the bilingual information they need to register and to vote. A 1986 GAO study reported that about 1 in 4 Latinos who voted in the 1984 general election in Texas used bilingual ballots.

In 1990, 25 percent of Hispanic voters in Texas and 18 percent of Hispanic voters in California used bilingual election services.

The importance of language assistance is also confirmed by comparing the registration rates among Hispanic voters in covered jurisdictions with those in noncovered jurisdictions. In New Mexico, where bilingual election materials have been required since statehood, the Hispanic voter registration rate is 85 percent of the rate for Anglo voters; the Hispanic registration rate in Texas, which is covered by the act, is 65 percent of the Anglo rate.

But in jurisdictions with significant Hispanic language minorities that are not covered by the act, registration rates are less than half of the Anglo registration rate.

I have listened to the debate saying, what about the falloff of the registration by Hispanics? Of course, it has fallen off; 670,000 will be covered by this act that are not now covered by this act. They are denied bilingual assistance. Well of course, participation is going to fall off. That is self-evident. I was kind of surprised that some people would spend so much time trying to make something big of that fact. It is self-evident. They do not have that kind of support. They do not have that kind of assistance. Then their registration rate is not going to be the same in terms of comparison with others, and it will continually decline.

Other studies confirm the positive impact that the legislation has had on voting by Asian and native American citizens. The point is raised here, why these groups? Why these groups? You know, it was not long ago, 1965, when we had an Asian Pacific Triangle to discriminate against Asians, as a part of American law. Have we forgotten the internment of Japanese-Americans in World War II? All you have to do is read the various reports on Indian education. I will take a moment or two and include this tonight. The Bureau of Indian Affairs have been educating Native Americans, and it has been one of the most disgraceful actions that has ever been undertaken by any agency in this country.

I want to refer my colleagues to the remarks of Representative PASTOR in the House debate on this legislation:

Mr. PASTOR. Madam Chairman, today, a few minutes ago, we heard that if a citizen of this country does not know English, that he or she should not be able to vote, the basic right of any citizen of this country.

Well, let me talk about the first citizens in this country, a people that we fought, that we conquered, the first citizens who today have to go to BIA schools, Government-run schools where they do not learn English properly.

They are on reservations, Madam Chairman. Our Government has put them there. But yet they are citizens of this country.

They would like to participate in this country, to make decisions for their people, and yet we deny them participation because this Government does not teach them English properly.

The native Americans of this country, the first citizens of this country, need to have a voice in their Government. If we are going to deny their vote because we do not teach them English properly, then shame on this country, shame on our society. Why should we exclude the native Americans because we try to treat them as second-class citizens? I ask my colleagues, there are many citizens, the first citizens, of this country who have the right to vote; they only ask the assistance to be well informed and to participate in this Government like any other citizen should.

You have the large numbers of young native Americans that drop out of school, had the kind of social problems that exist, and I say that as a former chairman of the Indian Education Committee. That is why we have identified native Americans.

And the record, in terms of discrimination against Hispanics, has been equally poor, particularly in the area of education.

So those who oppose this legislation suggest that giving bilingual voting assistance removes a significant incentive for American citizens to learn English. That is just plain wrong.

I read from the statement by Congressman JOSE SERRANO, the Congressman from the Bronx, in supporting extending the act:

The Voting Rights Act and section 293, in particular, are largely responsible for the opportunity I have been given to serve in the Congress of this, the greatest, the most free and Democratic nation in the world.

My testimony to you comes from direct, deeply personal experience.

Section 203 is not a luxury. It is the essence of the franchise for a large and growing number of voting American citizens, who are unable to effectively participate in an election because of the difficulty of language, are denied the franchise just as surely as they would be if literacy tests were administered or poll taxes.

Just the same. Just the same. The same effect.

Bilingual elections do not promote cultural separatism but instead help to integrate the non-English-speaking citizens of our system of democracy.

And I thought he pointed out in the course of the debate—and I will just quote him briefly.

I was born an American citizen on the island. I was born on an island that speaks Spanish for the most part. Yet during the Persian Gulf war, no one said we will take 16,000 troops out of Puerto Rico only because they do not speak English proficiently.

Some, unfortunately, did not return, who never spoke a word of English on the battlefield because they only spoke Spanish.

And Congressman ORTIZ also pointed out:

Providing bilingual voting assistance is a way of encouraging citizens to participate in the most American of institutions—the political process.

By giving language minorities a reason to believe in American Government and by giving them a way to become invested in the decisions our Government makes, bilingual voting assistance can cultivate a sense of patriotism and civic duty that is sorely needed in today's anti-Government climate.

Time after time, Hispanics have shown that when they are given the chance to contribute to their country, they deliver.

Hispanic-Americans have earned 38 Congressional Medals of Honor in serving their Nation.

Those who oppose this legislation suggest that giving bilingual voting assistance removes a significant incentive for American citizens to learn English. That is just plain wrong.

Many American citizens born in this country are less than fully fluent in English, because another language was spoken in their home. Our naturalization laws permit otherwise qualified older persons to become American citizens without becoming fully proficient in English. These citizens have the right to vote; the question is whether they will cast an informed vote. If our democracy is to function, every voter must understand the choices to be made in the voting booth. Language assistance for those who need it is thus imperative for our democracy.

This year's voting rights amendments extended section 203 and make useful changes in its provisions. The bill modifies the threshold for coverage, so that jurisdictions are covered if members of a single language minority total either 10,000 citizens of voting age, or 5 percent of the voting age population, whichever is lower. Existing law placed the threshold at 5 percent of the jurisdiction's population.

That change will assure that communities with significant language minorities will be required to provide language assistance. The bill will cover Los Angeles, Cook County, Queens County, Philadelphia, and Essex County, NJ, all of which have at least 10,000 Latino voters with limited English proficiency; it will also extend coverage to Boston, MA, which now provides bilingual assistance although it is not required to do so. None of these jurisdictions is covered under the current threshold; each would be covered by the legislation before us. The change will permit assistance to be given to an estimated 860,000 minority language voters in 34 counties across the country.

The bill also clarifies the existing law to ensure that the act applies to reservations on which there are significant numbers of native Americans who are not fluent in English.

I will just mention in the course of the House debate again as the discussion was relating to the coverage of the—I will come back to that aspect in terms of the coverage of the Indians. Here it is. And this again is Mr. Pastor, who succeeded Mo Udall.

H.R. 4312 has special significance for native Americans because it improves section 203's coverage of native Americans living on Indian reservations who have limited English language skills. The current standard in section 203 excludes many reservations with significant populations of limited English proficient native Americans. Elsewhere, only parts of reservations are covered. This occurs because the current coverage standard does not consider the unique history and demography of native Americans. Native Americans living on reservations and other Indian lands comprise less than one-third of 1 percent of the total United States population. These relatively small populations are split by State and county lines, which were often drawn without regard for reservation boundaries when States entered the Union.

Mr. President, this law preserves the provision in existing law that directs the Census Bureau to determine membership in a language minority by counting the number of voting age citizens "who do not speak or understand English adequately enough to participate in the electoral process."

A very detailed study was done on that by the Department of Education along with the Census, and the record is, I think, strong in support of those particular provisions. I understand we may face an amendment on that issue.

This provision assures that language assistance will be required only where it is needed.

In this election year, voting rights are too fundamental to become bogged down in partisan politics.

I am, therefore, especially pleased that the Department of Justice and the Bush administration support the reauthorization of this important civil rights legislation.

Section 203 expires today. Jurisdictions that are holding primaries in September need to know their responsibilities now. The House has already acted; I urge the Senate to pass this bill today and send it to the President, so that these fundamental provisions of the Voting Rights Act can continue without interruption.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Linda Blauhut be granted privileges of the floor on the bilingual voting rights bill.

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

• Mr. HATCH. Mr. President, I want to pay tribute to my friend and colleague from Illinois, Senator SIMON, for his leadership on this vital issue. This is a very important matter and the Senator from Illinois deserves our thanks for moving this legislation along. I also want to thank his staff for their fine efforts and cooperation: John Trasvina, Jayne Jerkins, and Susan Kaplan.

I am pleased to be the lead cosponsor of this measure. It has strong, bipartisan support. The entire subcommittee on the Constitution has cosponsored the bill. It passed the full committee on a 12–2 vote.

The right to vote is one of the most fundamental of human rights. Unless Government assures access to the ballot box, citizenship is just an empty promise. Section 203 of the Voting Rights Act, containing bilingual election requirements, is an integral part of our Government's assurance that Americans do have such access.

Section 203 requires, in pertinent part, that States and political subdivisions provide registration and voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, in a foreign language if certain basic conditions exist. First, the Director of the Census must determine that more than 5 percent of the citizens of voting age in a jurisdiction, are members of a single language minority who do not speak or understand English adequately enough to participate in the electoral process. Second, the Director of the Census must also determine that the illiteracy rate of such persons as a group is higher than the national illiteracy rate.

I believe, of course, that our citizens should learn the English language. I also believe, however, that providing foreign language assistance for the purpose of exercising the right to vote is appropriate. This assistance is no real disincentive to learn the English language.

Unfortunately, while other provisions of the Voting Rights Act expire in the year 2007, section 203 of that act expires in just a few days. We need to extend it.

The growth in the minority communities, covered by section 203, indicates that continuing to remove language barriers will further enhance voter participation by language minorities.

The number of registered Hispanic voters in Arizona, California, Colorado, New Mexico, and Texas doubled from 1976 to 1988—from just over 1½ million to over 3 million. Nineteen-ninety census data show that the Hispanic population in this country grew by 53 percent; the Asian-Pacific Islander population grew by 107.8 percent, and that of the American Indian, Eskimo, and Aleut communities increased by 37.9 percent.

I also note that there is a serious flaw in the current statute that the current measure addresses. Because of the percentage threshold provisions of the statute I mentioned earlier, the following anomaly exists:

A county with 10,000 citizens of voting age, including 501 citizens of language minority, with an illiteracy rate

higher than the national average, and who do not understand or speak English well enough to participate in the electoral process, must provide bilingual assistance to those 501 citizens. A county with 500,000 voting age citizens, including 25,000 citizens of a language minority, need not provide assistance to those 25,000 citizens. Why? Because those 25,000 citizens do not constitute more than 5 percent of the county's voting age population. A statute that requires one county to provide assistance to 501 members of a language minority, but does not require a county with 25,000 members of a language minority to provide the same assistance, makes no sense.

The substitute amendment addresses this anomaly. It sets an alternative numerical threshold, covering jurisdictions with over 10,000 limited English proficient persons as a trigger for section 203's coverage, even if they amount to less than 5 percent of the jurisdiction's voting age population.

This bill also makes needed adjustments in the current statute to assure that native Americans are given a realistic opportunity to avail themselves of the benefits of the law.

I would like to address some of the criticisms that my good friend and colleague on this side of the aisle, Senator SIMPSON, has made during Committee consideration of the bill. I know he will fully elaborate on those criticisms on the floor, and I respect both his sincerity and his good will in raising his concerns. They are serious concerns and they deserve serious answers.

It is claimed that section 203 has been ineffective. One indicia of this alleged ineffectiveness is that Hispanic registration has only increased from 48 percent in 1978 to 51.9 percent in 1990.

In response, I would make three points:

First, any increase in registration is a plus. Second, these nationwide data are very misleading because section 203 has applied in less than 10 percent of the counties in the country. That is, the increase in Hispanic registration may have been greater if section 203 had been applied more widely. Third, in any event, people decline to register to vote for a variety of reasons, including difficulty of access to places of registration, a feeling of lack of responsiveness by the political system, and so on.

The better question is, what would Hispanic registration look like in the absence of section 203?

Next, it is claimed that the percentage of Hispanic citizens reported voting declined slightly from 34.3 percent in 1978, to 33.8 percent in 1990, and that while white voter participation has declined, Hispanic voter participation has declined in greater proportion.

Again, the more relevant data would be not nationwide statistics, but statistics from counties where section 203 applied. Further, the better and more difficult question is, what would Hispanic voter participation be like in the absence of section 203 in those jurisdictions where it applied? And, again, I stress that people decline to vote for a whole host of reasons and it does not follow from such voting data that section 203 is ineffective. Such a test puts an impossible burden of proof on this modest provision. The availability of bilingual materials is irrelevant if Hispanic voters, for example, think they have little stake in the outcome of a particular election, and of course, the same goes for any other voters as well. I will have more to say about the use of bilingual election materials later in this debate.

I also believe, with all due respect, that comparing Hispanic registration rates to black registration rates following enactment of the Voting Rights Act is totally inappropriate. The barriers to black registration were often much more overt than barriers to Hispanic registration. Thus, a law like the Voting Rights Act could not have the kind of immediate and dramatic impact on Hispanic registration that it has had on black registration.

I also share the desire that Americans, native born, or those who who were born elsewhere, learn the English language. I sincerely believe, however, that the two or three times a year a person may avail himself or herself of bilingual registration or voting materials is no real disincentive to learning English. Without these materials being available for those who need them, I believe it is more likely that these individuals simply will stay home and not vote, rather than learn English. I think they should be able to vote and should also learn the English language well enough not to need bilingual materials in the future. But that is a task for schools and adult education programs. It might be desirable for the Subcommittee on the Constitution to look at how our schools teach English to children who do not speak the language, and the role the Federal Government should play under title VI of the 1964 Civil Rights Act and other applicable statutes. It might also be desirable for the Immigration Subcommittee to investigate whether immigrants really do learn English before they obtain citizenship. But assisting people in voting, in my view, is not the source of the concerns of which my friend from Wyoming spoke in committee.

Finally, Mr. President, I want to address another concern. Section 203 requires that the Census Bureau shall determine whether the requisite number of citizens "are members of a single language minority who do not speak or understand English adequately enough to participate in the electoral process. * * *" This limitation of coverage to those who do not speak or understand English adequately enough to participate in the electoral process was added in 1982 by Senator NICKLES.

There has been some criticism of the manner in which the Census Bureau has carried out its duties under section 203. The committee report, however, puts the matter in proper perspective and I want to quote two paragraphs from the report:

> The Nickles amendment required the Bureau of the Census to identify covered jurisdictions using existing data on English language proficiency. After consultation with the Department of Justice, the Bureau used both its own decennial census long-form question on language ability, as well as the Department of Education English Language Proficiency Study [ELPS]. The census question asks persons who identify themselves as speaking a language other than English in the home to evaluate their own English language proficiency. There are four possible answers: Very Well; Well; Not Well; Not at All. The ELPS study measured the basic English proficiency of adults from English and non-English speaking backgrounds. The study assessed the ability to do such ordinary tasks as following simple oral directions and filling out forms.
>
> The Bureau of Census found that those non-English speakers who reported that they spoke English "very well" failed the ELPS test at a rate similar to those for whom English was the only language. On the other hand, those who reported that they spoke English less than "very well," that is "well," "not well," or "not at all," all failed the ELPS test at similar rates. The Bureau concluded that persons who spoke English less than "very well" would be "at an obvious disadvantage in terms of being able to do the basic tasks associated with voting, such as following instructions for registering, [or] reading the paper to determine where one must go to vote. * * *" (Internal Bureau of the Census Memorandum dated February 4, 1985, detailing section 203 coverage determinations). The Bureau concluded that for purposes of determining section 203 coverage, those who spoke English less than "very well" were truly in need of language assistance.

Thus, while on the surface, it may seem misplaced for the Census Bureau to determine that those who speak the English language well do not speak it adequately enough to participate in the electoral process, one must take a look at the Census Bureau's rationale. The label "well" can signify almost anything, and the Census Bureau's explanation for regarding those who reported they spoke English well as in need of language assistance is perfectly reasonable.

Section 203 expires in a matter of days. We need to strengthen and extend it. The Simon-Hatch measure does this and I urge its adoption.●

Mr. DOLE. Mr. President, it was my understanding that we could do this in an hour and a half and it has already been an hour and a half. I hope maybe the distinguished Senator from Illinois might propound a unanimous-consent agreement. I think the Senator from Delaware wants 10 minutes, the Senator from South Carolina, 7 minutes,

and the Senator from Idaho 5 minutes, and I do not know what the Senator from Wyoming has in mind

Mr. SIMON. What I have right now is 10 minutes to Senator BIDEN, 7 minutes for Senator THURMOND, 10 minutes for Senator SYMMS, 5 minutes for Senator SIMPSON, and 5 minutes for myself. This is on the general debate, not on amendments.

The PRESIDING OFFICER. Does the Senator propound that as a unanimous-consent request?

Mr. SIMON. Yes.

Mr. SIMPSON. Mr. President, let me review again for those who would be listening that it is Senator BIDEN, 10 minutes; Senator THURMOND, 7; Senator SIMON, 5; myself, 5; and Senator SYMMS 10. I do not believe I have any other requests on my side of the issue. And so this would be the request propounded.

Mr. SIMON. That is correct.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Who seeks time?

Mr. DOLE. Is that for debate on the bill?

Mr. SIMON. This is just on the bill itself, not on the amendments.

The PRESIDING OFFICER. Who seeks time? The Senator from South Carolina is recognized for 7 minutes.

Mr. THURMOND. Mr. President, I rise today in opposition to H.R. 4312, the Voting Rights Language Assistance Act of 1992. Although I firmly believe that we should take all reasonable steps to assure that all citizens of voting age have the opportunity to vote, I oppose this legislation because of two concerns: First, a lack of factual documentation or statistical information which would justify extending the language assistance provisions of the Voting Rights Act for 15 years; and second, a concern that this bill will discourage the use of English as a common language, a goal which I believe is desirable if we are to create a society built on unity, inclusion, and commonality.

Mr. President, although I do not question the good intentions of the sponsors of this legislation, the fact is that there is very little factual or statistical information to support the reauthorization of the language assistance provisions of the Voting Rights Act for 15 years. As my colleague from Wyoming has already pointed out, no studies have been conducted to demonstrate how successful these provisions have been, or why they need to be reauthorized and expanded. In fact, the statistics that are available suggest a drop in voter participation by Hispanics, one of the largest language minority groups involved. Without information that the language assistance provisions are working, and in view of the substantial financial burden this will cause local jurisdictions, I question the wisdom of extending and expanding them, especially for a period of 15 years. It is possible that in some jurisdictions three, four, or five different ballots would have to be prepared to accommodate the different language minorities. Mr. President, that is a burdensome undertaking for most local jurisdictions.

Of greater concern to me however, is the fact that the required use of bilinqual ballots may discourage the learning and use of English as a common language. As many of my colleagues are aware, like the late Senator Hiyakawa of California, I have long been a proponent of the use of English as the official language of the United States. For over 200 years, the use of English has been a unifying force in our country and provides us with a shared national identity. I believe, largely as a result of English being our common language, that America has developed into a cohesive and stable democracy while, at the same time, accommodating and appreciating the rich traditions of our different ancestries.

Mr. President, it is important to note that encouraging and fostering the use of the English language in what Senator SIMPSON refers to as our public culture, is not meant to discourage the use of foreign languages or the appreciation of foreign cultures. It is clearly appropriate for people to celebrate their history and take pride in their heritage. It is highly commendable that people want to learn about their roots and identify with their past. All people should preserve their heritage and culture.

Nor is the use of English as a common language meant to discourage the teaching of foreign languages in our schools and colleges. I am pleased that so many students are learning foreign languages in school today. I praise our schools for their efforts in this area.

However, Mr. President, the use of bilinqual ballots may actually be harmful to the very people who use them. It may give them a false sense of security that they do not need to learn English. In reality, learning English and thereby assimilating into society will provide language minorities the best opportunity for success in America. They must know the language to compete as equals in the labor force and become self-sufficient. Moreover, in my view, it is essential for our economy to have an accepted national standard of communication in business, education, law, and politics. It is only in this way that we can develop the unifying strength that is necessary if we are to remain competitive within the international community.

In conclusion, Mr. President, let me reiterate my strong belief that we should assure that all citizens of voting age have the opportunity to vote. I have long recognized that the right to vote is one of the most precious rights that the citizens of this great country possess. As Governor of South Carolina, I supported and fought for the elimination of all poll taxes in my State. However, in the absence of documentation that language minorities benefit from the assistance of bilingual ballots, and because of my strong belief that English as a common language provides the unity and democratic stability that has made this country great, I intend to vote against H.R. 4312. I urge my colleagues to do the same.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 10 minutes.

Mr. SYMMS. Mr. President, I rise tonight to oppose this legislation before the Senate. I would like to compliment my colleague from Wyoming for most of what he said in his lengthy speech. There were a couple of areas that he knows about that I might take issue with him, but I will not tonight.

He has it figured out and is right on target. The premise behind this legislation simply makes this bill America's version of apartheid, that we in this Senate and in this Government fought so hard to help the people of South Africa rid themselves of.

If you can keep a group of people speaking a language other than English, then they will never be able to progress up the social ladder, up the economic ladder—up the ladder of success and opportunities which are available for most English speaking citizens of the United States of America, or residents of this great country.

Mr. President, I had one story several years ago, here in the Senate, from an area where a family from Tonga had moved to the United States. The only language they spoke was Tonganese. They put their children in the bilingual education program in the public school system of their community. At the end of a year their children were fluent in Spanish, but no one in the family could speak English and they were still having problems seeking employment.

I happen to come from Idaho, Mr. President, which has one of the largest Basque populations outside of the Pyrenees. One of the Basque leaders in my State is the Secretary of State, Pete Cennarusa. And Pete Cennarusa makes it clear when he started the first grade, in Bellevue, ID, there was no one in his family who could speak English. But he was under instructions to go to school, learn English, come home and speak it. And they were under very strict rules to speak only English in their household so they could become active, productive, successful citizens in our State, in our society.

Our former colleague, Senator Laxalt, told me the same story in his case with his family in Nevada; his parents required the entire family to speak English in the household so they could

learn English so they could assimilate into the society. And then they could keep their ties to their native Basque language and their culture, which we have seen happen in my State. But they have learned to speak English so they can be successful—lawyers, doctors, business people, workers, teachers, and so forth.

I support what the Senator from Wyoming and the Senator from South Carolina have said, and I recommend a vote against this bill. Whether or not bilingual ballots have had any positive effect on minority participation in elections, one thing is clear: They encourage new citizens in this country to stay on the outskirts of the mainstream. I am amazed when I listen to my colleagues praise this legislation. I am even more shocked to find out that the administration has signed off on this legislation—to extent this for 15 years. The bill is based on a faulty premise. Instead of being a melting pot, we are encouraging people to stay on the outside of the culture. The melting pot has been a great benefit to immigrants who have come here.

Mr. President, Senator SIMPSON outlined the weaknesses in this bill and those weaknesses are indeed great. Who is going to pay the electoral jurisdictions for complying with this cumbersome bill? Just set aside the philosophical problem.

My point, Mr. President, is that this bill does nothing more than make it easy for people not to learn English. That is what it all amounts to, to separate those people in our society, to divide them so they simply cannot be full-fledged participants in the bounty of this great society, there will be opportunities that will be denied them.

Who is going to pay, for example, Los Angeles County to have a completely different system of voting machines in order to have six different languages featured on the ballot? Would it not do more good, I would ask, Mr. President, for the minorities in Los Angeles to help rebuild the physical and social damage done by the riots than to indulge in this kind of costly sociological experiment?

Mr. President, we heard a lot about studies and research. But all the studies and research are formed by assumptions and my misgivings about this bill are precisely the underlying assumptions that form it: The assumption that a new citizen should be kept from joining the United States of America mainstream and speaking the United States of America's mainstream language, which is English; the sponsors assume that somehow we are helping these people by encouraging them to speak a different language; the assumption that immigrant groups are best served by keeping them identified in ethnic groups, not culturally, which is their own business.

If culturally we want to have a Basque center in Boise, ID, I am for it. We have the Basque dancers which are famous worldwide from Boise, ID, and we are proud of it. If we want ethnic groups to keep their cultures, that is a plus for our society. It makes us all richer as a result of these other cultures. And that is their business, their religion, their tradition, their personal preferences.

But, politically, which is the official part, why would we want to encourage people by printing public ballots in a different language when only citizens, after all, are allowed to vote? And citizens, if they are born in this country, have access to public education and have the opportunity to learn English. If they are naturalized citizens, I remind my colleagues that they have to pass the English language test in order to become a citizen.

So let us face it, Mr. President, the enforcers of this provision will be an army of bureaucrats who will keep those ethnic groups in a condition of what I would like to call tonight the "ballot apartheid."

They will be prey to those who want to use them as voting blocks and politically identifiable minorities for political purposes.

Mr. President, I say let us be inclusive, not exclusive. Let us have one ballot, one language for all American citizens, and let us welcome all citizens of all languages to participate fully in our electoral process in the same language that we use on the Senate floor and throughout our political institutions. Let us not adopt laws that further divide our citizens by pretending to be inclusive. This is not an inclusive piece of legislation. Let us not encumber our voting jurisdictions for more than 15 years with an unproven and counterproductive measure.

Mr. President, I want to speak just a little bit about the politics of this and refer my colleagues to our great, late colleague, Sam Hayakawa.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute fifteen seconds.

Mr. SYMMS. Mr. President, I ask unanimous consent that I might speak for 5 more minutes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. MITCHELL. Will the Senator yield?

Mr. SYMMS. I will be happy to yield.

Mr. MITCHELL. Mr. President, I do not object to the Senator speaking 5 more minutes. We have a lot of Senators anxious to conclude this bill. It had been my original hope that the bill could be completed sometime in an hour and a half or 2 hours. We are already at that point.

Mr. SYMMS. Mr. President, I assure the majority leader I can wrap up my remarks very briefly.

Mr. MITCHELL. I understand from the managers that there is a possibility of reducing the amendments to two and get a vote underway on both of them in approximately 20 minutes. I hope we can keep to that schedule.

Mr. SIMON. I think we can expedite it, if the majority leader will yield.

My colleague wants 20 minutes on each amendment; is that correct?

Mr. SIMPSON. Mr. President, while the majority leader is here, I do have one member of the body on our side of the aisle who wants 5 minutes during one of those amendments.

So I ask, and I think that I, of course, would let the majority leader propound it, but it would be two amendments, 20 minutes on each amendment, equally divided, finish the debate on both of them, and then vote.

Mr. President, we can possibly be yielding back a good bit of that time. I am not able to discern that at this minute.

Mr. SYMMS. Mr. President, does the Senator from Idaho still have the floor?

The PRESIDING OFFICER. The Senator from Idaho has a unanimous-consent request pending.

Mr. SYMMS. The Senator from Idaho asks unanimous consent to speak on the bill for 5 minutes.

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

Mr. SIMON. Reserving the right to object, I just want to assure the majority leader and everyone else, I do not think we will use the full time on the amendments on our side.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I want to say—and I have the greatest admiration and respect for my colleagues on the floor tonight—I have a strong philosophical difference of opinion as to what it is the majority leader and the majority party and the administration, as I understand it, are trying to do in moving this legislation. But I in no way impugn the motives of my good friend from Illinois, the majority leader, or others who are trying to push this bill through.

I want to say, Mr. President, this bill is typical of what is wrong with inside-the-beltway mentality. It is a noble cause, it sounds great, but let me give an example of how this bill really works.

What happens is—and the Senator from Illinois will correct me if I am incorrect—if you have over 5 percent of a group in a voting area, then you print a ballot in that language; is that correct?

Mr. SIMON. That is current law. We are changing that.

Mr. SYMMS. To what?

Mr. SIMON. To 10,000.

Mr. SYMMS. Oh, to 10,000.

Mr. SIMON. In certain jurisdictions.

Mr. SYMMS. So, in other words, what happens is if you have an area, let us say San Francisco, for example, or

Los Angeles, or Boise, ID, or Joliet, IL, or Springfield, IL—if there happen to be 10,000 people with Japanese surnames, then the law would require that that local jurisdiction print ballots in Japanese. Or if 10,000 people have surnames of Chinese, they print it in Chinese, or Spanish, they print it in Spanish. It may be that none of those people use any language, Mr. President, except English.

Mr. SIMON. If my colleague will yield.

Mr. SYMMS. Let me finish my point and then I will be happy to yield.

The late Senator Hayakawa, an author, renowned in the United States and around the world as one of the leading semanticists of the English language, believed in the power of language because language communicates what is in the hearts and minds of the people communicating.

Because his name was Hayakawa, he was listed in the group that triggered a requirement that the local jurisdiction where he lived had to print ballots in Japanese. Now, it just so happened this great linguist did not speak, read, or write Japanese. He was an English language linguist, an American citizen, naturalized. He was born in Canada, came to the United States, was naturalized, was better in English than anyone I have known who served in this body other than maybe the President pro tempore, and yet because his name was Hayakawa he was a statistic that triggered this law.

Now, I do not have the capability to talk like Senator Hayakawa and Senator BYRD and some of the real linguists can do, but I can communicate the ideas I am trying to get across. I hope when we get to the amendments we would at least shorten the authorization period until more sanity can reach Washington and we can stop all this nonsense and print ballots in one language: English.

Mr. SIMON. Will my colleague yield?

Mr. SYMMS. I will be happy to yield.

Mr. SIMON. What the Senator is describing is the situation before 1982. In 1982, we adopted the Nickles amendment offered by our colleague from Oklahoma. And now, because your surname is Hayakawa or whatever, that does not qualify. It is people who have difficulty speaking the English language.

Mr. SYMMS. Who makes that determination? How many thousands of people do the taxpayers have to pay to determine that, when in fact you cannot vote in elections unless you are a citizen of the United States of America. I know my good friend would agree with that. Unless you are a citizen, you cannot vote. How do you get to be a citizen? A, you are born here. If you are born here, you have access to the public schools. You can learn English. If you are naturalized, you have to pass the naturalization test of which English is part. So what we are doing here is keeping people segregated out and separated through the language.

Mr. President, I could not agree more with my colleague from South Carolina and my colleague from Wyoming. I know that my colleagues who push this bill are sincere, and they think this is going to be helpful to these people. But this is just a way of keeping people from having an opportunity to climb up the economic ladder.

The PRESIDING OFFICER. The time of the Senator has expired. Who seeks recognition?

Mr. BIDEN. Mr. President, I do not plan on using the 10 minutes. I will attempt to accommodate my colleagues.

I rise in strong support of S. 2236, legislation to extend that most important incident of a free and democratic nation—the right to vote—to those Americans for whom language is a barrier to participation.

As we all know the current law expires today. Primary elections will occur in some States—for example, New York—as early as next month. Thus, it is imperative that we act now to complete our work so that the bill may become law immediately.

I commend my friend from Illinois, Senator SIMON, for his tireless efforts to ensure that the Senate pass this bill in a timely fashion. Senators SIMON, HATCH, and others on the Judiciary Committee worked diligently to produce legislation that not only extends, but improves on, the current law.

This reauthorization of the language assistance provisions brings into the voting process thousands of Americans whose English is poor, but who live in areas not covered under the expiring law.

For example, Latino and Asian American communities in some of our largest cities and counties—and these ethnic communities are huge by any measure—will now enjoy the benefits of multilingual language assistance.

Moreover, native Americans living on reservations that cross jurisdictional lines will be covered as an entire reservation, eliminating the current anomaly under which some members of a native American community receive voting assistance—but others don't—simply because the reservation on which they live straddles county lines.

This legislation is a positive bill of inclusion—a bill that truly promotes our democratic ideals. As the country prepares for the elections coming this fall, no bill holds more symbolic or practical importance.

Reauthorization of the language assistance provisions is a commonsense solution to the difficulties that many Americans face in voting. What we are talking about here is providing voting assistance to people who are already entitled to vote. Those Americans for whom English proficiency is elusive deserve an effective means of exercising the franchise.

Those few critics of the bill suggest that passage will discourage learning English. By passing this bill, we do not say that English language proficiency is unnecessary. No one here disputes the importance of mastering the language in which our business discourse generally occurs.

I hope that all those who don't speak or read English well will improve their English language skills to increase their full participation in all aspects of our society.

But participation in our democratic process is too critical an act to suffer delay. At a time when Americans vote in record low numbers, we must encourage our citizens to vote—not prevent them from voting because of language difficulties.

The fact is that thousands of Americans who are entitled to vote face serious difficulty because they don't speak, read, or write English well enough to exercise confidently their fundamental right.

This reauthorization of the language provisions of the Voting Rights Act quite sensibly acknowledges that truth and provides the mechanism through which the problem of language barriers is eliminated.

Again I thank my colleagues for all their tremendous work in ensuring that this serious problem is addressed. I urge the swift passage of this bill. Time is of the essence, and the thousands of Americans who face language barriers need our swift action.

Mr. President, it always intrigues me—I have been in the Senate going on 20 years now—the way in which Senators on both sides of the aisle, liberal and conservative, are able to create issues that do not exist.

Now this bill is characterized as promoting apartheid. It is being talked about whether or not we print ballots only in English depends on the future of whether or not we are an English-speaking country. The way it is being characterized is that we vote for this legislation and it becomes law, we are going to ensure that people who otherwise might want to learn to speak English, need to learn to speak English, will now no longer speak English because the incentive that they otherwise had is taken from them. And, if in fact the ballots are only in English, we are told, anyone who speaks another language will be inclined to do what 3, 4, 5, 6, 7, 8, 10 generations of Americans who speak English—we could not get them to do anyway—and that is go vote.

We cannot get white Americans and their families who have lived here for 150 years to show up and vote. But we are told tonight that if we just make sure Hispanic Americans and Asian Americans, and so on, know that the only way they can vote is master the

language, they are going to run out and vote.

What poppycock. It is a little bit like saying if an American, or any person, citizen or otherwise, knows that if they go to the hospital the hospital attendants will not speak the language that they speak, they will be unable to communicate, so in order to induce them to learn English quicker we will make sure that in inner city hospitals we do not have anybody in those hospital emergency rooms who speaks Spanish or any other language because, if they know that and they may get shot in a drive-by shooting and they are going to show up in the emergency room and they are not going to be understood, they are going to sign up for the English classes they cannot get into, because there is already a waiting list, because now they are induced to do it because we will withhold their ability to get adequate medical health care, because they will not be able to communicate to the nurses or the doctor where it hurts, what happened.

What are we talking about here? Look, this is pretty simple. Do we want to get more people invested in the system? How do you get them invested in the system? You get them to vote. You get them to show up. When they vote, they say, you know, it matters a little bit; I better get more involved. I can be involved.

If you want to encourage someone to learn to speak English and become fully integrated in society in every way, get them involved in the political process. But if they feel they have no stake in the political process because they cannot even go in and read the ballot with any degree of certainty, then what stake do they have? Are they likely to participate in every other way or are they going to do what my friends say: I am not able to read the ballot in English. Therefore, I cannot vote. Therefore, I am going to go down and I am going to go down and I am going to do what 45 percent of the Americans do not do when they can read the ballot. I am going to go down and make this double extra effort to learn to speak English so I can do something that Americans who speak English are not doing anyway.

Mr. President, this has nothing to do with apartheid. And I might add the people who are talking the most about apartheid here are the people who were the least reluctant to take any action to do something about dismantling the apartheid system in South Africa when it was underway.

I respect their position. I think they are dead wrong. But this is not apartheid. This is real simple. Do we want to increase the prospect of people showing up to vote, investing in the system, participating in the system, which will in turn give them a bigger stake and a greater rationale to think that if, in fact, they are able to master the language they will be able to be treated as and will be treated as equal?

One last thing, folks, we should not fail to understand. People who do not speak English today by and large in this country are people who have been rejected by the majority of this society, having no bearing on the fact that they do not speak English.

We have a long track record in this country, to our shame, of not bending over backward to provide the franchise to Asian-Americans. We have a long history in this country—having nothing to do with the fact that a Japanese-American can or cannot speak English—of the Japanese-American feeling the sting of prejudice and being denied the fruits of his or her labor in this country because they are Japanese.

Listen to my colleagues. You would think that the key to this is to just make sure they cannot vote unless they can read the ballot in English, and that will open up—to all those who have been subject to prejudice—that will open up for them, that will give them the golden key to the kingdom.

This is simple. If you want to encourage people to vote, these are people who are American citizens who have difficulty with the English language, for a whole raft of reasons which I do not have time to go into. Does it make sense to give them the franchise in a real way, by making it easier for them to vote?

And, if it does, does that mean that they are going to then go home and say: You know, I am able, once every 2 years, to walk in and read something in Spanish; and therefore I have no incentive to learn English at all. I can do it once every 2 years now, so why learn English to be able to get the better job? So why learn English to be integrated more into the society and be able to have the benefits of the society? So why learn English to make life easier for me and my children? I do not want to do that anymore. Guess what; I get to read Spanish once every 2 years in an official undertaking. I get to walk in and vote. So why? I have no incentive now.

With all due respect to my good friend from Wyoming, my friend from Idaho, and others, I think that is a preposterous argument.

I thank my colleagues for listening.

I yield the floor. I yield the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition under the time agreement?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming has 5 minutes, and the Senator from Illinois has 5 minutes remaining.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be 20 minutes equally divided in the usual form on each of the following amendments:

Simpson amendment on the 5-year extension.

Simpson amendment on Federal funding cost to local jurisdictions.

I further ask unanimous consent that the two amendments be debated consecutively tonight.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that just prior to the adjournment or recess of the Senate for the August recess, the majority leader or his designee be recognized to make a motion to disagree to the House amendments to S. 12, the cable bill, and agree to the request for a conference with the House, and that the Chair be authorized to appoint conferees; and that the foregoing be in order and occur without any intervening action or debate.

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

Mr. MITCHELL. Mr. President, I yield the floor.

AMENDMENT NO. 2911

(Purpose: To modify the application of the bilingual voting requirements and require certain studies)

Mr. SIMPSON. Mr. President, I send a 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 Wyoming [Mr. SIMPSON] proposes an amendment numbered 2911.

Mr. SIMPSON. 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 2, line 3, strike "2007" and insert "1997".

On page 2, line 18, strike "10,000" and insert "20,000".

At the end of the bill, add the following:

SEC. . REPORT.

(a) REPORT.—Not later than May 1, 1997, the director of the Census, in cooperation with the Attorney General, shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that shall include the following information:

(1) Voting participation rates among each language minority group, both on a national basis and for each covered jurisdiction.

(2) Voting participation rates among all voters as a group and English-speaking vot-

ers as a group, both on a national basis and for each covered jurisdiction.

(3) Any increases or decreases in voting participation for each of the groups described in paragraphs (1) and (2), both on a national basis and for each covered jurisdiction.

(4) The names and qualifying information for each State, and each political subdivision, in which at least 10,000 persons are covered individuals.

(5) The names and qualifying information for each State, and each political subdivision, in which at least 20,000 persons are covered individuals.

(6) The names and qualifying information for each covered jurisdiction.

(7) For each State, political subdivision, or covered jurisdiction described in paragraph (4), (5), or (6), information regarding—

(A) whether multilingual voting assistance is available in the State, political subdivision, or jurisdiction; and

(B) if such assistance is available—

(i) the type of such assistance that is available; and

(ii) the number of persons who utilize such assistance, as an absolute number and as a percentage of the general population and of language minority groups.

(b) DEFINITIONS.—As used in this section:

(1) COVERED INDIVIDUAL.—The term "covered individual" means an individual who is—

(A) a citizen described in clause (i) of section 203(b)(2)(A) of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a(b)(2)(A));

(B) a citizen in a language minority described in clause (ii) of such section; and

(C) a citizen in a covered jurisdiction.

(2) COVERED JURISDICTION.—The term "covered jurisdiction" means a jurisdiction that is—

(A) a covered State or covered political subdivision under paragraph (2)(A) of section 203(b) of the Voting Rights Act of 1965; and

(B) is not excluded from the application of such section under paragraph (2)(B) of such section.

(3) LANGUAGE MINORITY GROUP.—The term "language minority group" has the meaning given the term in section 203(e) of the Voting Rights Act of 1965.

SEC. . STUDY ON VOTING FRAUD.

(a) STUDY.—The Attorney General shall conduct a study, covering all covered jurisdictions (as defined in section (b)(2)), to determine—

(1) whether multilingual voting assistance under section 203 of the Voting Rights Act of 1965 has been used, or implicated in efforts, to violate other laws, particularly laws requiring the use of documentary identification and citizenship as a requirement for voting; and

(2) if so, the extent to which the multilingual voting assistance has been so used or implicated.

(b) REPORT.—Not later than June 1, 1995, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report setting forth the findings of such study.

Mr. SIMPSON. Mr. President, this amendment provides for a 5-year extension of the Bilingual Ballot Program, instead of the bill's 15-year extension. It also allows for the expansion of the program, including the new coverage for native American reservations, but the amendment increases the threshold requirement from the bill's 10,000 person level to 20,000 persons. Finally, the amendment requires a report from the Attorney General and the Census Bureau providing statistics on the effectiveness of bilingual ballots and information on voter fraud in the program.

As I have stated, I believe that a 15-year extension and expansion of the Bilingual Ballot Program is unwise:

First, there is no evidence that English language ballots cause discrimination, nor that bilingual ballots remedy any type of discrimination;

Second, there is no evidence that bilingual ballots have increased voter participation; and

Third, I believe that bilingual ballots may have the effect of keeping language minorities separate and will reduce the pressure to learn English.

I have seen no evidence that English language ballots cause voting discrimination nor that bilingual voting assistance remedies any other form of voting discrimination that may exist. In fact, the proponents of this legislation do not state that English-only voting practices in any State or jurisdiction are discriminatory. Instead, the proponents assert only that bilingual ballots are necessary because Hispanics, Asian Americans, and American Indians, and Alaska Natives have endured educational inequities, high illiteracy rates, and low voting participation.

I do not argue in any way that educational opportunities are equal for all; but we cannot solve illiteracy problems and educational failures with bilingual ballots. We have to do better than that.

Multilingual voting assistance has not been proven effective. The Census Bureau statistics, based upon current population reports, show that bilingual assistance has not brought a higher percentage of people to the voting booths.

Why should we blindly reauthorize for 15 years, a program which, after 17 years. Not only has not been effective, but which may further isolate minorities?

The original proponents of bilingual ballots argued that a higher percentage of persons would vote. For Asians, American Indians, and Eskimos, I have seen no GAO or Census Bureau statistics of any kind on voter participation. Regarding Hispanics, GAO has reported that there has been a slight decrease in the percentage of Hispanic voting.

I know that many of the groups which advocate the 15-year reauthorization of bilingual ballots have conducted their own studies. I have no doubt that their studies may contradict these Census figures, yet, even MALDEF [Mexican American Legal Defense and Education Fund] has admitted that Hispanic voter participation has decreased since 1975, the date of enactment of the bilingual ballot requirement.

In response to the following question: "What was the latino voter participation rate in the year before the enactment of section 203, and what is it in the most recent year for which you have figures?" MALDEF answered: "Section 203 was enacted in 1975. 22.9 percent of 'Hispanic origin' voters reported voting in the 1974 congressional elections. 21 percent of Hispanic origin voters reported voting in the 1990 congressional elections." That is a decrease of 1.9 percent, even by MALDEF's own calculations.

Again, the bottom line is that bilingual ballots have not been proven to increase the voting participation of any of the groups which this legislation is intended to benefit.

My amendment allows a 5-year extension of the Bilingual Ballot Program, instead of the 15-year extension in the bill. This will give us time to collect and evaluate the official calculations of voting participation of the population. It will give us some comprehensive data on the effectiveness of the bilingual ballot program.

My amendment also increases the threshold number of persons necessary to come under the Federal mandate to provide bilingual ballots. The Simon bill establishes a new, lower threshold for requiring State and local governments to provide bilingual ballots. Current law requires that: First, 5 percent of the potential voters of a jurisdiction are of a single language minority and; second, that the illiteracy rate of the minority language voters of that State or subdivision is higher than the national rate.

The House bill lowers the 5 percent threshold for local governments by allowing as few as 10,000 persons—which could be significantly less than 5 percent of the total population—to trigger the requirement for bilingual ballots. This new lower threshold will add new jurisdictions to those required to provide bilingual ballots.

We won't really know just how far-reaching this new standard will be until the Census Bureau releases its final determinations. The Census Bureau has stated that the calculations which they have made for the judiciary committee are not final determinations.

My amendment changes the bill's requirement from 10,000 to 20,000. The Justice Department has indicated that it will support the 20,000 threshold. In a March 30th letter to Senator SIMON, the Justice Department states:

> Because we think that it is desirable to cover these large jurisdictions without unnecessarily burdening large numbers of other jurisdictions, we would support legislation that contained a numerical trigger of 20,000 minority language individuals. . . ."

The Justice Department reasons that while the 10,000 threshold would increase the number of jurisdictions affected, it would not provide a significant increase in persons benefited under the 20,000 threshold, and would,

in fact, be unnecessarily burdensome for large numbers of additional jurisdictions.

My amendment also requires a report by the Attorney General and the Census Bureau. The report will provide information on both local and national voting participation rates for all language minority groups; voting participation rate for all citizens; the qualifying information for each jurisdiction in the program; and the types of multilingual voting assistance available in each jurisdiction which is required to provide it under this bill.

The report's survey of the types of multilingual language assistance provided in each jurisdiction is important. While many people may believe that this program only provides actual ballots—we tend to refer to the program as bilingual ballots—it actually is much more broad than mandating just ballots.

The term voting materials is defined in H.R. 4312 as registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots.

Relating to the electoral process. That's a pretty broad statement. That language could conceivably cover a lot of different printed materials. The groups which are interested in this bill could conceivably make this as expansive as they would like. The regulations issued under section 203 of the current law state:

> A jurisdiction is more likely to achieve compliance with these requirements if it has worked with the cooperation of and to the satisfaction of organizations representing members of the applicable language minority group. (Section 55.17 of the regulations.)

Those very organizations are the ones which are in the Halls of the Senate and of the Capitol today. Those organizations are the ones which have filed lawsuits, challenging a jurisdiction's practices.

My report will give us an idea what each jurisdiction really is providing. With that information we can decide if the requirements are too broad, or quite appropriate, or we could even decide they are not broad enough.

My amendment also requires the Attorney General to conduct a study on voting fraud in those jurisdictions which will be required to provide minority language assistance under the Simon bill. The report should determine if multilingual voting assistance has been used or implicated in efforts to violate other laws, particularly laws requiring the use of documentary identification and citizenship as a requirement for voting—such as voter registration.

There have been several instances where voter registration materials were, or may have been used to register noncitizens to vote. The most notable one occurred in San Francisco where U.S. Attorney Russoniello conducted an investigation of bilingual ballot users, on the information that many were noncitizens. Russoniello received information that persons registering the noncitizens had told the potential, but ineligible, voters that they were, in fact, eligible to vote if they were married to a U.S. citizen (which only gets you a green card, if you apply to the INS) or if they had lived in the United States a long time (which never is a guarantee of citizenship). Also, the Spanish translation of the registration form erroneously stated that a registrant should be rather than must be a citizen.

The investigation revealed that 27 percent of the persons examined proved to be noncitizens, 40 percent had no records so that citizenship could not be determined, and only 32 percent were, in fact, citizens. (The investigation was terminated without further resolution.)

The San Francisco investigation, and another in Chicago, at the very least tell us that we should be monitoring the possible misuse of bilingual voting assistance materials.

My amendment starts that monitoring process.

Finally, the proponents argue that we extend this program for 15 years so that it ends at the same time several other programs in the Voting Rights Act expire. I do not believe that this is an adequate reason for granting such a long extension for a program which has not been proven effective. Let's extend the program for 5 years while we are getting the objective facts and statistics. Then we can take another informed look at the program and extend it further if it works. We may find that the program has provided a significant, meaningful service, or we may find that it helps to continue the isolation of non-English-speaking citizens from the rest to society. Either way, we will have the information available to make an informed decision—a better decision than we will make now.

I urge my colleagues to support my amendment.

I reserve the remainder of my time.

Mr. SYMMS. Will the Senator from Wyoming yield?

Mr. SIMPSON. Yes, I yield.

Mr. SYMMS. Are the yeas and nays ordered on final passage of this bill?

The PRESIDING OFFICER. They have not been ordered.

Mr. SYMMS. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. SIMON. Mr. President, first I ask unanimous consent to add Senator MOYNIHAN as a cosponsor.

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

Mr. SIMON. Mr. President, I hope this amendment will be rejected as it was in the committee by a 10 to 4 vote. We are not talking about something that is that complicated. We know that this works. And anyone who has any question, I just ask them to take a look at what happens in San Francisco where they have three languages on one ballot. Believe it or not, it is amazingly clear and not that difficult.

When my colleague from Wyoming—for whom I have great respect and who does this out of sincerity and who contributes in many areas where it frankly does not do him any good back home in Wyoming, the whole immigration matter for example—but when he says there is no evidence that bilingual ballots encourage participation, quite the contrary.

In the State of Illinois, where we have not had bilingual ballots, less than 50 percent of the Hispanics are registered. In the State of New Mexico, where you have bilingual ballots, 85 percent of the Hispanics are registered.

If this passes, then the dropping from 20,000 to 10,000 means 21 counties are eliminated, 3 counties around New York City with 53,000 Chinese-Americans—and I could go through these other counties.

The Civil Rights Commission testified before our subcommittee when we held the hearings in behalf of the 10,000 benchmark. There are, in fact, U.S. citizens who would be denied the right to vote if this were to pass. And I recall Senator HATCH's vigorous comments in opposition to this amendment when it came before the committee.

Who is the beneficiary? By and large, older Americans are the people who vote, the majority. And they are American Indians, native Americans.

Or, what about a young man, a Puerto Rican, who happens to grow up in New York City or Chicago, who speaks Spanish, barely speaks English? When we have a draft, we say to him: "You serve in the United States Armed Forces. You may have to shed your life for the freedom of this country." But we also say to that person: "Sorry, we cannot accommodate you with a bilingual ballot."

This assimilates people. My friend said we ought to be assimilating people. This does not divide people. It brings them into the process.

I think this amendment moves in the wrong direction. I hope it will be rejected.

Mr. President, I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join with the Senator from Illinois and urge our colleagues to reject this amendment.

Let us just put in proportion what this legislation is coming to grips with. There are 175 counties now that qualify with the 5-percent population. With a 10,000 threshold, we are only adding 34. We have 175 now. Even just with the 20,000, we are only adding 13. But that happens to cover 507,000 citizens. So it is a very small number that is actually being added, but it is clearly going to impact 507,000 of our fellow citizens; approximately 467,000 Hispanic voters and 40,000 Asian-American voters.

Now what has happened, Mr. President? We have heard a lot earlier this evening about when this help and assistance is available to Hispanic voters, do they really take advantage of it?

Well, section 203 took effect in 1976. Hispanic voter registration increased by 83 percent between 1976 and 1988 compared to an increase of only 21 percent among all voters. Latino representation in Texas, a State where bilingual coverage is most extensive, increased by 248 percent between 1973 and 1991.

Mr. President, we are talking about our fellow citizens. For all the reasons that were stated earlier in the general debate, I think the legislation itself is a very, very modest program to try and help and assist those populations which have been discriminated against in one form or another over the history of our country's laws. This is an opportunity to try and reach out, not as much as many of us would like to do, but to try and reach out in a very balanced and very modest way to encourage our fellow citizens to participate in the election system. And I hope the amendment of the Senator from Wyoming is defeated. I am glad to yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Wyoming.

Mr. SIMPSON. Mr. President, what is the situation with regard to the time?

The PRESIDING OFFICER. The Senator from Wyoming has 6 minutes and 30 seconds. The Senator from Illinois has 3½ minutes.

Mr. SIMPSON. Mr. President, I have been very intrigued by the full debate, not only on the bill but on the amendments. Not at this point with regard to the amendment, but earlier in the debate, the decibel level sometimes obscured the realities of what we are up to here.

Remember that in areas of minority populations at every polling place in the United States is someone to assist people. They are there to assist people in voting, saying: "Do you speak English?"

"No, I don't."

"Well, we can assist you. We have a person here who speaks. You can take material into the polling booth with you. Do you have something in your pocket that you could take with you?" And they do. They often do.

They can vote absentee. There are lots of things that people can do to accommodate themselves without having States and localities throughout the United States having a Federal mandate to print bilingual ballots and do it and pay for it themselves. That is the subject of the second amendment. And all of this on the basis of not one single shred of evidence as to what this does. Because after 17 years, you saw the charts, there is no difference in the percentage population participation in this—by this bilingual ballot.

Do not confuse this with the Voting Rights Act and the abolition of discrimination, which was superb and worked. And the participation there is awesome. It is not what we are talking about.

But there has not been anything presented to this Senator, neither the Census Bureau nor the GAO has produced a single shred of evidence. That is why my amendment requires a report on the program's effectiveness.

I can assure you of one thing. Studies by "the groups," in their self-serving interests, cannot be considered as evidence, and certainly are not considered here as reliable indicators. I have seen that from the beginning of my work with immigration and refugee matters where "the groups" have been presenting me stuff since 1980. Then you can get a Gallup poll, or a Roper poll, or any other kind, and it is absolutely opposite to what "the groups" are saying. They speak on what they say for "their people." It is not my quotation.

I have been there. And that is the purpose of this. What is the purpose of expansion? What is wrong with going to 20,000? Some of these jurisdictions are going to have 50—as I can see in some of this, counties that overlap, and Indian reservations. This is one of those typical examples of people saving a lot of stuff in the bottom drawer and pulling it all together and throwing it in a big pot whenever it gets to the bill that looks like this is a good place to ride it along. If you wanted just to extend it—I do not like the idea but do it. But you have not extended it. You have expanded it. And nobody yet has given us a reason why—not a soul.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I will not even use the full 3 minutes.

The reason for the 15-year extension is that this has been tried. It is working. It works well. The rest of the Voting Rights Act expires in 15 years. We extended it all to that time.

Second, when my friend—and he is my friend—from Wyoming says there is no proof that it has done any good—the Congressional Research Service is not one of "the groups," if I may use a phrase that my friend from Wyoming loves to use. The Congressional Research Service says, "Hispanic voter registration increased from 1976, when this first went into effect, to 1988, 83.4 percent." During the same time the population went up 21.3 percent.'

It works. We encourage participation. That is what a democracy is all about. I hope we reject this amendment resoundingly, as the Judiciary Committee did.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I would enter into the RECORD the chart from the U.S. Census Bureau, showing exactly the figures on Hispanic registration, black registration, white registration. Perhaps I can put that to rest, with some actual figures that I think are quite reputable.

I just will conclude and say if bilingual ballots are offered, I have no doubt they will be used. The question I have—I know it is absurd—is are they needed? So far, 17 years' worth of experience have not shown us a shred of evidence that it did what it was supposed to do. That is where I come from on it. I am glad to be thoroughly educated, mystified, cajoled, whatever. I am ready.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. SIMPSON. I yield back the remainder of the time.

MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent to proceed in morning business.

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

PERU UNDER SEIGE

Mr. PELL. Mr. President, I would like to draw attention to a recent piece in the Washington Post by Jeremy Stone, the president of the Federation of American Scientists, entitled "Save Peru From Sendero." As he points out, the Shining Path has successfully used terrorism and intimidation to demoralize the country. In the Maoist tradition, it refuses to negotiate, and is intent on destroying Peruvian institutions. Despite the limited number of guerillas, the Peruvian military has been unable to halt the Shining Path's expanding reign of terror. And, in the battle against the Shining Path, the military's efforts have been riddled with reports of human rights abuses.

The Shining Path is only one of Peru's difficulties—democratic institutions have been disbanded, drug trafficking continues unabated, a drought has crippled supplies of food, water and electricity, 80 percent of its 22 million citizens are under or unemployed, cor-

ruption is endemic, and inequities between whites and Indians create racial tensions. The many interwoven challenges facing Peru only weaken its ability to confront the Shining Path.

Because the situation in Peru is so desperate, it may well be that a Peruvian government will look to the international community for support. Dr. Stone's op-ed piece raises the question of whether the international community will, at that point, be ready with various options.

Fortunately, in the present post-cold war era, the United Nations is in a position to consider a wide variety of possibilities. Accordingly, it is incumbent upon international organizations, the Department of State, and other relevant organizations to begin thinking now about just such potential disasters, and calls for international help, from Peru and others.

Obviously, the United Nations has limited resources, and limited appetite, for intervening in the affairs of troubled countries, even if invited. Yet, there may well be ways that do not require large investments of money or military force in which these countries can be assisted, for interim periods at least, to administer themselves more efficiently while they pull themselves together or, as in the case of Cambodia, hold elections and organize constitutions.

I ask unanimous consent that the full text of the article be printed at this point in the RECORD.

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

SAVE PERU FROM SENDERO

(By Jeremy J. Stone)

A determined, resilient and Machiavellian terrorist group, Sendero Luminoso, has advanced its revolution against demoralized Peru to the point where the international community is faced with a long-term emergency. This was dramatically confirmed by Sendero's unprecedented bombings in Lima this month.

Sendero is not just another Latin American revolutionary movement that will either be eventually defeated or with which one could eventually deal. Instead, it is a Maoist revolution based on Chinese political techniques that Sendero's leader learned during China's cultural revolution—techniques Sendero has improved on and which it modifies skillfully as circumstances change.

Insurgency specialists have continually underestimated Sendero for the last dozen years of its violent phase. Its Marxist indoctrination of young people, its extraordinary patience and its capacity for cruel Mafia-style intimidation make its defeat difficult.

Nor will it deal. It refuses all dialogue. Recently, it has begun a rapidly spreading phase of infiltration of popular organizations in urban shantytowns to complement its long-standing activities in rural areas. And last week it even began bombings in the neighborhoods of Lima's upper classes.

Some can hardly believe that a few thousand terrorists, no matter how disciplined, and even backed by many sympathizers, could take over a country of 22 million people.

But Sendero's intermediate goal is not to take over Peru but to destroy it by disrupting it. In today's world, this is not that hard. What happens, for example, when a repeatedly sabotaged electrical or water network moves from rationing to cutoffs?

And Peru, in decline for decades, is already a very sick country, with its government continually shrinking in disposable revenues, its major entrepreneurs poised to flee, its impoverished population exhausted, its bureaucrats and army corrupted and its capital city, comprising one-third of the population, easily harassed.

As part of its strategy, this movement intends to prove Peru into bloody repression that will, its spokesman say, "irrigate its revolution" and cost 1 million lives.

Rebuilding from razed ground, Sendero would then build a Maoist hermit kingdom, along the lines of an agrarian North Korea. Its reconstruction of Peru on the basis of a permanent cultural revolution can be expected to cost millions more lives, as Chairman Gonzalo, the self-proclaimed Fourth Sword of Marxism, tries to move the society backward in time—away from the outside world that already feeds one Peruvian in four.

The movement's vigilant contempt for the "revisionism" of all other Marxist states, including North Korea, and its isolation from any friendly states, would prevent the Sendero leaders for decades to come from permitting ideological relaxation. Peru could be a long time returning to civilization.

An alternative is that its revolutionary movement might prove too incompetent or too ideological to run a government. In this case, Peru could move toward complete collapse at enormous further cost, as did another similar Maoist offshoot of China's cultural revolution, Pol Pot's Cambodia.

These costs outweigh the human rights outrages of Peruvian society, as an atomic bomb outweighs a conventional bomb. And because Sendero deliberately seeks to provoke far worse military repression, it represents a major continuing threat to Peruvian democracy. Sendero successes also mean further losses in the drug war. Sendero sees drug sales as a kind of twofer: It gets the revenue, and its capitalist adversary in America has its moral fiber undermined by drugs.

Accordingly, none should argue that if Peruvian President Alberto Fujimori does not, or cannot, meet specific human rights or democratic standards, we should "write off" Peru.

Instead, a coalition of interests should seek to save Peru from Sendero. The international human rights community ought to be against what Assistant Secretary of State Bernard Aronson has called a "third holocaust" in our time, after that of Hitler and Pol Pot.

And all who love freedom should recognize that Sendero's Marxist ambitions of achieving world revolution, and its sophisticated methods for overwhelming the defense of a state's body politic, might make it a kind of political AIDS virus in more than a few unstable Third World states.

Saving Peru from Sendero is not something Peru can do by itself. Neither can the United States, by itself, make a decisive difference. Instead, Peru has become an international problem requiring some kind of collective international help from the community of states—much as the permanent five members of the United Nations undertook to save Cambodia. Whether and how this will be done we don't know.

VIOLENCE ON TELEVISION SENDS WRONG MESSAGE

Mr. PELL. Mr. President, I rise to share with my colleagues an excellent column written by the junior Senator from Illinois [Mr. SIMON]. It is an important and insightful review of the problem of violence on television.

The column highlights an article by Dr. Brandon S. Centerwall, of the department of psychiatry and behavioral sciences of the University of Washington, in the June issue of the Journal of the American Medical Association.

That article contains the shocking findings of a study by Dr. Centerwall which found that the murder rate among whites in several countries, including the United States, doubled 10 to 15 years after the introduction of television into a nation's culture.

"Long-term childhood exposure to television," Dr. Centerwall concluded, "is a causal factor behind approximately one-half of the homicides committed in the United States, or approximately 10,000 homicides annually."

As incredible as that claim may appear at first blush, we should all remember that those who provide television programs cannot have it both ways. Either television is an effective and highly persuasive medium, or the advertisers who underwrite the programming are wasting their money.

I commend this column, entitled "The TV Violence Act at its Mid-Point," to my colleagues and ask that it be printed in the RECORD.

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

THE TV VIOLENCE ACT AT ITS MID-POINT

(By Senator Paul Simon)

Children imitate what they see and hear. I see that in my two-year-old granddaughter.

Teenagers come up with weird haircuts they have seen and copied.

Adults also imitate, whether it is buying a car as a result of a TV commercial or a political leader making the same gestures as John F. Kennedy.

The older we are, the less likely we are to imitate what we see and hear, but to some extent, the pattern (of imitation) follows us through life.

That becomes significant because of television. Violence on entertainment television is absorbed and imitated—particularly by children—into our lives and into our culture.

Because numerous studies show this conclusively, six years ago I asked representatives from the television industry to voluntarily establish standards on violence. They told me they could not do that, working together as an industry, because of antitrust laws.

I pushed through Congress the TV Violence Act, a three-year exemption to the McCarran-Ferguson Antitrust Act, so the industry could get together and establish standards. That finally became law.

Two things have happened to make that law significant now: One is that we are at the half-way point in terms of the exemption. Second, The Journal of the American Medical Association has published a power-

ful new article underscoring how violence on television is adding to violence in our society.

We are at half time and I'm pleased to say the cable industry shows signs it may yet treat the subject seriously, though we have to wait for results. The television networks have met on the issue, and only time will tell if they will begin to regard this as anything more than a public relations problem with Congress.

Cable has hired one of the nation's experts, Professor George Gerbner of the University of Pennsylvania, to do a fairly in-depth look at the cable industry's products, and there is every indication they are serious although the study is not as wide-ranging as is desired.

In the past I've had little hope that we will get anything more than pious words from the networks. I hope I am wrong.

What underscores the importance of this is an article in the June issue of The Journal of the American Medical Association by Dr. Brandon S. Centerwall, of the Department of Psychiatry and Behavioral Sciences of the University of Washington.

His study of murder rates among whites in several countries, including the United States, shows that the murder rate doubled 10 to 15 years after the introduction of television into a nation's culture.

He concludes: "Long-term childhood exposure to television is a causal factor behind approximately one-half of the homicides committed in the United States, or approximately 10,000 homicides annually. . . If, hypothetically, television technology had never been developed, there would today be 10,000 fewer homicides each year in the United States, 70,000 fewer rapes and 700,000 fewer injurious assaults."

Those conclusions are so powerful they are hard to believe—just as it was hard to believe the harm that cigarettes cause when medical researchers first came out with those studies.

Suppose the article is 50 percent off target. That still suggests that by changing our television programming we could eventually prevent 5,000 murders a year, 35,000 rapes and 350,000 assaults.

Or let us assume the article is 90 percent wrong, only 10 percent accurate. That still means we could improve television and each year save 1,000 of those murdered and prevent 7,000 rapes and 70,000 assaults.

Our friends in the television industry have our lives—and their lives—in their hands as they mull over what to do. If they use the balance of this three-year period just to spin their wheels and do nothing, it is unlikely the public will sit back and do nothing.

An aroused public may ask for government censorship.

A much better answer is for the industry to agree voluntarily—that it is worth forgoing a few dollars in profits (violence on television makes money) to have a society that is less violent.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

UNANIMOUS CONSENT ON TREATIES

Mr. SIMON. Mr. President, I ask unanimous consent that the Senate proceed in executive session to consider the following matters:

Executive Calendar: 30. 1983 Partial Revision of the Radio Regulations (Geneva 1979) and a Final Protocol;

Executive Calendar: 31. Agreement for the Medium Frequency Broadcasting Service in Region 2;

Executive Calendar: 32. Regional Agreement on Broadcasting Service Expansion in the Western Hemisphere;

Executive Calendar: 33. International Telecommunications Regulations (Melborne 1988);

Executive Calendar: 34. Partial Revision (1988). Radio Regulations Relating to Space Radiocommunications Services;

Executive Calendar: 35. Partial Revision (1985). Radio Regulations Relating to Broadcasting-Satellite Service in Region 2; and

Executive Calendar: 36. Partial Revision of the Radio Regulations (Geneva 1979) Relating to Mobile Services.

I further ask unanimous consent that the treaties be considered as having been advanced through the various parliamentary stages up to and including the presentation of the resolutions of ratification, that no amendments, provisos, understandings or reservations be in order; that any statements appear, as if read, in the RECORD, and that the Senate vote, en bloc, on the resolutions of ratification without intervening action or debate with one vote to count as seven.

I ask for a division vote.

The PRESIDING OFFICER. All those in favor of the resolutions of ratification stand and be counted.

(After a pause.)

All those opposed to the resolutions of ratification stand and be counted.

Two-thirds of those voting, having voted in the affirmative, the resolutions and ratification are agreed to.

The resolutions of ratification considered and agreed to are as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Partial Revision of the Radio Regulations (Geneva, 1979) of the International Telecommunication Union and a Final Protocol, signed on behalf of the United States at Geneva on March 18, 1983.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Regional Agreement for the Medium Frequency Broadcasting Service in Region 2, with Annexes, and a Final Protocol, signed on behalf of the United States at Rio de Janeiro on December 19, 1981.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Regional Agreement for the Use of the Band 1605–1705 kHz in Region 2, with Annexes, and Two U.S. Statements as contained in the Final Protocol, signed on behalf of the United States at Rio de Janeiro on June 8, 1988.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Telecommunication Regulations, with Appendices, signed at Melbourne on December 9, 1988, and a U.S. Statement, which includes a Reservation, as contained in the Final Protocol.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the 1988 Partial Revision of the Radio Regulations (Geneva, 1979) signed on behalf of the United States on October 6, 1988, and the U.S. Statement contained in the Final Protocol.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the 1988 Partial Revision of the Radio Regulations (Geneva, 1979) signed on behalf of the United States on October 6, 1988, and the U.S. Statement contained in the Final Protocol.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Partial Revision of the Regulations (Geneva, 1979) signed on behalf of the United States on September 15, 1985, and the U.S. Reservation and Statements as contained in the Final Protocol.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise the consent to the ratification of the Partial Revision of the Radio Regulations (Geneva, 1979) (Final Acts of the World Administrative Radio Conference for the Mobile Services (MOB-87) Geneva, 1987), signed on behalf of the United States on October 17, 1987, and the U.S. Reservations and Statement contained in the Final Protocol.

Mr. PELL. Mr. President, these are seven treaties of the International Telecommunication Union. These include the Partial Revision of the Radio Regulations (Geneva, 1979) of the International Telecommunication Union signed at Geneva on March 18, 1983, and transmitted on January 7, 1985, by President Reagan (Treaty Doc. 99–1); the Regional Agreement for the Medium Frequency Broadcasting Service (Rio de Janeiro, 1981) in Region 2, signed at Rio de Janeiro on December 19, 1981, and transmitted by President Reagan on June 26, 1987 (Treaty Doc. 100–7); the Regional Agreement for the Use of the Band 1605–1705 kHz in Region 2, signed at Rio de Janeiro on June 8, 1988, and transmitted by President Bush on July 30, 1991 (Treaty Doc. 102–10); the International Telecommunication Regulations signed at Melbourne on December 9, 1988, and transmitted by President Bush on September 11, 1991 (Treaty Doc. 102–13); the 1988 Partial Revision of the Radio Regulations (Geneva, 1979) signed at Geneva on October 6, 1988, and transmitted on April 2, 1992 (Treaty Doc. 102–27); the Partial Revision of the Radio Regulations (Geneva, 1979) signed at Geneva on September 15, 1985, and transmitted on April 2, 1992 by President Bush (Treaty Doc. 102–28); and the Partial Revision of the Radio Regulations (Geneva, 1979), signed at Geneva on October 17, 1987, and transmitted by President Bush on May 12, 1992 (Treaty Doc. 102–29).

The International Telecommunication Union is a specialized agency of the United Nations designed to promote cooperation among nations, allocate the radiofrequency spectrum, limit interference, develop telecommunication standards, and provide assistance to developing countries. These treaties are part of the ongoing

process among members of the ITU to coordinate usage of the radio spectrum and accommodate new technologies in radio and telecommunications. Most of these treaties before us today were signed several years ago and have been observed for some time.

The earliest of these agreements, the Regional Agreement for the Medium Frequency Broadcasting Service (Rio de Janeiro, 1981) in Region 2 (Treaty Doc. 100-7) establishes a plan of frequency assignments for AM radio and procedures designed to reduce station interference. Prior to this agreement, AM broadcasting was allocated on a domestic or subregional basis in region 2 of the ITU which consists of the Western Hemisphere. By the 1970's, countries were increasingly experiencing interference and there was interest in a new planning initiative to more efficiently allocate the medium frequency radio spectrum.

The plan lists 15,000 frequency assignments, of which 10,000 are operating AM radio broadcast stations and 5,000 are proposed additional stations. Approximately one-third of all assignments are for stations in the United States. It was originally intended that the plan would only consist of assignments that neither cause nor receive objectionable levels of interference. However, the conference members were unable to agree on all of the 15,000 assignments. As a result, the conference produced two lists: List A, which lists frequency assignments that neither receive nor produce objectionable levels of interference; and list B, which lists those stations where there is an objectionable level of interference. Approximately 90 percent of U.S. stations were on list A. The agreement calls for continued bilateral discussions to resolve incompatibilities on list B. Cuba is the only country neighboring the United States which is not a signatory to the Agreement.

The Regional Agreement for the Use of the Band 1605-1705 kHz in Region 2 (Treaty Doc. 102-10) establishes an allotment plan for extended AM broadcasting on the band 1605 to 1705 kHz in region 2. In response to demands to increase the number of AM radio assignments, 1979 World Administrative Radio Conference in Geneva recommended that a Regional Administrative Radio Conference be convened to establish a plan for AM radio in the frequency range 1605-1705 kHz. This represented a modest extension of the existing AM radio band. The United States will have priority use of the 10 new channels except within 330 kms of neighboring countries. The United States will negotiate bilateral agreements with Canada and Mexico to refine this treaty.

The band was traditionally used by fixed and mobile services, many of which had moved to other locations on the radio spectrum. The fixed and mobile stations that had been operating on the bands may either move above the 1705 kHz band or continue to use the band on a noninterference basis in those areas where they will not be affected by broadcasting.

The International Telecommunication Regulations—Treaty Document 102-13—establish general principles for providing and operating international telecommunication services offered to the public as well as underlying facilities. Since the regulations were last revised in 1973, technological advances in the telecommunications and information fields had dramatically changed all aspects of the telecommunications field, and ITU members wanted a new regulatory framework in light of the changes.

Much of the debate over this Agreement focused on the scope of the regulations. Some countries wanted the regulations to include all international telecommunication services except for a narrowly defined range of private users, whereas the United States contended that the regulations should only cover providers of public correspondence services. The Department of State believes the United States succeeded in negotiating "flexible and neutral regulations" despite several proposals from developing countries which would have broadened the scope of regulations and recommendations. The United States achieved its goal of expanding opportunities for users to lease international circuits from public networks. The regulations also state that members may allow companies or persons to enter into special arrangements to meet specialized international telecommunications needs rather than entering into bilateral agreements.

The United States issued one reservation, understanding, and declaration at the conference, which are incorporated in the Final Protocol submitted to the Senate. The United States declared that it will not accept the responsibility to enforce the domestic regulations of any other member within United States borders; does not endorse domestic procedures of other Members which require approval for providers seeking to do business outside the United States; does not accept the obligation to apply the reservations with respect to telecommunications between the United States, Canada, Mexico, Saint-Pierre Island, or Miquelon Island; and does not accept any obligation to apply the regulations to services other than public services. Further, the United States stated its understanding that all recommendations are voluntary and disassociated itself from a "conference opinion" which expressed some nations' concern that elements of the regulations would decrease their revenues.

The Partial Revision of the Radio Regulations (Treaty Doc. 102-28) allocates the frequency band 12.2-12.7 GHz to broadcasting-satellite services and 17.3-17.8 GHz to feeder links in region 2. The major goals of the Agreement were to devise a planning procedure for the use of broadcasting-satellite services and to establish planning principles, methods, and technical parameters regarding access to the geostationary orbit which would be agreed upon at the second conference. Although the United States felt that planning for broadcasting-satellite services was premature, region 2 needed an agreement to provide international recognition of its intent to use those bands for broadcasting-satellite services and obtain equity with the other regions who had already established plans for those services. According to the Department of State, the plan retains the procedural flexibility that the United States sought.

The United States entered a reservation regarding two technical issues, received power levels and polarization directions. The United States stated that characteristics designated in the plan place constraints on the development of advanced television services and reserves the right to use a higher received power level and either sense of polarization, indirect or direct. The United States also joined 22 other countries in a statement expressing that it does not recognize the assertion by Indonesia, Colombia, and Ecuador of sovereign rights over segments of the geostationary orbit.

The 1983 and 1987 Partial Revisions of the Radio Regulations (Treaty Docs. 99-1 and 102-29) address safety and distress systems. These two agreements revise the radio regulations by allocating frequencies for mobile-satellite services, radiodetermination-satellite services, maritime mobile services, and radionavigation services, adopting regional allocation provisions for terrestrial public correspondence with aircrafts and incorporating the Global Maritime Distress and Safety System being developed by the International Maritime Organization of the United Nations. Given vast changes in technology, the system revises distress communications on the high seas by replacing the traditional ship-to-ship system with one based more heavily on ship-to-shore and shore-to-ship communication and introduces new terrestrial and satellite technology. The United States also returned frequency allotments to China that had been available for U.S. Government stations.

The United States entered two reservations to the 1987 Final Protocol. The first relates to the restriction on the allocation of mobile satellite services and states the U.S. intention to use the bands in the most appropriate way to meet its requirements. The second states that the United States will not accept the obligation on passenger ships with more than 12 passengers to

carry maintenance personnel for distress and safety communications equipment. The United States also submitted a statement reserving its "* * * right to meet its radiocommunication requirements * * *" at the U.S. naval base at Guantanamo Bay.

One of the more contentious negotiations was over the 1988 Partial Revision of the Radio Regulations (Treaty Doc. 102-27) relating to the access to the geostationary satellite orbit and space services. Because the geostationary orbit has a limited number of orbital positions, developing countries wanted to guarantee access to orbital slots in the future. Since developing countries were far from needing or being able to access the orbit, the United States was concerned that planning for the use of the geostationary orbit would result in an inefficient allocation of resources. Conference members eventually agreed to a dual planning approach that allocates a certain portion of the radio spectrum to all nations under one plan and grandfathers existing and planned stations under another plan. The U.S. negotiators were satisfied with the compromise. According to the Department of State, the plan does not impose constraints on existing U.S. satellites nor unduly burden the coordination of future U.S. satellites.

The Agreement also added a new feature, multilateral planning meetings, for coordinating new satellite systems and made assignments for feeder links in regions 1 and 3. The United States joined 20 other countries in a statement which denies recognition of Colombia and Ecuador's claims of sovereign rights over portions of the geostationary orbit.

The committee held a hearing on these treaties on May 12, 1992. Testimony was received from Ambassador Bradley P. Holmes, U.S. Coordinator and Director of International Communications and Information Policy, Department of State. The committee is not aware of any opposition to the ratification of this treaty by the United States, and none of the treaties require implementing legislation.

These treaties were reported favorably by the Committee on Foreign Relations on June 11, 1992, by a vote of 18 to 0. Mr. President, I recommended that the Senate give its advice and consent to the ratification of these seven treaties.

Mr. SIMON. Mr. President, I ask unanimous consent that the motions to reconsider the vote be laid upon the table, en bloc; that the President be notified of the Senate's action; and that the Senate return to legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

BILL HELD AT THE DESK—SENATE JOINT RESOLUTION 330

Mr. SIMON. Mr. President, I ask unanimous consent that Senate Joint Resolution 330, introduced earlier today by Senators KENNEDY, HATCH and others, be held at the desk until close of business Wednesday, August 12.

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

IRISH-AMERICAN HERITAGE MONTH

Mr. KENNEDY. Mr. President, I am proud to join Senators HATCH, SIMON, MACK, ADAMS, BIDEN, COCHRAN, CRANSTON, D'AMATO, DANFORTH, DECONCINI, DIXON, DODD, DURENBERGER, GLENN, INOUYE, JEFFORDS, KASTEN, KERRY, LEVIN METZENBAUM, MIKULSKI, MITCHELL, MOYNIHAN, MURKOWSKI, PELL, STEVENS, THURMOND, WELLSTONE, and WOFFORD, in introducing a Senate Joint Resolution designating March 1993 as Irish-American Heritage Month.

An identical resolution House Joint Resolution 500, has been introduced by Representative THOMAS J. MANTON and 171 other sponsors in the House.

This measure is intended to honor the many significant contributions by the Irish to our country since the beginning of America. The Irish helped us win our freedom from Great Britain more than 200 years ago. In fact, Irish volunteers played such a dominant role in the Revolutionary Army that Lord Mountjoy lamented in the British Parliament that "We have lost America through the Irish."

During the Civil War, the Irish Brigade fought on the Union side with great distinction at Fredericksburg, Chancellorsville, Yorktown, Fair Oaks, Gaines Mill, Allen's Farm, Savage's Station, White Oak Bridge, Glendale, Malvern Hill, Antietam, Gettysburg, and Bristow Station. After the battle of Fredericksburg, Gen. Robert E. Lee, the leader of the Confederate forces, paid this tribute to the Irish Brigade on the opposing side:

> The gallant stand which this bold brigade made on the heights of Fredericksburg is well known. Never were men so brave. They ennobled their race by their splendid gallantry on that desperate occasion. Their brilliant though hopeless assaults on our lines excited the hearty applause of our officers and soldiers.

In the years since then, Irish immigrants have been involved in all aspects of our national life. They built our cities and canals, and the railroads that took America to the West, Even now, it is said, under every railroad tie, an Irishman is buried.

Today, more than 44 million Americans trace their ancestry to Ireland. Irish-Americans have made their mark in many fields—law and medicine, politics and government and the armed forces, business and labor, literature and music. Eugene O'Neill once said that the most important thing about himself and his work was that he was Irish.

Through perseverance and faith, humor and hard work, courage and patriotism, often against the odds, the Irish won acceptance for themselves and consequently for many other ethnic groups in the United States.

It is an honor to introduce this joint resolution today, and I look forward to early action on it by the Congress.

Mr. KERRY. Mr. President, I am pleased to be an original cosponsor of the joint resolution to designate March 1993 as "Irish-American Heritage Month." All over the United States, and especially in the Commonwealth of Massachusetts, Irish-American people continue the legacy of their forebears in contributing to the good of our country.

From the very beginning of this country's history, Irish-Americans have been at the center of the struggle to establish the United States as a beacon of freedom and fairness for the rest of the world. The Irish came to this land in search of freedom and have been heroic participants in the conflicts to protect that ideal.

The Irish are representative of this Republic's ideals. Be it our country's infrastructure, our cultural heritage, our legacy of dedicated public servants, all have benefited from the contributions of the sons and daughters of the "Auld Sod."

Irish-Americans have had to struggle to gain acceptance in the United States, but by means of their undying patriotism and dedication to hard work, they have earned the respect of all their fellow Americans.

"Irish-American Heritage Month" is a well deserved acknowledgment of the many contributions which these people have made to our country. I am proud to join in this occasion to honor them and those who came before.

Mr. PELL. Mr. President, I am delighted to join with Senator KENNEDY to cosponsor legislation designating an "Irish-American Heritage Month." Over the past several years, I have been privileged to introduce with Senator SIMON similar resolutions honoring the Irish-American community.

There is not one aspect of American life unenriched by the contributions of the Irish. History reveals that they have played a prominent role in the United States, from the American Revolution to the present day. Furthermore, their influence permeates the many facets of this Nation's culture and identity. In fact, the impact of Irish-American heritage has enabled the United States and Ireland to continue an enduring, amicable relationship.

This resolution would declare March 1993 "Irish-American Heritage Month." In doing so, it acknowledges and applauds the accomplishments of the Irish in our Nation. I am a proud cosponsor of this joint resolution, and I encourage my colleagues to support this legislation.

(At the request of Mr. DOLE, the following statement was printed in the RECORD.)

• Mr. HATCH. Mr. President, I am pleased to serve as an original cosponsor of a joint resolution that designates March 1993 as "Irish-American Heritage Month." It is clear that Irish-Americans have made important contributions to this country, and the purpose of introducing this resolution is to recognize the unique role that the Irish played in shaping our national identity.

Irish-Americans have distinguished themselves in government, law, military service, academia, and the arts. The noble works of Irish-American writers and poets are something in which all Americans can rejoice. However, I believe that the greatest contribution of Irish-Americans continues to be their unswerving commitment to family, hard work, and education. These values and principles guide Irish-Americans and explain precisely why this group has contributed so much to our country.

Mr. President, it is a pleasure to help introduce this joint resolution and I urge my colleagues to cosponsor this legislation.•

INDIAN TRIBAL COURTS ACT

Mr. SIMON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 536, S. 1752 relating to Indian tribal courts.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1752) to provide for the development, enhancement, and recognition of Indian tribal courts.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Select Committee on Indian 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 "Tribal Courts Act of 1992".

SEC. 2. DECLARATIONS AND FINDINGS.

Congress, after careful review of the United States historical and special legal relationship with and responsibilities to American Indian tribal governments, finds and declares that:

(1) The United States has a government-to-government relationship with each federally recognized tribal government.

(2) The United States has a trust responsibility to each tribal government that includes protection and enhancement of the sovereignty of each tribal government and the courts of each such government.

(3) Tribal governments exercise powers of self-government, requiring the enactment and enforcement of tribal laws and ordinances.

(4) An effective tribal judiciary is vital to the maintenance and enhancement of tribal sovereignty.

(5) The vindication of rights guaranteed by the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.), and other Acts of Congress, within tribal forums can only be guaranteed by the provision of adequate resources to carry out the purposes and intent of such Acts.

(6) Resources are needed to update tribal legal codes, to address probation and detention needs, to assure a right to counsel as defined by tribal law, to increase tribal court access to legal authorities through computerized and other means, to train tribal court and tribal governmental personnel on court procedures and on the requirements of the Indian Civil Rights Act of 1968, to assure adequate compensation of tribal court judges and other court personnel, and to retain law clerks.

SEC. 3. PURPOSES.

Congress declares that this Act shall be implemented in accordance with the following Federal policy:

(1) The United States, as part of the exercise of its trust responsibility, shall assist tribal governments by strengthening tribal judicial systems and by promoting the recognition of tribal sovereignty and tribal court authority.

(2) The United States shall fund tribal courts at a level equivalent to State courts of general jurisdiction performing similar functions in the same or comparable geographic region.

(3) Federal funding to tribal courts shall be administered in a manner that encourages flexibility and innovation by tribal judicial systems and that avoids encroaching on tribal traditions that may be manifested in tribal judicial systems.

(4) Federal funding shall be available to provide support to intertribal appellate court systems.

(5) The United States shall provide funding for tribal judicial systems in a manner that will minimize Federal and administrative costs.

(6) The Congress encourages the mutual recognition by tribal, State, and Federal courts of the public acts, records, and proceedings of each other's courts.

(7) The Congress shall protect the diversity of tribal court systems and encourage each tribal government to determine the best system for the tribal government's particular needs.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians. Such term includes any Alaska Native governmental entity.

(2) The term "intertribal appellate court" means a judicial system that is established by two or more tribes to hear matters on appeal from tribal courts and includes regional tribal appellate court systems.

(3) The term "tribal court" means the entire judicial system of a tribal government, including all tribal lower courts, appellate courts, and circuit rider systems, established by inherent tribal authority, and traditional dispute resolution forums.

(4) The term "tribal court personnel" means tribal court, tribal appellate court, and tribal supreme court judges, officers of the court, administrative personnel, dispute resolution facilitators, bailiffs, clerks, probation officers, and others who work for or primarily with tribal courts.

(5) The term "tribal government" means the government of an Indian tribe.

(6) The term "Conference" means the Judicial Conference that is established by Indian tribal governments to carry out the purposes of this Act and recognized by the United States under section 101 of this Act.

(7) The term "Indian country" means Indian country as defined in section 1151 of title 18, United States Code.

SEC. 5. DISCLAIMER.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal court within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the apportionment of authority within the tribal government;

(4) alter in any way any traditional dispute resolution forum;

(5) imply that any tribal court is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal court systems of such governments.

TITLE I—JUDICIAL CONFERENCE

SEC. 101. RECOGNITION OF CONFERENCE.

(a) JUDICIAL CONFERENCE.—The Congress, on behalf of the United States and in accordance with the provisions of subsection (b) of this section, shall recognize a nationally based Tribal Judicial Conference organized by the governments of federally recognized Indian tribes for the following purposes—

(1) the administration of funds appropriated for the support and maintenance of the Conference;

(2) the administration of contracts and grants for the enhancement of tribal courts; and

(3) the conduct of such activities, including the establishment of advisory and other committees as, in the opinion of the Conference, are necessary and appropriate for the enhancement of tribal courts, intertribal appellate courts, and regional judicial conferences. Such activities may include, but are not limited to—

(A) the conduct of a continuous study of the operation of tribal courts and making available to such courts recommended rules of practice and procedures for the promotion of procedural uniformity within each court system, fairness in administration, the just determination of litigation, and the elimination of unnecessary expense and delay;

(B) the development, in consultation with tribal governments, of a formula for the distribution of funds to tribal governments in accordance with section 106 of this title;

(C) the determination, in consultation with tribal governments, of information that will be required to be submitted annually by the tribal courts and intertribal appellate courts for the purpose of maintaining current information for formula funding analysis;

(D) the determination of other support needed under section 108(a)(10) of this title;

(E) the submission of an annual report to the Congress on information obtained pursuant to sections 4 and 7 of this title and section 202;

(F) the submission of annual estimates to the Office of Management and Budget and to the Congress, on the amounts needed to maintain and operate tribal courts, intertribal appellate courts, and the Conference; and

(G) the conduct of the Survey of Tribal Court Needs required by section 201 of this Act and the appointment of three members to the survey team pursuant to section 202 of this Act.

(b) CONGRESSIONAL RECOGNITION.—A nationally based Tribal Judicial Conference that is or-

ganized by the governments of federally recognized Indian tribes may petition the Congress for recognition by the United States for the purposes described in subsection (a) of this section. Such petition may be made by letter and shall be submitted to the Congress. The petitioning organization shall be deemed recognized at the end of the 60-day period following receipt of the petition by the Congress unless a joint resolution signifying disapproval of the petitioning organization is introduced and approved during that 60-day period, in accordance with title III. Such resolution must contain specific reasons for disapproval including information that the petitioning organization is not nationally based or that the membership of the petitioning organization is not open to all federally recognized Indian tribes. If such resolution is approved by the Congress within 60 calendar days following introduction, the petition shall fail. If such resolution fails to pass the Congress within 60 days following introduction, the petition shall be deemed approved.

(c) NO RESTRICTION ON LIMITATION ON POWERS OF CONFERENCE.—Nothing in this Act shall be deemed to restrict or limit the powers that may be vested in the Conference by the participating tribal governments.

(d) INHERENT TRIBAL GOVERNMENTAL AUTHORITY.—The Conference recognized by the United States pursuant to this Act shall be deemed to be organized under the inherent governmental authority of each participating tribal government.

SEC. 102. COMMITTEES.

The Conference may establish committees, including, but not limited to, committees on automation, personnel, practice and procedures, court-appointed counsel services, probation and sentencing, salaries and benefits, codes of conduct, and court administration and case management.

SEC. 103. ASSISTANCE FROM ADMINISTRATIVE OFFICE OF UNITED STATES COURTS.

At the request of the Conference recognized by the United States pursuant to this Act, the Administrative Office of the United States Courts shall provide technical and other assistance to the Conference, on a reimbursable basis.

SEC. 104. INFORMATION.

The Conference shall secure from the tribal courts and intertribal appellate courts information on the status of the dockets of the courts, information on the courts' need for assistance to enhance the administration of justice, and such other data as may be needed to assist the development of such courts.

SEC. 105. REGULATIONS.

After consultation with tribal governments, the Conference may make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions, powers, and authority of the Conference and shall publish in the Federal Register such rules, regulations, and notices as the conference determines to be of public interest.

SEC. 106. FORMULA; GRANTS.

(a) ESTABLISHMENT.—A formula for funding tribal courts and intertribal appellate courts shall be established by the Conference after full and complete consultation with tribal governments and after notice and publication in the Federal Register, incorporating the findings of the survey authorized in section 201. A minimum base funding level shall be established for each tribal court, and the balance of funds shall be distributed to tribal governments for such tribal courts and intertribal appellate courts by means of the formula. The factors that may be considered in developing such formula include, but are not limited to—

(1) Indian and non-Indian population served by the tribal court in Indian country;

(2) tribal court civil and criminal caseload, including Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.) caseload;

(3) projected caseloads based on requirements of Federal law;

(4) social and professional support services, including interpreters;

(5) tribal authorization for court-appointed counsel;

(6) facilities needs, including shelters, detention, rehabilitation or protective facilities; and

(7) location of reservation, including distances from detention, probation, and treatment facilities.

The manner in which a tribal government organizes its judicial function shall not be considered as a factor in any formula developed under this subsection or under any other provision of this Act.

(b) DISTRIBUTION.—In accordance with the formula established pursuant to subsection (a), the Bureau of Indian Affairs shall distribute to tribal governments, for the use of tribal courts and intertribal appellate courts, the funds appropriated pursuant to section 109(a)(1) of this title. Nothing in this Act shall be construed as prohibiting any tribal government from providing other support, from whatever source, to its tribal courts. In no case shall the amount retained by the Bureau of Indian Affairs from the funds appropriated under 109(a)(1) of this title for administrative functions authorized by this section exceed $250,000 in any fiscal year.

(c) APPEALS PROCEDURES.—Any tribal government aggrieved by the formula established pursuant to subsection (a) of this section, or any subsequent amendments or adjustments to such formula, may appeal to the Board of Hearings and Appeals, United States Department of the Interior, but only on questions of law and only if the issue was raised and fully considered by the Conference prior to the filing of the appeal.

SEC. 107. REPORTS.

Each tribal court and intertribal appellate court that receives funding through its tribal government under section 109(a)(1) of this title shall report annually to its tribal government and to the Conference such information as the conference may deem necessary to assure the adequacy of funding to meet the needs of tribal courts, including information gathered pursuant to section 104.

SEC. 108. GRANTS FOR TRAINING, AUTOMATION, CODE DEVELOPMENT, RECORD-KEEPING.

(a) GRANTS.—From amounts appropriated pursuant to section 109(a)(2) of this title, the Conference shall provide funding to tribal governments, tribal consortia, and national Indian organizations, for the following purposes:

(1) training of judges and other court personnel;

(2) procurement (by lease, purchase, exchange, transfer, or otherwise) of automatic data processing equipment, and training of tribal court personnel in the management, coordination, operation, and use of automatic data processing equipment in tribal courts;

(3) development of standards of conduct for court practitioners;

(4) development of tribal court rules;

(5) development of personnel standards for judges, advocates, court-appointed counsel, and other legal practitioners, and for other court personnel;

(6) development of court-appointed counsel services;

(7) development of probation and pretrial services;

(8) development of court accounting procedures;

(9) development of tribal and regional appellate systems; and

(10) such other support for the development and maintenance of tribal courts that the Conference may deem appropriate, including the development of a nationwide tribal court reporting system, and recommendations for funding for facilities construction, improvement, or repair.

(b) METHOD OF FUNDING.—The Conference may provide such funding on the basis of a formula established by the Conference, or in such amounts as the Conference determines appropriate. Such funding may be provided by grants, including competitive grants. Any formula established by the Conference pursuant to this subsection shall be established in consultation with the participating tribal governments.

(c) PROHIBITION.—Funding provided under this section may not be used to offset the funding provided for the operation of tribal courts and intertribal appellate courts under section 106, or any other Federal sources of funding to support such courts.

(d) STANDARDS.—No standards developed under such funding may be imposed on any tribal court except by the tribal government. Tribal governments may impose standards which assure fiscal control and recordkeeping.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) APPROPRIATIONS.—(1) For purposes of carrying out the provisions of section 106, there are authorized to be appropriated $50,000,000 for fiscal year 1994, and such sums as may be necessary for each succeeding fiscal year.

(2) For purposes of carrying out the provisions of section 108, there are authorized to be appropriated $5,000,000 for fiscal year 1994, and such sums as may be necessary for each succeeding fiscal year.

(3) For purposes of supporting the Conference, there are authorized to be appropriated $2,500,000 for fiscal year 1994, and such sums as may be necessary for each succeeding fiscal year.

(b) CONGRESSIONAL BUDGET ACT OF 1974.—The authorization of appropriations provided for by subsection (a) is established only with respect to appropriations made from the allocation under section 602(b) of the Congressional Budget Act of 1974—

(1) for the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations of the House of Representatives; and

(2) for the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations of the Senate.

SEC. 110. SINGLE AUDIT ACT OF 1984.

Funding provided pursuant to this title shall be subject to the applicable provisions of the Single Audit Act of 1984.

SEC. 111. ELIGIBILITY.

Nothing in this Act shall affect the eligibility of a tribal government to receive funding through the Indian priority system of the Bureau of Indian Affairs for support of the tribe's court system.

TITLE II—SURVEY OF TRIBAL COURT NEEDS

SEC. 201. SURVEY.

(a) TRIBAL COURT NEEDS.—Within 180 days following the date on which a Tribal Judicial Conference is recognized by the United States in accordance with title I of this Act, a comprehensive survey shall be conducted in accordance with subsection (b), of the needs of each tribal court that is eligible for services through the Bureau of Indian Affairs. Such survey shall include a comparison of current funding of each tribal court surveyed with State and local courts of comparable jurisdiction, in the same geographic area, and with similar actual and potential caseloads. The survey may include but is not limited to the following factors:

(1) the amount of base funding required to support the operation of the tribal judicial system of each tribal government, including the

funding needed to adequately enforce Federal laws, including the Indian Civil Rights Act of 1968; and

(2) the amount of base funding required to support the operation of intertribal or regional appellate judicial systems.

(b) TRIBAL COURT SURVEY TEAM.—The survey required in subsection (a) shall be conducted by the Tribal Court Survey Team, under the direction of the Conference, and in consultation with tribal governments.

SEC. 202. TRIBAL COURT SURVEY TEAM.

(a) COMPOSITION.—The Tribal Court Survey Team shall consist of—

(1) three members appointed by the Conference;

(2) three members appointed by the Director of the National Center for State Courts; and

(3) three members appointed by the Director of the Administrative Office of the United States Courts.

(b) PERSONNEL.—The Tribal Court Survey Team may employ, on a temporary basis, such personnel as are required to carry out the provisions of section 201(a).

(c) FINDINGS.—The Tribal Court Survey Team shall submit its findings to—

(1) the Conference;

(2) the Secretary of the Interior;

(3) the Chairman of the Committee on Interior and Insular Affairs of the House of Representatives;

(4) the Chairman of the Select Committee on Indian Affairs of the Senate;

(5) the Chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations of the House of Representatives;

(6) the Chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations of the Senate;

(7) the Director of the National Center for State Courts; and

(8) the Director of the Administrative Office of the United States Courts.

SEC. 203. APPROPRIATIONS.

For purposes of carrying out the provisions of section 201—

(1) there are authorized to be appropriated such sums as may be necessary; and

(2) the authorization of appropriations under paragraph (1) is established only with respect to appropriations made from the allocation under section 602(b) of the Congressional Budget Act of 1974—

(A) for the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations of the House of Representatives; and

(B) for the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations of the Senate.

TITLE III—EXPEDITED PROCEDURE FOR RESOLUTION OF DISAPPROVAL

SEC. 301. EXPEDITED PROCEDURE.

(a) CONTENTS OF RESOLUTION.—For the purposes of section 101(b), "joint resolution" means only a joint resolution introduced after the date on which Congress receives a petition in accordance with section 101(b) the matter after the resolving clause of which is as follows: "The Congress disapproves the petitioning organization for the following reason or reasons: (Reasons to be inserted here).".

(b) REFERRAL TO COMMITTEE.—A resolution described in subsection (a) introduced in the House of Representatives shall be referred to the Committee on Interior and Insular Affairs of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Select Committee on Indian Affairs of the Senate. Such a resolution may not be reported before the 8th day after its introduction.

(c) DISCHARGE OF COMMITTEE.—If the committee to which is referred a resolution described in subsection (a) has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a joint resolution disapproving the petition as described in section 101(b), whichever is earlier, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(d) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(1) The resolution of the other House shall not be referred to a committee.

(2) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(f) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

AMENDMENT NO. 2912

(Purpose: To provide for a study of the impact on Federal and tribal courts of Federal court review of final orders of tribal courts)

Mr. SIMPSON. Mr. President, on behalf of Senator GORTON, 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 Wyoming [Mr. SIMPSON], for Mr. GORTON, proposes an amendment numbered 2912.

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

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

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE IV—STUDY OF TRIBAL/FEDERAL COURT REVIEW

SEC. 401. STUDY.

(a) TRIBAL/FEDERAL COURT REVIEW.—A comprehensive study shall be conducted in accordance with subsection (b), of the treatment by tribal courts of matters arising under the Indian Civil Rights Act (25 U.S.C. 1301 et seq.) and of other Federal laws for which tribal courts have jurisdictional authority and regulations promulgated by Federal agencies pursuant to the Indian Civil Rights Act and other Acts of Congress. The study shall include an analysis of those Indian Civil Rights Act cases that were the subject of Federal court review from 1968 to 1978 and the burden, if any, on tribal governments, tribal courts, and Federal courts of such review. The study shall address the circumstances under which Federal court review of actions arising under the Indian Civil Rights Act may be appropriate or warranted.

(b) TRIBAL/FEDERAL COURT REVIEW STUDY PANEL.—The study required in subsection (a) shall be conducted by the Tribal/Federal Court Review Study Panel in consultation with tribal governments.

SEC. 402. TRIBAL/FEDERAL COURT REVIEW STUDY PANEL.

(a) COMPOSITION.—The Tribal/Federal Court Review Study Panel shall consist of—

(1) four representatives of tribal governments, including tribal court judges, two of whom shall be appointed by the Speaker of the House of Representatives and two of whom shall be appointed by the President pro tempore of the Senate; and

(2) four members of the United States Court of Appeals courts who shall be appointed by the Director of the Administrative Office of the United States Courts.

(b) PERSONNEL.—The Tribal/Federal Court Review Study Panel may employ, on a tem-

porary basis, such personnel as are required to carry out the provisions of this title.

(c) FINDINGS.—The Tribal/Federal Court Review Study Panel, not later than the expiration of the 12-month period following the date on which moneys are made available to carry out this title, shall submit its findings and recommendations to—

(1) the Congress;

(2) the Tribal Judicial Conference; and

(3) the director of the Administrative Office of the United States Courts.

(d) TERMINATION.—Not later than 30 days after the Panel has submitted its findings and recommendations under subsection (c), the Panel shall cease to exist.

SEC. 403. APPROPRIATIONS.

For purposes of carrying out the provisions of this title there are authorized to be appropriated such sums as may be necessary.

SEC. 404. PROHIBITION ON GRANTS.

Notwithstanding any other provision of this Act, no grants shall be made by the Conference under this Act after the expiration of the 18-month period following the date of the enactment of this Act, unless the Tribal/Federal Court Review Study Panel has submitted its findings and recommendations to the Congress in accordance with subsection (c) of section 402 and a period of 60 days has expired following the submission of such findings and recommendations.

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

The amendment (No. 2912) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SIMON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 576, H.R. 4004; that all after the enacting clause be stricken; that the text of S. 1752, as amended, be inserted in lieu thereof; that the bill be deemed read the third time and passed; and that the motion to reconsider be laid upon the table.

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

So the bill (H.R. 4004) as amended, was deemed read the third time and passed; as follows:

Resolved, That the bill from the House of Representatives (H.R. 4004) entitled "An Act to assist in the development of tribal judicial systems, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Courts Act of 1992".

SEC. 2. DECLARATIONS AND FINDINGS.

Congress, after careful review of the United States historical and special legal relationship with and responsibilities to American Indian tribal governments, finds and declares that:

(1) The United States has a government-to-government relationship with each federally recognized tribal government.

(2) The United States has a trust responsibility to each tribal government that includes protection and enhancement of the sovereignty of each tribal government and the courts of each such government.

(3) Tribal governments exercise powers of self-government, requiring the enactment and enforcement of tribal laws and ordinances.

(4) An effective tribal judiciary is vital to the maintenance and enhancement of tribal sovereignty.

(5) The vindication of rights guaranteed by the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.), and other Acts of Congress, within tribal forums can only be guaranteed by the provision of adequate resources to carry out the purposes and intent of such Acts.

(6) Resources are needed to update tribal legal codes, to address probation and detention needs, to assure a right to counsel as defined by tribal law, to increase tribal court access to legal authorities through computerized and other means, to train tribal court and tribal governmental personnel on court procedures and on the requirements of the Indian Civil Rights Act of 1968, to assure adequate compensation of tribal court judges and other court personnel, and to retain law clerks.

SEC. 3. PURPOSES.

Congress declares that this Act shall be implemented in accordance with the following Federal policy:

(1) The United States, as part of the exercise of its trust responsibility, shall assist tribal governments by strengthening tribal judicial systems and by promoting the recognition of tribal sovereignty and tribal court authority.

(2) The United States shall fund tribal courts at a level equivalent to State courts of general jurisdiction performing similar functions in the same or comparable geographic region.

(3) Federal funding to tribal courts shall be administered in a manner that encourages flexibility and innovation by tribal judicial systems and that avoids encroaching on tribal traditions that may be manifested in tribal judicial systems.

(4) Federal funding shall be available to provide support to intertribal appellate court systems.

(5) The United States shall provide funding for tribal judicial systems in a manner that will minimize Federal and administrative costs.

(6) The Congress encourages the mutual recognition by tribal, State, and Federal courts of the public acts, records, and proceedings of each other's courts.

(7) The Congress shall protect the diversity of tribal court systems and encourage each tribal government to determine the best system for the tribal government's particular needs.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians. Such term includes any Alaska Native governmental entity.

(2) The term "intertribal appellate court" means a judicial system that is established by two or more tribes to hear matters on appeal from tribal courts and includes regional tribal appellate court systems.

(3) The term "tribal court" means the entire judicial system of a tribal government, including all tribal lower courts, appellate courts, and circuit rider systems, established by inherent tribal authority, and traditional dispute resolution forums.

(4) The term "tribal court personnel" means tribal court, tribal appellate court, and tribal supreme court judges, officers of the court, administrative personnel, dispute resolution facilitators, bailiffs, clerks, probation officers, and others who work for or primarily with tribal courts.

(5) The term "tribal government" means the government of an Indian tribe.

(6) The term "Conference" means the Judicial Conference that is established by Indian tribal governments to carry out the purposes of this Act and recognized by the United States under section 101 of this Act.

(7) The term "Indian country" means Indian country as defined in section 1151 of title 18, United States Code.

SEC. 5. DISCLAIMER.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal court within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the apportionment of authority within the tribal government;

(4) alter in any way any traditional dispute resolution forum;

(5) imply that any tribal court is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal court systems of such governments.

TITLE I—JUDICIAL CONFERENCE

SEC. 101. RECOGNITION OF CONFERENCE.

(a) JUDICIAL CONFERENCE.—The Congress, on behalf of the United States and in accordance with the provisions of subsection (b) of this section, shall recognize a nationally based Tribal Judicial Conference organized by the governments of federally recognized Indian tribes for the following purposes—

(1) the administration of funds appropriated for the support and maintenance of the Conference;

(2) the administration of contracts and grants for the enhancement of tribal courts; and

(3) the conduct of such activities, including the establishment of advisory and other committees as, in the opinion of the Conference, are necessary and appropriate for the enhancement of tribal courts, intertribal appellate courts, and regional judicial conferences. Such activities may include, but are not limited to—

(A) the conduct of a continuous study of the operation of tribal courts and making available to such courts recommended rules of practice and procedures for the promotion of procedural uniformity within each court system, fairness in administration, the just determination of litigation, and the elimination of unnecessary expense and delay;

(B) the development, in consultation with tribal governments, of a formula for the distribution of funds to tribal governments in accordance with section 106 of this title;

(C) the determination, in consultation with tribal governments, of information that will be required to be submitted annually by the tribal courts and intertribal appellate courts for the purpose of maintaining current information for formula funding analysis;

(D) the determination of other support needed under section 108(a)(10) of this title;

(E) the submission of an annual report to the Congress on information obtained pursuant to sections 4 and 7 of this title and section 202;

(F) the submission of annual estimates to the Office of Management and Budget and to the

Congress, on the amounts needed to maintain and operate tribal courts, intertribal appellate courts, and the Conference; and

(G) the conduct of the Survey of Tribal Court Needs required by section 201 of this Act and the appointment of three members to the survey team pursuant to section 202 of this Act.

(b) CONGRESSIONAL RECOGNITION.—A nationally based Tribal Judicial Conference that is organized by the governments of federally recognized Indian tribes may petition the Congress for recognition by the United States for the purposes described in subsection (a) of this section. Such petition may be made by letter and shall be submitted to the Congress. The petitioning organization shall be deemed recognized at the end of the 60-day period following receipt of the petition by the Congress unless a joint resolution signifying disapproval of the petitioning organization is introduced and approved during that 60-day period, in accordance with title III. Such resolution must contain specific reasons for disapproval including information that the petitioning organization is not nationally based or that the membership of the petitioning organization is not open to all federally recognized Indian tribes. If such resolution is approved by the Congress within 60 calendar days following introduction, the petition shall fail. If such resolution fails to pass the Congress within 60 days following introduction, the petition shall be deemed approved.

(c) NO RESTRICTION ON LIMITATION ON POWERS OF CONFERENCE.—Nothing in this Act shall be deemed to restrict or limit the powers that may be vested in the Conference by the participating tribal governments.

(d) INHERENT TRIBAL GOVERNMENTAL AUTHORITY.—The Conference recognized by the United States pursuant to this Act shall be deemed to be organized under the inherent governmental authority of each participating tribal government.

SEC. 102. COMMITTEES.

The Conference may establish committees, including, but not limited to, committees on automation, personnel, practice and procedures, court-appointed counsel services, probation and sentencing, salaries and benefits, codes of conduct, and court administration and case management.

SEC. 103. ASSISTANCE FROM ADMINISTRATIVE OFFICE OF UNITED STATES COURTS.

At the request of the Conference recognized by the United States pursuant to this Act, the Administrative Office of the United States Courts shall provide technical and other assistance to the Conference, on a reimbursable basis.

SEC. 104. INFORMATION.

The Conference shall secure from the tribal courts and intertribal appellate courts information on the status of the dockets of the courts, information on the courts' need for assistance to enhance the administration of justice, and such other data as may be needed to assist the development of such courts.

SEC. 105. REGULATIONS.

After consultation with tribal governments, the Conference may make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions, powers, and authority of the Conference and shall publish in the Federal Register such rules, regulations, and notices as the conference determines to be of public interest.

SEC. 106. FORMULA; GRANTS.

(a) ESTABLISHMENT.—A formula for funding tribal courts and intertribal appellate courts shall be established by the Conference after full and complete consultation with tribal governments and after notice and publication in the Federal Register, incorporating the findings of the survey authorized in section 201. A minimum base funding level shall be established for each tribal court, and the balance of funds shall be distributed to tribal governments for such tribal courts and intertribal appellate courts by means of the formula. The factors that may be considered in developing such formula include, but are not limited to—

(1) Indian and non-Indian population served by the tribal court in Indian country;

(2) tribal court civil and criminal caseload, including Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.) caseload;

(3) projected caseloads based on requirements of Federal law;

(4) social and professional support services, including interpreters;

(5) tribal authorization for court-appointed counsel;

(6) facilities needs, including shelters, detention, rehabilitation or protective facilities; and

(7) location of reservation, including distances from detention, probation, and treatment facilities.

The manner in which a tribal government organizes its judicial function shall not be considered as a factor in any formula developed under this subsection or under any other provision of this Act.

(b) DISTRIBUTION.—In accordance with the formula established pursuant to subsection (a), the Bureau of Indian Affairs shall distribute to tribal governments, for the use of tribal courts and intertribal appellate courts, the funds appropriated pursuant to section 109(a)(1) of this title. Nothing in this Act shall be construed as prohibiting any tribal government from providing other support, from whatever source, to its tribal courts. In no case shall the amount retained by the Bureau of Indian Affairs from the funds appropriated under 109(a)(1) of this title for administrative functions authorized by this section exceed $250,000 in any fiscal year.

(c) APPEALS PROCEDURES.—Any tribal government aggrieved by the formula established pursuant to subsection (a) of this section, or any subsequent amendments or adjustments to such formula, may appeal to the Board of Hearings and Appeals, United States Department of the Interior, but only on questions of law and only if the issue was raised and fully considered by the Conference prior to the filing of the appeal.

SEC. 107. REPORTS.

Each tribal court and intertribal appellate court that receives funding through its tribal government under section 109(a)(1) of this title shall report annually to its tribal government and to the Conference such information as the conference may deem necessary to assure the adequacy of funding to meet the needs of tribal courts, including information gathered pursuant to section 104.

SEC. 108. GRANTS FOR TRAINING, AUTOMATION, CODE DEVELOPMENT, RECORD-KEEPING.

(a) GRANTS.—From amounts appropriated pursuant to section 109(a)(2) of this title, the Conference shall provide funding to tribal governments, tribal consortia, and national Indian organizations, for the following purposes:

(1) training of judges and other court personnel;

(2) procurement (by lease, purchase, exchange, transfer, or otherwise) of automatic data processing equipment, and training of tribal court personnel in the management, coordination, operation, and use of automatic data processing equipment in tribal courts;

(3) development of standards of conduct for court practitioners;

(4) development of tribal court rules;

(5) development of personnel standards for judges, advocates, court-appointed counsel, and other legal practitioners, and for other court personnel;

(6) development of court-appointed counsel services;

(7) development of probation and pretrial services;

(8) development of court accounting procedures;

(9) development of tribal and regional appellate systems; and

(10) such other support for the development and maintenance of tribal courts that the Conference may deem appropriate, including the development of a nationwide tribal court reporting system, and recommendations for funding for facilities construction, improvement, or repair.

(b) METHOD OF FUNDING.—The Conference may provide such funding on the basis of a formula established by the Conference, or in such amounts as the Conference determines appropriate. Such funding may be provided by grants, including competitive grants. Any formula established by the Conference pursuant to this subsection shall be established in consultation with the participating tribal governments.

(c) PROHIBITION.—Funding provided under this section may not be used to offset the funding provided for the operation of tribal courts and intertribal appellate courts under section 106, or any other Federal sources of funding to support such courts.

(d) STANDARDS.—No standards developed under such funding may be imposed on any tribal court except by the tribal government. Tribal governments may impose standards which assure fiscal control and recordkeeping.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) APPROPRIATIONS.—(1) For purposes of carrying out the provisions of section 106, there are authorized to be appropriated $50,000,000 for fiscal year 1994, and such sums as may be necessary for each succeeding fiscal year.

(2) For purposes of carrying out the provisions of section 108, there are authorized to be appropriated $5,000,000 for fiscal year 1994, and such sums as may be necessary for each succeeding fiscal year.

(3) For purposes of supporting the Conference, there are authorized to be appropriated $2,500,000 for fiscal year 1994, and such sums as may be necessary for each succeeding fiscal year.

(b) CONGRESSIONAL BUDGET ACT OF 1974.—The authorization of appropriations provided for by subsection (a) is established only with respect to appropriations made from the allocation under section 602(b) of the Congressional Budget Act of 1974—

(1) for the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations of the House of Representatives; and

(2) for the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations of the Senate.

SEC. 110. SINGLE AUDIT ACT OF 1984.

Funding provided pursuant to this title shall be subject to the applicable provisions of the Single Audit Act of 1984.

SEC. 111. ELIGIBILITY.

Nothing in this Act shall affect the eligibility of a tribal government to receive funding through the Indian priority system of the Bureau of Indian Affairs for support of the tribe's court system.

TITLE II—SURVEY OF TRIBAL COURT NEEDS

SEC. 201. SURVEY.

(a) TRIBAL COURT NEEDS.—Within 180 days following the date on which a Tribal Judicial Conference is recognized by the United States in accordance with title I of this Act, a comprehensive survey shall be conducted in accordance with subsection (b), of the needs of each tribal court that is eligible for services through the

Bureau of Indian Affairs. Such survey shall include a comparison of current funding of each tribal court surveyed with State and local courts of comparable jurisdiction, in the same geographic area, and with similar actual and potential caseloads. The survey may include but is not limited to the following factors:

(1) the amount of base funding required to support the operation of the tribal judicial system of each tribal government, including the funding needed to adequately enforce Federal laws, including the Indian Civil Rights Act of 1968; and

(2) the amount of base funding required to support the operation of intertribal or regional appellate judicial systems.

(b) TRIBAL COURT SURVEY TEAM.—The survey required in subsection (a) shall be conducted by the Tribal Court Survey Team, under the direction of the Conference, and in consultation with tribal governments.

SEC. 202. TRIBAL COURT SURVEY TEAM.

(a) COMPOSITION.—The Tribal Court Survey Team shall consist of—

(1) three members appointed by the Conference;

(2) three members appointed by the Director of the National Center for State Courts; and

(3) three members appointed by the Director of the Administrative Office of the United States Courts.

(b) PERSONNEL.—The Tribal Court Survey Team may employ, on a temporary basis, such personnel as are required to carry out the provisions of section 201(a).

(c) FINDINGS.—The Tribal Court Survey Team shall submit its findings to—

(1) the Conference;

(2) the Secretary of the Interior;

(3) the Chairman of the Committee on Interior and Insular Affairs of the House of Representatives;

(4) the Chairman of the Select Committee on Indian Affairs of the Senate;

(5) the Chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations of the House of Representatives;

(6) the Chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations of the Senate;

(7) the Director of the National Center for State Courts; and

(8) the Director of the Administrative Office of the United States Courts.

SEC. 203. APPROPRIATIONS.

For purposes of carrying out the provisions of section 201—

(1) there are authorized to be appropriated such sums as may be necessary; and

(2) the authorization of appropriations under paragraph (1) is established only with respect to appropriations made from the allocation under section 602(b) of the Congressional Budget Act of 1974—

(A) for the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations of the House of Representatives; and

(B) for the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations of the Senate.

TITLE III—EXPEDITED PROCEDURE FOR RESOLUTION OF DISAPPROVAL

SEC. 301. EXPEDITED PROCEDURE.

(a) CONTENTS OF RESOLUTION.—For the purposes of section 101(b), "joint resolution" means only a joint resolution introduced after the date on which Congress receives a petition in accordance with section 101(b) the matter after the resolving clause of which is as follows: "The Congress disapproves the petitioning organization for the following reason or reasons: (Reasons to be inserted here).".

(b) REFERRAL TO COMMITTEE.—A resolution described in subsection (a) introduced in the House of Representatives shall be referred to the Committee on Interior and Insular Affairs of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Select Committee on Indian Affairs of the Senate. Such a resolution may not be reported before the 8th day after its introduction.

(c) DISCHARGE OF COMMITTEE.—If the committee to which is referred a resolution described in subsection (a) has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a joint resolution disapproving the petition as described in section 101(b), whichever is earlier, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(d) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(1) The resolution of the other House shall not be referred to a committee.

(2) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(f) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

TITLE IV—STUDY OF TRIBAL/FEDERAL COURT REVIEW

SEC. 401. STUDY.

(a) TRIBAL/FEDERAL COURT REVIEW.—A comprehensive study shall be conducted in accordance with subsection (b), of the treatment by tribal courts of matters arising under the Indian Civil Rights Act (25 U.S.C. 1301 et seq.) and of other Federal laws for which tribal courts have jurisdictional authority and regulations promulgated by Federal agencies pursuant to the Indian Civil Rights Act and other Acts of Congress. The study shall include an analysis of those Indian Civil Rights Act cases that were the subject of Federal court review from 1968 to 1978 and the burden, if any, on tribal governments, tribal courts, and Federal courts of such review. The study shall address the circumstances under which Federal court review of actions arising under the Indian Civil Rights Act may be appropriate or warranted.

(b) TRIBAL/FEDERAL COURT REVIEW STUDY PANEL.—The study required in subsection (a) shall be conducted by the Tribal/Federal Court Review Study Panel in consultation with tribal governments.

SEC. 402. TRIBAL/FEDERAL COURT REVIEW STUDY PANEL.

(a) COMPOSITION.—The Tribal/Federal Court Review Study Panel shall consist of—

(1) four representatives of tribal governments, including tribal court judges, two of whom shall be appointed by the Speaker of the House of Representatives and two of whom shall be appointed by the President pro tempore of the Senate; and

(2) four members of the United States Court of Appeals courts who shall be appointed by the Director of the Administrative Office of the United States Courts.

(b) PERSONNEL.—The Tribal/Federal Court Review Study Panel may employ, on a temporary basis, such personnel as are required to carry out the provisions of this title.

(c) FINDINGS.—The Tribal/Federal Court Review Study Panel, not later than the expiration of the 12-month period following the date on which moneys are made available to carry out this title, shall submit its findings and recommendations to—

(1) the Congress;

(2) the Tribal Judicial Conference; and

(3) the Director of the Administrative Office of the United States Courts.

(d) TERMINATION.—Not later than 30 days after the Panel has submitted its findings and recommendations under subsection (c), the Panel shall cease to exist.

SEC. 403. APPROPRIATIONS.

For purposes of carrying out the provisions of this title there are authorized to be appropriated such sums as may be necessary.

SEC. 404. PROHIBITION ON GRANTS.

Notwithstanding any other provision of this Act, no grants shall be made by the Conference under this Act after the expiration of the 18-month period following the date of the enactment of this Act, unless the Tribal/Federal Court Review Study Panel has submitted its findings and recommendations to the Congress in accordance with subsection (c) of section 402 and a period of 60 days has expired following the submission of such findings and recommendations.

Mr. SIMON. Mr. President, I ask unanimous consent that calendar 536 be indefinitely postponed.

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

SMALL BUSINESS CREDIT CRUNCH RELIEF ACT OF 1992

Mr. SIMON. I ask unanimous consent, Mr. President, that the Committee on Small Business be discharged from further consideration of H.R. 4111, the Small Business Credit Crunch Relief Act of 1992, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4111) to provide additional loan assistance to small businesses, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2913

Mr. SIMON. Mr. President, on behalf of Senators BUMPERS and KASTEN, I send a substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for Mr. BUMPERS for himself and Mr. KASTEN, proposes an amendment numbered 2913.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BUMPERS. The amendment which I have submitted is essentially a Small Business Committee substitute which I offer on behalf of myself and Senator KASTEN, our committee's ranking member. This bill, which passed the House on May 14, intends to remedy the severe lack of available long-term credit for small businesses by increasing the authorization for the Small Business Administration's section 7(a) loan guaranty program. While this is the primary purpose of the bill, my amendment also contains provisions affecting two other important SBA programs which I will discuss later.

H.R. 4111 as passed by the House provides for an increase in the 7(a) loan program authorization from $3.85 billion in fiscal year 1992 to $5.0 billion, with additional increases to $6.0 billion in 1993 and $7.0 billion in fiscal 1994. Senator KASTEN and I have concluded that even these increases are inadequate to meet small business credit needs for the remainder of this year, and we are proposing raising the House numbers to $5.2 billion in 1992, $6.2 billion in 1993 and $7.2 billion in 1994. Our colleague from Florida, Senator MACK, believes even these increases are not enough and would like to increase these authorizations substantially higher.

As Members of the Senate by now know, the SBA 7(a) loan program has faced a virtual run in the last year. Demand for the SBA guaranty program by borrowers and banks has increased at least 30 percent over 1991 in virtually every corner of the Nation, and some areas have incurred much higher increases. Concord, NH, for example, has seen its SBA loan volume go up by 160 percent, Hartford, CT, up 87 percent; Philadelphia, PA, up 136 percent; Dallas, TX, up 54.2 percent; and Denver, CO, up 61.9 percent. Although a variety of factors are at work here, the prolonged recession and the so-called credit crunch have conspired to push many small businesses toward the 7(a) program who have not needed the program in the past. This trend has been greatest in New England where the administration announced a pilot program in February to help meet the demand brought about by the collapse of many of the region's banks.

In late March, Congress approved the administration's request to reprogram authority from unused SBIC debenture guarantees to the Section 7(a) program and the Section 504 Development Company Program. Because of the very low subsidy rates which apply to these two programs, this additional authority translated into $500 million in new 7(a) loans and $200 million in section 504 loans. Unhappily, this amount has proved not nearly enough, and the section 7(a) program will shut down for the remainder of 1992 in a matter of a few short weeks without passage of this legislation.

H.R. 4111, Mr. President, is consistent with the administration's pending proposals, although I would be quick to say that the Bush administration has done very little to get its proposals into law. The Appropriations Committees received in late February an administration request for $1.1 billion in additional 7(a) loan guaranty authority. This figure was in addition to the $500 million reprogramming for 7(a).

The White House proposed to fund this increase—which only required $53 million in outlays—by corresponding reductions in Federal programs which provide housing subsidies for the poor, in public broadcasting facilities grants, and in nurses' training grants. These proposals came from OMB, and they have gotten a cool reception to say the least. Other Members of the Senate and I made clear from the outset that no such reductions would be enacted, although it does not take a rocket scientist to figure that matter out.

Supplemental funding was approved by Congress and signed by the President, but without the proposed offsets.

The 7(a) lending program, incidentally, has just received a ringing endorsement from one of the Nation's premier public accounting firms. On June 2, 1992, our Senate Small Business Committee took testimony on a study of the 7(a) program which was commissioned by SBA and performed by Price Waterhouse. This report is based on a proposal which I made in the Appropriations Committee several years ago, which was adopted, that an objective study be undertaken to determine the real costs and benefits of SBA guaranteed lending. Senators may recall that David Stockman and Ronald Reagan argued that SBA borrowers were economic straphangers who made little real contribution to the economy.

During the entire Reagan administration and most of the Bush administration, the study mandated by the Appropriations Committee got nowhere because the administration was not interested in knowing the facts. Administrator Patricia Saiki deserves some credit for having carried out that direction and for the excellent job done by Price Waterhouse.

While the report is both detailed and lengthy, the headline is that SBA borrowers—and this is a study of an actual group of real businesses who borrowed in 1985—paid more taxes back to the Federal Government in 1 year than their loans cost to make, administer, and service including defaults, over the entire lifetime of those loans. The Government received a return of 22.7 percent on its investment through 1989. SBA borrowers, Price Waterhouse found, were more profitable, had larger sales increases and hired more new employees than did a control group of nonborrowers.

Mr. President, let me emphasize that this bill will not solve the SBA lending problem, but that the bill is nontheless necessary to the resolution. Presently, with the $500 million reprogramming mentioned earlier, SBA has more apporpriations than it has authorization for the 7(a) program. H.R. 4111 will correct that problem by raising the authorization substantially, but it will not provide the needed guaranty authority, which must come through the Appropriations Committee.

MICROLENDING PROGRAM

As I alluded to earlier, there are two additional programs included in the Bumpers-Kasten amendment. First, we are proposing several amendments to the SBA Microlending Program which was enacted last year and has proved extremely popular. Mrs. Saiki recently told our committee that Microloans

was one of the most sought-after SBA programs in history. I am personally convinced that it offers an opportunity to lift thousands of Americans out of the cycle of poverty and into the economic mainstream.

Under this new program, SBA will make direct loans to nonprofit community organizations for the purpose of relending in so-called microloans to very small business borrowers. The maximum loan will be $25,000, but most loans will be much smaller since the average loan for intermediaries must be under $10,000. Additionally, the intermediary organization will receive a grant from SBA equal to 20 percent of the loan amount for the purpose of providing intensive management training and technical assistance to their borrowers, most of whom will probably have very little business experience.

This is a bold experiment, Mr. President. What we are testing is whether the American dream can really be made to work for a vast array of people who have had essentially no access to capital. We are hoping to put hundreds, perhaps thousands, of Americans into business for themselves who probably have always considered this goal far beyond their reach. But they will have to start small, and there is no free lunch. These loans are not highly subsidized, and they are expected to be paid back both by the individual borrower and by the community organization. Many of the intermediaries which our committee has studied have utilized various models of peer-group lending in which borrowers spend time with each other discussing their problems and plans.

The Microloan Program as drafted last year contained what has proven to be a defect with respect to interest rates charged to the intermediary community organizations and the spread which they might earn above that cost of money through loans to borrowers. Our amendment will resolve that problem by allowing SBA to buy down the interest rate charged to borrowers to bring it more in line with Congress' original expectations, and also giving them a slightly higher margin vis-a-vis their borrowers.

Further, my amendment focuses the Microlending Program more specifically toward those areas of the country which are most in need and which are feeling the most economic pain, such as the Mississippi Delta Region. My own preference would be to focus exclusively on rural poverty and unemployment, because I believe strongly that rural needs tend to get short-changed. In political reality, however, there is equal distress in the inner cities, as the horror of Los Angeles recently demonstrated.

The substitute amendment will provide slightly greater incentives for microlenders in areas of chronically high unemployment known as labor surplus areas and also in those countries, municipalities and census tracts where the poverty rate exceeds 20 percent. In addition to inner cities, this includes a large part of the Mississippi Delta which has long been the object of my legislative efforts. It also includes several other blighted areas, such as the Lower Rio Grande Valley and large areas of New Mexico and South Dakota which have large Native American populations. This bill will not end suffering in the Delta, but it will offer the hope of economic sufficiency to hundreds of families who do not have access to capital needed to start a business.

The pending amendment will give both an interest rate buy-down and a slight increase in the amount of training grants available to microlending intermediaries located in these areas. The amendment will also permit SBA to use 3 percent of its appropriated loan fund to provide technical assistance to the intermediaries by contracting with experienced microlending organizations. The technical assistance providers will help SBA ensure that the intermediaries have the knowledge, skills and understanding of microlending practices to operate successfully.

Finally, this amendment expands the class of entities which may apply to serve as microlending intermediaries. Senator KASTEN's and my original intent in drafting this program was for SBA to utilize private, nonprofit community organizations as lending intermediaries. Our decision was based on the fact that the most successful microlending programs in the country, based on hearings in our committee, were of this type, and we remain convinced that, in most areas, private nonprofits should be the primary delivery vehicle for the Microlending Program. Additionally, our intent was and remains that the Microlending Program not be used as a subsidy or source of funds for any governmental entity, such as a State or city economic development department.

While we remain committed to the private, nonprofit sector for microlending, it has been brought to our attention that some areas of the Nation are underserved or not served at all by such organizations, although these areas may have other economic development organizations with experience and desire to participate in the program. In Arkansas, for example, although SBA funded an outstanding Microlending Program in the southern part of the State, no private nonprofit organization came forward in either northwest or northeast Arkansas seeking microloan funds. There are, however, well-established and competent planning and development districts across our State. I do not know whether any of these groups would like to apply for the program, but I believe they should be allowed the opportunity.

The primary examples of suitable applicants among the new eligible applicants are planning and development districts. The PDD's, which have a public or quasi-public status, have a long and successful history of economic development efforts through EDA, SBA, and other programs, and some have experience in making and servicing very small loans. In other regions, SBA may find that its own certified development companies can be suitable intermediaries for microlending.

We want to emphasize, however, the mandatory nature of the intensive training and technical assistance which must be provided to microloan borrowers by the intermediary. Any organization seeking to enter the program must be ready, willing, and able to provide this help to its borrowers and prospective borrowers, and it should be aware of the congressional intent that microlending should open doors to disadvantaged people who have not had access to traditional sources of business finance. This is not a program for successful, established small businesses who can go to their banker for a loan or who can participate in the SBA Guaranteed Loan Program.

SMALL BUSINESS COMPETITIVENESS PROGRAM

The third major provision of this bill, Mr. President, is a 3-year extension of the highly successful Small Business Competitiveness Demonstration Program which was enacted in 1988 as title II of Public Law 100-656. This program, which was authored principally by my distinguished colleague from Illinois, Senator DIXON, seems to have been immensely successful in resolving many long-standing complaints about so-called small business set-asides in certain industries. Before this program's enactment, Members of Congress were besieged with grievances from both large and small businesses that Federal procurement in certain areas such as construction and architecture and engineering services tended to rely almost exclusively on small business set-asides. Almost every year for several years, 80 percent or more of Federal contracting opportunities in the construction area would be reserved for small business, leaving larger businesses with virtually no Federal market in many parts of the country.

Moreover, agencies had developed an unhealthy habit of meeting their small business contracting goals by relying on the easy hits by simply reserving all certain kinds of contracts for small business. This method of operation meant that small business could always rely on getting to paint the barracks, for example, but had little chance to get experience outside painting. It made for an easy life for contracting officers who did not have to worry about finding new kinds of procurements in which small firms might want to compete but might not yet be fully competitive with big business.

The fact is, Mr. President, that small business is fully competitive with large business today in a host of areas. Quite often, a small firm can provide the same or better services or products to the government for less money than can large businesses because small firms tend to have lower overhead and are more efficient.

Hence, in Public Law 100-656, Congress agreed to suspend the long-standing protection for small firms known as the set-aside—which I must emphasize is a fully competitive procurement which is simply limited to small business participants—we agreed to suspend this set-aside in certain areas and under carefully monitored conditions.

The Competitiveness Demonstration Program established a floor of 40 percent participation for small firms under free and open competition which in most cases the small firms have had no difficulty in obtaining. In the event that the 40 percent threshold is not met, set-asides can be reintroduced in order to fulfill the mandate of the Small Business Act of 1953 that small companies are entitled to their fair share of Federal contracting.

Senator DIXON has chaired a subcommittee hearing in the Small Business Committee to conduct oversight of this program, and the results have been extremely positive. An extension of the program, which will expire October 1 if Congress does not act, seems both warranted and is broadly supported.

Incidentally, I have reason to believe that our colleagues in the House will agree to this extension as well as to the other amendments which Senator KASTEN and I are proposing to H.R. 4111, and that the bill will be sent to the President for his approval.

I ask that a section-by-section analysis of the bill be included as well as the text of the bill as amended be printed in the RECORD at the conclusion of my remarks. That analysis, which I believe is fully supported by Senator KASTEN as well, together with my statement will serve the purpose of a committee report which time did not permit drafting under the short deadline before funding for the 7(a) program expires. I urge my colleagues to support H.R. 4111 as amended.

I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS CREDIT AND BUSINESS OPPORTUNITY ENHANCEMENT ACT OF 1992—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

Subsection (a) of this section establishes the short title of the Act as the "Small Business Credit and Business Opportunity Enhancement Act of 1992".

Subsection (b) lists the provisions of the Act in the form of a table of contents.

TITLE I—IMPROVED ACCESS TO CREDIT

Subtitle A—Section 7(a) Guaranteed Loan Program

SEC. 101. SHORT TITLE.

This section establishes the short title of the subtitle as the "Small Business Credit Crunch Relief Act of 1992".

SEC. 102. AUTHORIZATIONS.

This section amends the Small Business Administration's (SBA) guaranteed loan authorization levels for fiscal years 1992-1994 from $5 billion, $6 billion and $7 billion, to $5.2 billion, $6.2 billion and $7.2 billion, respectively. This increased level of authorization is required for fiscal year 1992 to accommodate the $500 million that SBA reprogrammed, with Congressional approval, from the Small Business Investment Company Program, and the $1.45 billion appropriated by Congress to the program in the Dire Emergency Supplemental Appropriations Act (Pub. L. 102-302), which was enacted on June 22, 1992.

This section also limits the amount which SBA may spend annually on each "special or pilot" project in the financing area to 10 percent of the total appropriation. This provision is intended to ensure that the overall SBA loan programs are not drained in order to serve the purposes of any one special or pilot project.

SEC. 103. BUY AMERICAN PREFERENCE.

Section 103 retains the House-passed provision which requires SBA, when practicable, to give a preference in the consideration of loan applications to small businesses which use or purchase equipment and supplies that are produced in the United States.

SEC. 104. STATE LIMITATIONS ON INTEREST RATES.

Section 104 authorizes SBA to establish nationwide interest rates which will supersede State usury laws for SBA's 7(a) guaranteed loan program. This provision brings the 7(a) guaranteed loan program in parity with other Federally guaranteed financing programs, such as those offered by the Farmers Home Administration (38 U.S.C. 3720A) and the Department of Veterans Affairs (12 U.S.C. 1335).

Subtitle B—Microloan Demonstration Program Amendments

SEC. 111. SHORT TITLE.

This section establishes the short title of the subtitle as the "**Microlending Expansion Act of 1992**".

SEC. 112. FINDINGS.

This section sets forth Congressional findings with respect to the Microloan Demonstration Program. Congress finds that there are many individuals, including those presently unemployed or employed at low-income jobs, who have talents and skills which could enable them to become self-employed. These individuals usually lack access to credit and capital, have little or no savings, and a poor or nonexistent credit history. Women, minorities and individuals residing in areas of high unemployment or low income frequently face particular difficulty in obtaining credit or capital.

Congress also finds that providing individuals with small-scale, short-term loans and intensive marketing, management and technical assistance could allow them the access to the capital and credit needed to start their own businesses and to improve their standard of living. Banking institutions are reluctant to provide such financial assistance because of the high administrative costs associated with processing and servicing small loans and because of their lack of experience in providing the type of intensive technical assistance needed by such borrowers.

Congress finds that many organizations throughout the nation have experience providing the financial and technical assistance needed to operate successful microlending programs. Congress also finds that making direct loans and grants from the Federal government to such organizations for the purpose of making microloans is an appropriate method of providing entrepreneurs and small businesses with access to credit and capital in small amounts. Congress recognizes, however, that in some areas, providing grant funds for technical assistance and a Federal guarantee on microloans offered by intermediaries is a successful alternative for providing access to credit and capital to those small businesses which need it.

SEC. 113. MICROLOAN DEMONSTRATION PROGRAM AMENDMENTS.

The following amendments were made necessary by three changes that occurred after the October 1991 enactment of Public Law 102-140, which established the Microloan Demonstration Program. First, the worsening national economy caused a sharper reduction in the prime (interest) rate than in the Treasury's interest rates. This, in turn, created problems for the microlending intermediaries who fund their administrative costs with the "spread" between their cost of money and the rate at which they make microloans. Second, the Dire Emergency Supplemental Appropriations Act (Pub. L. 102-302) provided an additional $4 million for microloan technical assistance grants and $5 million in subsidy dollars for microloans, which buys an additional $29 million in microloans at current subsidy rates. Finally, the Committee desired to target microloans and the associated technical assistance to areas of high unemployment and low income throughout the nation.

To accommodate the changed circumstances and to provide added incentives for intermediaries to make loans of $5,000 or less, this section amends subsection 7(m) of the Small Business Act to establish three tiers of microloan program participation. For intermediaries in Tier 1, the interest rate is decreased from the original rate by one-half of 1 percent for intermediary borrowings, and intermediaries are permitted to make the loans at 7 percentage points above their cost of money in their first year of program participation and at 7 percentage points above their average cost of money in the second and later years of program participation. Tier 1 maintains the requirements of current law with respect to technical assistance grants.

Tier 2 requires that intermediaries "predominantly serve" areas of high unemployment or low income, that is, provide to such areas at least half of the loans and half of the dollars lent under the microloan program. Section 113 defines "areas of high unemployment" as labor surplus areas, as defined by the Department of Labor. The Department of Labor publishes a list of the labor surplus areas annually in "Area Trends in Employment and Unemployment," a compilation which is updated monthly.

"Low income areas" are defined in this section as "counties," "parishes," "census tracts" or "block numbering areas within central cities of metropolitan areas" in which 20 percent or more of the individuals have annual incomes below the poverty level, as determined by the most recently available census data. The Committee recognizes that the most recently available data

on the census tract and block numbering area level are from the 1980 Census. The Committee expects that the Administration will not delay its loan award process to wait for the 1990 data to become available, but will use 1980 census data until such time as the Census Bureau makes 1990 census data available.

Tier 2 loans to intermediaries carry an interest rate of 1.25 percentage points below the 5-year Treasury bill rate. Tier 2 intermediaries are permitted to make microloans at 7.75 percentage points above their cost of money in their first year of program participation and 7.75 percentage points above their average cost of money in the second and subsequent years of program participation. Beginning October 1, 1992, the amount of a technical assistance grant to a Tier 2 intermediary will be up to 25 percent of its SBA loan amount, provided that the intermediary contributes 25 percent of the amount of the grant either in cash or in-kind contributions to its microloan program.

Tier 3 applies to any intermediary which meets the requirements of Tier 2 and which has a microloan portfolio that averages $5,000 or less. A Tier 3 intermediary will receive its SBA loan(s) at an interest rate of 2 percentage points below the 5-year Treasury bill rate. In order to help defray some of the higher cost of making loans of $5,000 or less, intermediaries making such loans are permitted to charge 9.5 percentage points above their cost of money in their first year of program participation and 9.5 percentage points above their average cost of money in the second and later years of program participation. Beginning October 1, 1992, in addition to the technical assistance grant of up to 25 percent which is available to a Tier 3 intermediary because it qualifies under Tier 2, a Tier 3 intermediary may also receive an additional amount equal to 5 percent of its loan amount in a grant to provide technical assistance to the microborrowers. A Tier 3 intermediary is not required to provide a matching contribution for the additional 5 percent grant.

In order to provide access to microloans to all parts of the nation, section 113 amends the definition of "intermediary" to include a consortium of private, nonprofit organizations or nonprofit community development corporations, and to include, if SBA determines that certain conditions have been met, a quasi-governmental economic development entity, such as a planning and development district. The Committee expects that a consortium will only be eligible to become a microloan intermediary if each member of the consortium has the required microlending experience.

A quasi-governmental economic development entity may become an intermediary only if SBA first determines either that SBA received no application from another qualified eligible entity to serve the geographic area in question, or SBA has received an application from an entity to serve a specified area, but has determined in writing that the needs of the service area cannot be adequately met by that entity. States, counties and municipalities and their agencies are expressly excluded from the definition of intermediary.

Section 113 also permits an intermediary which has two or more separate sites to qualify for a blended interest rate on its SBA loan and a blended maximum percentage for its grant. In establishing grant percentages and interest rates on loans to an intermediary, SBA is to consider each site separately based on the intermediary's projected allocation of the loan proceeds among sites adjusted no more often than semi-annually to reflect the intermediary's actual lending practices during its participation in the program. Similarly, in determining which tier of program participation is appropriate for each intermediary, SBA may consider the projected service area and projected loan size and may make adjustments, as necessary, after the first year of program participation to reflect the actual lending practices of the intermediary.

Section 113 also authorizes technical assistance grants for training of the intermediaries. Experienced microlending organizations may receive such grants from SBA to provide training to less experienced intermediaries to ensure that they have the knowledge, skills and understanding of microlending practices and potential problems to operate successful microloan programs. SBA is authorized to reserve 3 percent of its microloan appropriation annually for such purposes.

To accommodate the increased appropriations available for the program, which remain available until expended, this section increases the number of programs from 35 to 60 in FY 1992 and from 60 to 110 in FY 1993 and beyond. This section also permits SBA to fund up to 4 programs per state in the two-year period of FY 1992 and 1993 and an additional 2 programs per state in each of the remaining years of the program. The dollar cap per State is increased from $1 million to $1.5 million in FY 1992 and from $1.5 million to $2.5 million thereafter.

SEC. 114. REGULATIONS.

This section requires SBA to publish interim final regulations within 45 days of enactment of the statute. The Committee expects that this expedited schedule will enable SBA to fund additional intermediaries during FY 1992.

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

This section increases the authorized appropriations levels to accommodate the increased appropriations made available for microloans by the Dire Emergency Supplemental Appropriations Act (Pub. L. 102-302) and projected future outlays resulting from the increased number of programs.

TITLE II—AMENDMENTS TO THE SMALL BUSINESS ACT AND RELATED ACTS

Subtitle A—Small Business Competitiveness Demonstration Program

SEC. 201. EXTENSION OF DEMONSTRATION PROGRAMS.

The "Business Opportunity Development Reform Act of 1988", Public Law 100-656, included the "Small Business Competitiveness Demonstration Program Act of 1988" as Title VII, providing for the conduct of three demonstration program regarding the participation of small business concerns in the federal procurement market. One demonstration program focused on the designated industry groups of construction (excluding dredging), refuse systems and related services, architectural and engineering services (including surveying and mapping), and non-nuclear ship repair. The basic premise of the demonstration program was that in industry categories already numerically dominated by small business concerns, such firms could successfully compete for contracts in unrestricted competitions and substantially exceed the Government-wide goal for small business participation, 20 percent. Further, the advocates for small business participation in Federal procurement within the procuring agencies and the Small Business Administration have tended to focus their efforts on industry groups in which small business concerns could succeed without the protection restriction competitions (Small business "set-asides"), and expended inadequate effort to expand small business participation in procurements of products or services which have historically demonstrated low rates of small business participation, despite ample small business capability within the overall economy. Under the demonstration program, contracting opportunities within the four designated industry groups shall be solicited on a unrestricted basis, if the rate of small business participation exceeds 40 percent, a rate twice the Government-wide goal. In the event that the participation rate was less than 40 percent during the prior fiscal year quarter, small business set-asides would be selectively reimposed as needed to once again attain the 40 percent goal. Within the overall 40 percent goal, the demonstration program prescribed a participation goal of 15 percent for emerging small business concerns, defined as those firms in the bottom half of the applicable size standard.

In addition, two alternative, industry specific demonstration programs were established pertaining to the dredging industry and the clothing and textiles industry. The alternative demonstration program pertaining to dredging prescribed increasing participation goals for small business concerns and emerging small business concerns during the term of the program. The alternative demonstration program for clothing and textiles purchased by the Department of Defense sought to permit increased participation of other than small business concerns, while maintaining a small business participation rate of at least 50 percent.

The Small Business Competitiveness Demonstration Program and both of the alternative demonstration programs included a requirement for periodic reporting. In addition, two oversight hearings were conducted by the Senate Committee on Small Business.

According to report from the Office of Federal Procurement Policy on the broader Demonstration Program, the competitiveness of small business concerns in the four designated industry groups seems to be confirmed. Significant data collection problems within the participating agencies during its initial two years were identified.

According to reports submitted to the Congress by the Defense Logistics Agency, the alternative demonstration program for clothing and textiles has been unqualified success. The industrial base supporting Defense requirements for clothing and textile products has been expanded through the participation of other than small business concerns and the rate of small business participation has remained in excess of 70 percent.

Reports from the US Army Corps of Engineers, the manager of the alternative demonstration program for dredging, reflect that the annually increasing goals for participation by small businesses and emerging small businesses was not fully attainable.

As originally enacted, the broad Competitiveness Demonstration Program (involving the four designated industry groups) has an expiration date of December 31, 1992. Both of the alternative demonstration program have an expiration date of September 30, 1992. Section 201 of the bill extends, until September 30, 1996, the Small Business Competitiveness Demonstration Program (subsection (a)), the Alternative Program for Clothing and Textiles (subsection (b)), and the dredging demonstration program (subsection (c)).

SEC. 202. MANAGEMENT IMPROVEMENTS TO THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

Subsecton (a) amends Section 712(d) of the Small Business Competitiveness Demonstra-

tion Program to require implementation on a fiscal year basis rather than the calendar year basis. As originally enacted, the Demonstration Program was initiated on a calendar-year basis to expedite implementation (commencing on January 1, 1989), but appears to have contributed to the data collection and data accuracy problems that have plagued the program.

Subsection (b) amends section 712(b) of the Demonstration Program to require the application of the remedial tools of restricted competitions on a targeted basis aimed at the buying activities that have failed to attain the required percentage of small business participation. While not specifically addressed in the amendment, it is also expected that the implementation of this amendment will provide for providing notice to the public regarding the reinstatement of restricted competitions. Such notices are not presently provided. The reimposition of restricted competitions is to be announced to the public through a notice published in the *Federal Register*, if restricted competitions are to be broadly reimposed by a participating agency. So-called "special notices" in the Commerce Business Daily are to be used to periodically supplement such *Federal Register* notices, and may be used as an alternative means of providing such notice, if the reimposition of restricted competitions will affect only a limited number of buying activities.

Subsection (c) adds a new subsection to Section 713 of the Demonstration Program to eliminate any uncertainty that the requirements of 10 U.S.C. 2855(a) and (b) continue to apply to solicitations for the procurement of architectural and engineering (including surveying and mapping) by the Department of Defense during the Term of the Small Business Competitiveness Demonstration Program.

Subsection (d) provides for the conduct of a limited test program to collect data regarding the participation of small business concerns (including disadvantaged small business concerns) as other than prime contractors in the provision of architectural and engineering (including surveying and mapping)(A–E) services to four of the Federal agencies currently participating in the Demonstration Program. The test program is grounded on the premise that the actual rate of small business participation on A–E contracts is substantially higher than is now being reflected in data captured by the Government's existing procurement data system. A January 1991 report of a subcontracting study conducted by Clemson University for the SBA Office of the Chief Counsel for Advocacy found substantial under-reporting of participation by small business concerns as lower-tier subcontractors under the Federal contracting activity studied. A–E services was not one of the services addressed in the Clemson University study.

When originally enacted in 1988, the Small Business Competitiveness Demonstration Program contained a much broader subcontract data collection test provision. The Federal agencies participating in the Demonstration Program made a convincing argument that it would be too burdensome for them. The provision mandating this broader subcontract data collection test was subsequently repealed by section 243 of Public Law 101–547, the "Small Business Administration Reauthorization and Amendments Act of 1990", to provide time for the formulation of a concept for a less burdensome subcontract data collection test program.

The program required by subsection (d) would apply to only four of the agencies currently participating in the Small Business Competitiveness Demonstration Program (EPA, NASA, Army Corps of Engineers—Civil Works, and Department of Energy) and would be limited to collecting data relating to A–E contracts only. The provision would provide discretionary authority to the Administrator for Federal Procurement Policy to expand the data collection program. The test program would begin on October 1, 1992 (or as soon thereafter as practicable) and conclude on September 30, 1996.

It should be noted that the provision requires the collection of data regarding the participation of small concerns "as other than prime contractors". It is expected that the Administrator for Federal Procurement Policy will formulate a data collection program that will address not only subcontracting (including subcontracting below the first tier), but also address joint venture-type arrangements at the prime contract level. As with the formulation of the test plan and policy direction regarding the overall Demonstration Program issued pursuant to Section 715 of Public Law 100–656, it is expected that the Administrator for Federal Procurement Policy will provide an opportunity for public participation and comment when formulating the implementation of the data collection program required by this new subsection.

Subsection (e) amends section 714(c) regarding reporting under the Small Business Competitiveness Demonstration Program. The purpose of the amendment is to provide access to data regarding the status of participating small business concerns as well as their size. Such data regarding the status of a small business concern as a so-called disadvantaged small business concern is currently collected.

While not addressed in the form of a specific amendment to Section 714 of the Demonstration Program Act, it is expected that reports will reflect the number of award actions as well as their cumulative dollar value to provide the perspective regarding the volume of business opportunities being won by small business concerns. Such data is currently available in the Federal Procurement Data System.

Subsection (f) amends Section 716 of the Small Business Competitiveness Demonstration Program Act regarding reports to the Congress. Under the proposed amendment a report would be due in 1992, as presently required, and in 1996, to capture the results of the Program extension provided by subsection (a). Under existing law the report due in 1992 is to include recommendations. Submission of recommendations is expressly deferred to the report due in 1996.

It is noted with approval and commendation that the Administrator for Federal Procurement Policy has issued on his own initiative three annual reports which have presented on a cumulative basis the progress of the implementation of the Small Business Competitiveness Demonstration Program. This has required substantial effort by the staff of the Office of Federal Procurement Policy, but has provided valuable information to Congress and to the affected segments of the business community.

Subsection (g) amends Section 717(d) to improve the accuracy of the data being reported relating to contracts for the designated industry group of architectural and engineering (A–E) services. Data pertaining to the rate of small business participation in contracting to furnish A–E services (including surveying and mapping) has been seriously distorted by the inclusion of engineering services that do not meet the statutory definition of A–E services (40 U.S.C. 541(3)). This has been an especially persistent and serious problem at the Department of Defense. Contracts for engineering services relating to the development or modification of weapon systems are being reported as A–E contract awards. To assure that only contracts for true A–E services are counted, the amendment requires that to be counted as an A–E contract award, the contract must have been solicited and awarded pursuant to the qualification-based procedures specified in Title IX of the Federal Property and Administrative Services Act of 1949", the so-called "Brooks A–E Act" selection procedures. This amendment imposes no new data collection burden on the participating agencies, since the Government-wide procurement data collection form (Standard Form 279) already contains a data element regarding whether Brooks A–E Act procedures were used in making the contract award.

Subsection (h) seeks to prevent the unwarranted use of restricted competitions for the award of A–E contracts by the participating agencies pending the implementation of the improved data collection required by subsection (g) and the data collection relating to other than prime contract awards required by subsection (d). This is accomplished by temporarily modifying the percentage of small business participation that would trigger the reimposition of restricted competitions. In large measure, the provision is prompted by the action of the Department of Defense in October of 1991 to re-impose restricted competitions regarding the award of contracts for A–E services on the basis that the small business participation rate had been missed by less than one percent, despite being supplied with analyses of DOD's own data which demonstrated that engineering contracts relating to weapon systems and other activities had been erroneously reported as A–E services. These analyses reflect that millions of dollars of contract awards to such "recognized" A/E firms as Boeing Aerospace and Electronics, General Dynamics, General Electric, Raytheon, and McDonnell Douglas have been included and used in determining whether the 40 percent small business participation rate was achieved.

Subsection (i) requires the Administrator for Federal Procurement Policy to issue appropriate modifications to the test plan and policy direction pertaining to the implementation of the Small Business Competitiveness Demonstration Program, which the Administrator has issued pursuant to Section 715 of Public Law 100–656.

SEC. 203. AMENDMENTS TO THE DREDGING DEMONSTRATION PROGRAM.

Subsection (a) specifies goals for the participation of small business concerns and emerging small business concerns in dredging contracting opportunities during the four-year extension of the Dredging Demonstration Program, as authorized in Section 201(c). The small business participation goal is set at 20 percent, including a 5 percent goal for the participation of emerging small business concerns.

Subsection (b) specifies that the dollar value of any dredging contracts performed exclusively by either so-called dustpan dredges or seagoing hopper dredges shall be aggregated together and then subtracted from the total value of dredging contracts before calculating whether the goals for the participation of small business concerns and emerging small business concerns has been attained.

This segmentation of the dredging industry on the basis of equipment type is justified on the basis that a small business concern could not have the business base to own and operate such dredging equipment. In implementing the amendment to the Dredging Demonstration Program made by this subsection, it is emphasized that only those dredging contracts which must be performed exclusively by the specified types of equipment are to be excluded. The value of dredging contracts performed using other types of dredging equipment in addition to either a dustpan dredge or a seagoing hopper dredge are not subject to being excluded.

Subsection (c) provides additional guidance to contracting officers within the U.S. Army Corps of Engineers when making the determination whether to restrict the competition for a dredging contract to small business concerns pursuant to Section 19.5 (Set-Asides for Small Business) of the Federal Acquisition Regulation (FAR). Under the FAR provisions, the contracting officer shall make a determination to set aside the contract to exclusive small business competition only if there is a reasonable expectation that offers will be obtained from at least two responsible small business concerns and the award will be made at a fair market price. In essence, a responsible contractor is one that has (or can demonstrate the ability to timely obtain) the total array of resources necessary to timely perform the contract in accordance with the contractual specifications. This provision emphasizes the contracting officer's obligation to make a determination regarding responsibility only on the basis of specific findings, which are to be reflected in the contract file. It is expected that the contracting officer shall rely on the technical expertise and recommendations of the personnel of the Construction-Operations Division within the Office of the District Engineer in accessing the technical capabilities of prospective small business offerors. It should be noted that this provision does not require the contracting officer to conduct a pre-award survey of each perspective small business offeror before making the determination to restrict competition to small business concerns, but it does seek to enhance the data supporting the contracting officer's decision regarding the capabilities of prospective small business offerors to perform the contract in accordance with its specifications, including schedule. Special attention needs to be directed to the capabilities and operational status of the equipment to be employed by the small business offeror, whether actually on-hand or to be obtained.

Subsection (d) adjusts the reporting requirements regarding the Dredging Demonstration Program to accommodate the extension of the program made by Section 201(c).

Subtitle B—Defense Economic Transition Assistance

SEC. 211. SECTION 7(a) LOAN PROGRAM.

This section amends the SBA 7(a) Guaranteed Loan Program by adding a new paragraph to specifically authorize loans to firms requiring capital to adjust their business activities due to the loss of: (a) contracting opportunities as Defense prime contractors (or subcontractors or suppliers to Defense prime contractors); or (2) Government or commercial business opportunities resulting from the closure or reduction of a DOD facility in the community. Loans would also be authorized to assist in the formation of new businesses by two groups of individuals. First, military personnel or DOD civilians, who have been involuntarily separated from Federal service or have voluntarily left in response to a program providing inducements to encourage voluntary separation or early retirement. The second group is employees of a prime contractor or a subcontractor (including suppliers), which has been forced to reduce its workforce due to the termination or substantial reduction of a DOD contract, who are involuntarily terminated or who resign voluntarily pursuant to a program offering inducements to voluntarily resign or take early retirement.

The expansion of the SBA Section 7(a) Guaranteed Loan Program to make loans to the classes of firms and individuals described in this new paragraph is to be implemented only to the extent that funds are appropriated expressly for the purpose of making loans under this new paragraph. In implementing this new authority, the SBA shall authorize self-certification by loan applicants that they meet the eligibility criteria specified. Such a self-certification process will avoid placing unworkable administrative burdens on the financial institutions making the loans.

SEC. 212. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM.

This section amends the Small Business Development Center (SBDC) Program authorized by Section 21 of the Small Business Act. It would specifically authorize SBDCs to undertake an array of activities to assist small business concerns dependent on DOD contracting (as prime contractors, subcontractors, or suppliers) or adversely affected by the closure or reduction of a DOD facility within their community.

Subtitle C—Small Business Administration Management

SEC. 221. DISADVANTAGED SMALL BUSINESS STATUS DECISIONS.

This provision relates to SBA's exercise of the authority provided by Section 7(j)(11)(F)(vii), which was added by Section 201 of the "Business Opportunity Development Reform Act of 1988", Public Law 100-656. Section 7(j)(11)(F)(vii) authorizes the director of the Program Certification and Eligibility Division within SBA's Office of Minority Small Business and Capital Ownership Development (MSB/COD) to decide protests regarding a small business concern's self-certification of its status as a "disadvantaged small business concern", meeting the standards of Section 8(d) of the Small Business Act. SBA exercise of this protest authority is especially important to the administration of DOD's Section 1207 Program, which establishes a five percent goal for the award of DOD contracts to disadvantaged small business concerns as well as to Historically Black Colleges and Universities and certain other educational institutions through contracting and subcontracting. Currently, SBA does not publish decisions issued under this statutory authority. The provision would require SBA to publish future decisions. Decisions already issued (numbering approximately 325) would have to be published to have any precedential value.

SEC. 222. ESTABLISHMENT OF SIZE STANDARDS.

Under Section 3 of the Small Business Act, SBA establishes size standards under which a business concern may be recognized as a small business concern for the purpose of participating in many Federal programs as well as the programs of state and local governments and some private sector entities. While these SBA size standards are accorded broad recognition, alternative small business size standards have been statutorily established for the purposes of the application of specific statutory requirements (e.g., Americans With Disabilities Act). In addition, under SBA regulations, a federal agency is permitted to establish its own agency small business size standards for activities not covered by the Small Business Act after merely consulting with the Office of the Chief Counsel for Advocacy (most typically these agency size standards are established to comply with the Regulatory Flexibility Act).

The amendment would require any agency size standard to be approved by the SBA Administrator (thus obtaining a review by the SBA's Size Policy Staff, which sets the other size standards) and to comply with SBA policies regarding the establishment of size standards (e.g., number of employees for manufacturing concerns; gross receipts for firms providing services). This would encourage greater uniformity of small business size standards within Government and foster the establishment of agency size standards using common criteria. The provision would not, however, impair the ability of an agency to implement small business size standards without obtaining SBA's concurrence in response to a specific statutory direction or a general legislative authorization to prescribe small business size standards.

SEC. 223. MANAGEMENT OF SMALL BUSINESS DEVELOPMENT CENTER PROGRAM.

This section requires the Administrator of the Small Business Administration to furnish to designated committees of the Senate and House of Representatives the test of proposed regulations for the management of the Small Business Development Center (SBDC) Program. It is understood that the 45-days accorded for the submission of such proposed SBDC Program regulations should not present an undue burden on the SBA, since such proposed program regulations are currently available within the SBA, having been drafted over a lengthly period in cooperation with various SBDC managers.

Subtitle D—Technical Amendments

SEC. 231. COMMISSION ON MINORITY BUSINESS DEVELOPMENT.

This section clarifies the termination date for the Commission on Minority Business Development created by Section 505 of the "Business Opportunity Development Reform Act of 1988", Public Law 100-656. The Commission is charged with reviewing and assessing the operation of all Federal programs assisting minority business enterprise. The General Services Administration has determined that the Commission expired on June 30, 1992, a date 90 days after the date on which GSA determined the Commission should have submitted its final report. This determination by GSA is contrary to the explicit statutory language regarding the Commission's termination. Section 505(f) of Public Law 100-656, as amended by Section 20 of Public Law 101-37, states: "The Commission shall cease to exist within 90 days after it submits its final report to the Congress and to the President." The Commission expects to submit its final report by the end of July, 1992. Adequate funds for the Commission's planned operations through September 30, 1992 have been appropriated and made available to the Commission.

SEC. 232. TECHNICAL AMENDMENTS.

This section makes a series of technical corrections to the Small Business Act, correcting misspelled words and punctuation.

TITLE III—STUDIES AND RESOLUTIONS

Subtitle A—Access to Surety Bonding

SEC. 301. SHORT TITLE.

This section establishes the short title of the subtitle as the "Small Business Access to Surety Bonding Survey Act of 1992".

SEC. 302. SURVEY.

Subsection (a) requires the General Accounting Office to conduct a comprehensive survey of firms relating to the experiences of obtaining surety bonding needed to meet bonding requirements imposed by Federal, State and local governments by law as a precondition to the award of a construction contract and as a business practice by many private sector purchasers of construction services.

Subsection (b) prescribes in some detail the content of the questions to be included in the GAO's questionnaire.

Subsection (c) describes the types of firms to be included in the GAO's survey.

SEC. 303. REPORT.

Subsection (a) requires the GAO to submit a report on the findings of the survey required by section 302 to the Committees on Small Business of the Senate and House of Representatives. GAO is to obtain formal comments from the Administrator of the Small Business Administration, which shall be included in the text of the report.

Subsection (b) specifies the content of the GAO's report. The GAO is not required to submit recommendations based on the findings of the survey.

SEC. 304. DEFINITIONS.

This section specifies the definition of terms used in the "Small Business Access to Surety Bonding Survey Act of 1992" by appropriate references to existing definitions in the Small Business Act.

Subtitle B—Small Business Loan Secondary Market Study

SEC. 311. SECONDARY MARKET FOR LOANS TO SMALL BUSINESS.

Section 311 directs the Secretary of the Treasury, the Director of the Congressional Budget Office and the Chairman of the Securities and Exchange Commission, in consultation with the Administrator of the Small Business Administration, to conduct a study of the potential benefits of developing a secondary market for loans to small businesses.

Adequate access to debt and/or equity capital is a critical component of small business expansion and success. Small businesses, and especially small business concerns owned and controlled by socially and economically disadvantaged individuals, are experiencing increased difficulties in obtaining credit. An active secondary market in small business loans could ease this problem for small businesses as it has for residential real estate loans.

Presently, legal and regulatory impediments prevent the formation of a secondary market. This study is designed to bring to light these problems and to offer proposals to aid in the development of the secondary market for small business loans, if it is economically feasible.

Subtitle C—Contract Bundling Study

SEC. 321. CONTRACT BUNDLING STUDY.

Subsection (a) requires the Administrator of the Small Business Administration, acting through the Associate Administrator for Procurement Assistance, to conduct a study regarding so-called "contract bundling" by the various procuring agencies.

Subsection (b) specifies the purposes and objectives of the study. As the procurement workforces of the various buying activities continue to be reduced, there is a very strong inclination on the part of procurement managers to take every opportunity to combine into single large contracts requirements for good or services (including construction) that would previously have been acquired through multiple contracts of a smaller size. Such contract bundling can be a severe obstacle to participation by small business concerns and disadvantaged small business concerns as prime contractors or even first-tier subcontractors. The 1990 SBA authorization act. P.L. 101-574, contained a remedial provision, Section 208 (Bundling of Contracts). Indications are that the bundling problem has continued to worsen and that the remedy was inadequate.

Subsection (c) specifies the participants in the study in addition to the Small Business Administration.

Subsection (d) requires that the study required by subsection (a) be completed by March 31, 1993.

Subsection (e) requires a report regarding the findings of the study to be submitted to the Committees on Small Business of the Senate and House of Representatives by May 15, 1993. The report shall include appropriate legislative and regulatory recommendations.

Subsection (f) specifies a definition of the term "contract bundling".

Subtitle D—Resolution Regarding Small Business Access to Capital

SEC. 331. SENSE OF THE CONGRESS.

Section 331 expresses the Sense of the Congress that financial institutions should expand their efforts to provide credit to small businesses, with special emphasis on assisting minority-owned businesses. It further expenses the Sense of the Congress that legislation to assist small businesses the given a high priority for passage and should be crafted in such a manner so as to ensure that legislation and regulations do not disproportionately impact small businesses in a negative way.

Mr. KASTEN. Mr. President, I rise today as the ranking Republican of the Senate Small Business Committee to join my distinguished colleague from Arkansas, the Chairman of the Senate Small Business Committee, in support of the Small Business Credit and Business Opportunity Enhancement Act of 1992. I am proud to stand with the Senator from Arkansas in offering this legislation.

This legislation is the product of months of work by the Senate Small Business Committee to craft legislation that will help stimulate small business growth and development. This bill gets right to the heart of helping small business in America, which is where the greatest potential for future economic growth lies. Most importantly, this legislation will create jobs for Americans. Almost two-thirds of the jobs created in recent years can be credited to small business. Over 80 percent of the jobs in my home State of Wisconsin are provided by small business. If we are going to get our economy back on the road to growth and prosperity, small business is where we must start.

One of the major components of the legislation we are introducing today is the continued authorization of the U.S. Small Business Administration's 7(a) guaranteed loan program. Our legislation would increase the maximum loan guarantee level of the Agency to $5.2 billion for fiscal year 1992, $6.2 billion for fiscal year 1993, and $7.2 billion for fiscal year 1994. Increasing the authorization level for the 7(a) program is necessary because of the increased demand placed on this program by small businesses who do not have access to any other sources of capital. Demand in my home State of Wisconsin, alone, is up substantially. This legislation will help deal with the increased demand by allowing more capital to flow out to the private sector and create jobs.

The lack of investment capital and credit in the United States is one of the major barriers today to the growth and development of our Nation's small businesses. This was emphasized by the President in his State of the Union address in January. Small business owners across the country are still feeling the effects of the credit and capital crunch. In the last year alone, the total of outstanding commercial and industrial loans declined around $30 billion. For many small business owners, the 7(a) loan guarantee program has meant the difference between keeping the doors of their business open, or shutting down and laying off their workers.

My home State of Wisconsin takes full advantage of the SBA 7(a) program. Last year Wisconsin was the fifth largest user of 7(a) loan guarantees. So far this year, from October through June, Wisconsin banks have made 422 loans totalling over $103 million with the SBA guarantee to Wisconsin businesses—a 17-percent increase over last year.

I want to stress that this program does not make direct loans, but merely guarantees bank loans to small businesses. Each small business can receive a commercial loan of up to $750,000. These loans are leveraged at a 20-to-1 ratio. That means that every $1 of taxpayers' money translates into $20 in loaned money to a small business owner. Using loan guarantees puts fewer taxpayers' dollars at risk, and maximizes their potential. This conclusion is supported by an extensive evaluation of the 7(a) loan guarantee program by Price Waterhouse, who found in their report that the 7(a) program has become a true success story in helping small business owners across the country.

The success of the 7(a) loan guarantee program coupled with the current credit and capital crunch has made the program very popular with small businesses and banks, and this popularity is increasing. When it looked like funding for 7(a) loan guarantees was going to run dry, together with Chairman BUMPERS, I helped lead the fight in the Senate to pass the $46 million emergency appropriation. This translates into $1.4 billion in lending authority, which will allow the program to continue running through the fiscal year.

The 7(a) program has gone through a transformation in recent years. In 1980

the program was experiencing serious difficulties with defaulted loans. However, the program was put back on track with proper management and attention. Today the SBA 7(a) loan program has a default rate one-seventh of what it was in 1980. Between 1980 and 1991, the SBA has guaranteed over $30 billion in loans, and the current return to the federal government is estimated by some sources to be as high as 264 percent. This program is a perfect demonstration of how government can help businesses help themselves. One would have to look hard to find another government program that accomplishes as much for businesses in America without getting in their way.

I am also proud of this legislation because it expands and improves a program which I believe can provide much-needed capital to new and emerging small business entrepreneurs. I'm speaking about the Microloans Demonstration Program, legislation that the Chairman and I worked to create and fund last year.

This legislation today expands the program from 35 to 60 pilot projects, and increases the maximum amount of money for each state program from $1.2 million to $1.875 million. It also raises the number of programs a State can receive from two to four. I'm pleased to announce that my home State of Wisconsin will be able to receive two additional programs this year. Earlier this summer, I was pleased to announce that two outstanding organizations in Wisconsin have been selected to participate in the microloans program—the Women's Business Initiative Corporation of Milwaukee and Advocap of Fond du Lac and Winnebago Counties. I am hopeful that, because of this legislation, Wisconsin will quality to receive two additional programs. It is important to get them up and running and helping entrepreneurs as soon as possible.

Our amendments to the microloans program also provide additional incentives for the intermediaries or the people who make the loans. Under the current program, intermediaries receive 20 percent of the value of the loan money to provide technical marketing and management assistance to the borrowers. Under this legislation, intermediaries will receive 25 percent of the value of the loan. This technical assistance is valuable because it provides an added boost to help a business succeed, pay back its microloan, and move on to more traditional financing methods.

Most importantly, however, our revisions more closely target the demonstration programs in the areas that need them the most—both urban and rural areas with high unemployment. We included specific provisions in the legislation to target and provide additional incentives for microloan intermediaries to serve areas of high unemployment like Milwaukee's central city. It is absolutely critical that this program serve the people who need it the most. We've included language directing the Administration to give priority to programs located in low income or labor surplus areas.

Mr. President, sometimes a $1,000 or $10,000 loan is all the difference it takes between someone getting the opportunity to experience enterpreneurship and own their own business or remaining underemployed or unemployed.

While the size limit for microloans is $25,000, the changes we are making with this piece of legislation will encourage more $5,000 loans. This will help ensure that no entrepreneur with the ability to succeed is shut out because they are too small.

There are many women, minority and low-income individuals that have good business ideas and could become successful entrepreneurs if given a chance—and that's what the microloans program is all about—a chance. Whether it's a sewing business or toy making, a delivery service or a maintenance company—this program brings hope to many people.

As the Senate moves to consider this important legislation, I want to emphasize once again that the single greatest result of the Small Business Credit and Business Opportunity Enhancement Act of 1992 will be the creation of jobs. Our country has weathered the toughest days of the economic storm during the recession, but now we need to pull out of our slump and do it decisively.

I believe that Congress needs to do more to stimulate our economy and help provide jobs to support families. This legislation will help further a program which has a proven track record in this regard. It will also create new business opportunities for many people who previously had no hope of owning their own business, and no chance to climb out of their circumstances. This will make a difference for thousands of families across the country, and help move America and its small businesses toward growth and prosperity.

Finally, I want to commend the distinguished chairman of the Small Business Committee for his leadership in advancing this important small business initiative. I also want to applaud the efforts of staff on both sides of the aisle, including John Ball, Patty Forbes and Bill Montalto of the majority staff and Cesar Conda, Kent Knutson, and Ken Dortzbach of the minority staff.

I urge the Senate to adopt this bill.

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

The amendment (No. 2913) was agreed to.

Mr. WOFFORD. Mr. President, the legislation being considered today includes the Small Business Access to Surety Bonding Survey Act of 1992, which I introduced earlier this year and is cosponsored by Senators MIKULSKI, CRANSTON, KASTEN, BURDICK, SIMON, DECONCINI, DIXON, DURENBERGER, PACKWOOD, and AKAKA. This legislation will help determine whether there is improper discrimination in the surety bond market.

Surety bonds, which guarantee the performance of a contractor's or subcontractor's work, are often necessary for contractors to get business. For instance, surety bonds are required on all Federal construction in excess of $25,000 and all federally assisted construction projects in excess of $100,000. Most state and local governments and increasing numbers of private projects also require surety bonds.

It is without question that minority owned firms face obstacles to obtaining contracts. And while there may be many reasons for the denial of contracts, small businesses, especially those owned by women and minorities, have consistently asserted that corporate surety firms too frequently impede them.

The Small Business Access to Surety Bonding Survey Act will require the comptroller General to conduct a survey of business firms, especially those owned by women and minorities, to determine their experiences in obtaining surety bonding from corporate surety firms. The bill establishes a base line of questions to be included in a questionnaire to be sent to such firms in order to ensure a comprehensive review. Finally, the Comptroller General will be required to submit a report on its findings to the House and Senate Small Business Committees within 18 months of enactment. I will certainly follow up on the results of that report.

Mr. President, I thank the chairman of the Small Business Committee, Senator BUMPERS, and the ranking member, Senator KASTEN, for their support of this legislation.

Mr. MACK. Mr. President, I rise today in strong support of the committee substitute to H.R. 4111, the Small Business Credit and Business Opportunity Enhancement Act of 1992. The main component of this legislation provides additional new credit authority for the Small Business Administration [SBA] 7(a) loan guarantee program. The accounting firm of Price Waterhouse conducted an extensive study of this program, and the results are quite compelling. The study found that between 1985 and 1989:

The 7(a) loan recipients' employment growth was 167%, compared to zero percent growth for the nonrecipient companies.

Recipient companies experienced sales revenue growth at a rate of 300 percent, nearly 10 times that of nonrecipient companies.

The 7(a) guarantee recipients reported a 255-percent growth in payroll,

332-percent growth in payroll taxes, 137-percent growth in combined Federal, State and local taxes, 199-percent growth in profits, and a 1,100-percent growth in pretax incomes.

Total sales revenues in 1989 of companies receiving 7(a) loan guarantees amounted to nearly $7.2 billion. Total payroll and profits for that same year totaled more than $2.1 billion.

The Small Business Administration reported that for the first five months of fiscal year 1992, 7(a) loan demand is approximately 30% above the same period a year ago. The success of this program, combined with increased demand for 7(a) loan guarantees, led the administration to request in February 1992, that Congress provide an additional $1.1 billion in new credit authority. This bill will increase the authority to $5.2 billion in the current fiscal year, $6.2 billion in fiscal year 1993, and $7.2 billion in fiscal year 1994. While I would have preferred these authorities be higher, I wholeheartedly support these increases. My only concern is that these increases will not keep pace with demand, and Congress will again be called upon next year to provide for increased authority.

I am also pleased that the committee substitute includes two amendments which I offered. The first amendment directs the Secretary of the Treasury, the Director of the Congressional Budget Office, and the chairman of the Securities and Exchange Commission, in consultation with the administrator of the Small Business Administration, to conduct a study on the potential benefits of developing a secondary market for loans to small businesses. Adequate access to debt and/or equity capital is a critical component of small business expansion and success. Small businesses, and particularly minority-owned small businesses, are experiencing increased difficulties in obtaining credit. An active secondary market could ease this problem for small businesses as it has for residential real estate loans. Presently, legal and regulatory impediments prevent the formation of a secondary market. This study will bring to light these problems and offer proposals to aid in the development of a secondary market for small business loans if it is economically feasible.

My other amendment expresses the sense of the Congress that financial institutions should expand their markets to provide credit to small businesses, with special emphasis on minority-owned small businesses. It further expresses the sense of the Congress that legislation which assist small businesses be given a high priority for passage, and all legislation should be crafted in such a manner so as to ensure that legislation and regulations do not disproportionately impact small businesses in a negative way.

I would like to express my appreciation to the chairman of the Committee on Small Business, Senator BUMPERS, and the ranking member, Senator KASTEN, for their willingness to accept these two amendments.

I urge my colleagues to join me in supporting this legislation of great significance to small businesses throughout America.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 4111), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. SIMON. Mr. President, I ask unanimous consent that the text of the bill be printed as it passed the Senate.

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

MARSH-BILLINGS NATIONAL HISTORICAL PARK ESTABLISHMENT ACT

Mr. SIMON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2079.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 2079) entitled "An Act to establish the Marsh-Billings National Historical Park in the State of Vermont, and for other purposes", do pass the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marsh-Billings National Historical Park Establishment Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to interpret the history and evolution of conservation stewardship in America;

(2) to recognize and interpret the contributions and birthplace of George Perkins Marsh, pioneering environmentalist, author of Man and Nature, statesman, lawyer, and linguist;

(3) to recognize and interpret the contributions of Frederick Billings, conservationist, pioneer in reforestation and scientific farm management, lawyer, philanthropist, and railroad builder, who extended the principles of land management introduced by Marsh;

(4) to preserve the Marsh-Billings Mansion and its surrounding lands; and

(5) to recognize the significant contributions of Julia Billings, Mary Billings French, Mary French Rockefeller, and Laurance Spelman Rockefeller in perpetuating the Marsh-Billings heritage.

SEC. 3. ESTABLISHMENT OF MARSH-BILLINGS NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—There is established as a unit of the National Park System the Marsh-Billings National Historical Park in Windsor County, Vermont (hereinafter in this Act referred to as the "park").

(b) BOUNDARIES AND MAP.—(1) The park shall consist of a historic zone, including the Marsh-Billings Mansion, surrounding buildings and a portion of the area known as "Mt. Tom", comprising approximately 555 acres, and a protection zone, including the areas presently occupied by the Billings Farm and Museum, comprising approximately 88 acres, all as generally depicted on the map entitled "Marsh-Billings National Historical Park Boundary Map" and dated November 19, 1991.

(2) The map referred to in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

SEC. 4. ADMINISTRATION OF PARK.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall administer the park in accordance with this Act, and laws generally applicable to units of the National Park System, including, but not limited to the Act entitled "An Act to establish a National Park Service, and for other purposes, approved August 25, 1916 (16 U.S.C. 1, 2–4).

(b) ACQUISITION OF LANDS.—(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE SECRETARY IS AUTHORIZED TO ACQUIRE LANDS OR INTERESTS THEREIN WITHIN THE PARK ONLY BY DONATION.

(2) If the Secretary determines that lands within the protection zone are being used, or there is an imminent threat that such lands will be used, for a purpose that is incompatible with the purposes of this Act, the Secretary may acquire such lands or interests therein by means other than donation.

(3) The Secretary may acquire lands within the historic zone subject to terms and easements providing for the management and commercial operation of existing hiking and cross-country ski trails by the grantor, and the grantor's successors and assigns, such terms and easements shall be in a manner consistent with the purposes of the historic zone. Any changes in the operation and management of existing trails shall be subject to approval by the Secretary.

(c) HISTORIC ZONE.—The primary purposes of the historic zone shall be preservation, education, and interpretation.

(d) PROTECTION ZONE.—(1) The primary purpose of the protection zone shall be to preserve the general character of the setting across from the Marsh-Billings Mansion in such a manner and by such means as will continue to permit current and future compatible uses.

(2) The Secretary shall pursue protection and preservation alternatives for the protection zone by working with affected State and local governments and affected landowners to develop and implement land use practices consistent with this Act.

SEC. 5. MARSH-BILLINGS NATIONAL HISTORICAL PARK SCENIC ZONE.

(a) IN GENERAL.—There is established the Marsh-Billings National Historical Park Scenic Zone (hereinafter in this Act referred to as the "scenic zone"), which shall include those lands as generally depicted on the map entitled "Marsh-Billings National Historical Park Scenic Zone Map" and dated November 19, 1991.

(b) PURPOSE.—The purpose of the scenic zone shall be to protect portions of the natural setting beyond the park boundaries that are visible from the Marsh-Billings Mansion, by such means and in such a manner as will permit current and future compatible uses.

(c) ACQUISITION OF SCENIC EASEMENTS.—Within the boundaries of the scenic zone, the Secretary is authorized only to acquire scenic easements by donation.

SEC. 6. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into cooperative agreements with such persons or entities as the Secretary determines to be appropriate for the preservation, interpretation, management, and providing of educational and recreational uses for the properties in the park and the scenic zone.

(b) FACILITIES.—The Secretary through cooperative agreements with owners or operators of land and facilities in the protection zone, may provide for facilities in the protection zone to support activities within the historic zone.

SEC. 7. ENDOWMENT.

(a) IN GENERAL.—In accordance with the provisions of subsection (b), the Secretary is authorized to receive and expend funds from an endowment to be established with the Woodstock Foundation, or its successors and assigns.

(b) CONDITIONS.—(1) Funds from the endowment referred to in subsection (a) shall be expended exclusively as the Woodstock Foundation, or its successors and assigns, in consultation with the Secretary, may designate for the preservation and maintenance of the Marsh-Billings Mansion and its immediate surrounding property.

(2) No expenditure shall be made pursuant to this section unless the Secretary determines that such expenditure is consistent with the purposes of this Act.

SEC. 8. RESERVATION OF USE AND OCCUPANCY.

In acquiring land within the historic zone, the Secretary may permit an owner of improved residential property within the boundaries of the historic zone to retain a right of use and occupancy of such property for noncommercial residential purposes for a term not to exceed 25 years or a term ending at the death of the owner, or the owner's spouse, whichever occurs last. The owner shall elect the term to be reserved.

SEC. 9. GENERAL MANAGEMENT PLAN.

Not later than 3 complete fiscal years after the date of enactment of this Act, the Secretary shall develop and transmit a general management plan for the park to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. SIMON. Mr. President, I move that the Senate concur in the amendment of the House.

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

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

CONVEYANCE OF CERTAIN LAND

Mr. SIMON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1770.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1770) entitled "An Act to convey certain surplus real property located in the Black Hills National Forest to the Black Hills Workshop and Training Center, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. CONVEYANCE OF LAND TO BLACK HILLS WORKSHOP AND TRAINING CENTER, INC.section 1. conveyance of land to black hills workshop and training center, inc.

(A) IN GENERAL.—Notwithstanding the Federal property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and any other law which requires that property of the United States be used for a particular purpose, the Administrator of General Services (hereinafter in this section referred to as the "Administrator") shall convey to the Black Hills Workshop and Training Center, Inc., of Rapid City, South Dakota (hereinafter in this section referred to as the "Center"), all right, title, and interest of the United States in certain property under the control of the General Services Administration and described in subsection (b).

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in section 4, T.IN., R. 7E, BHM, Rapid City, Pennington County, South Dakota, and consists of that portion of Lot 3 that has been determined to be excess property and one and one-half acres of Lot 2 from the southern boundary to a line 200 feet north of the southern boundary, as depicted on a map prepared by Fisk Engineering Inc., and approved by the Forest Service on October 2, 1990.

(c) TERMS.—A conveyance of property under this section shall be—

(1) by quitclaim deed;

(2) completed by the Administrator by as soon as practicable after receipt by the Administrator, by not later than 120 days after the date of the enactment of this Act, of payment in an amount equal to the fair market value of the property, as that value is established by an independent appraisal obtained by the Administrator under subsection (d); and

(3) subject to such other terms and conditions as the Administrator determines to be appropriate.

(d) APPRAISAL.—The Administrator shall obtain an independent appraisal of the property required to be conveyed under this section by not later than 60 days after the date of the enactment of this Act.

(e) PROCEEDS FROM DISPOSITION OF PROPERTY.—Funds received as payment for the property shall be treated as proceeds from a sale of surplus property.

Mr. SIMON. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House.

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

Mr. SIMON. Mr. President, I move to reconsider the vote by which the amendment was concurred in.

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

The motion to lay on the table was agreed to.

CALENDAR

Mr. SIMON. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Calendar Nos. 516, 579, and 583, that the committee amendments, where appropriate, be agreed to, that the bills be deemed read three times, passed; and the motion to reconsider the passage of these measures be laid upon the table, en bloc; further that the consideration of these items appear individually in the RECORD; and any statements appear at the appropriate place.

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

INCARCERATED WITNESS FEES ACT

The Senate proceeded to consider the bill (H.R. 2324) to amend title 28, United States Code, with respect to witness fees, which had been reported from the Committee on the Judiciary, with amendments, as follows:

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

H.R. 2324

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 "Incarcerated Witness Fees Act of 1991".

SEC. 2. ELIMINATION OF WITNESS FEES FOR INCARCERATED PERSONS.

(a) IN GENERAL.—Section 1821 of title 28, United States Code, is amended by adding at the end the following:

["(f) An incarcerated person (other than a witness detained pursuant to section 3144 of title 18) shall be ineligible to receive the fees or allowances provided by this section.".**]**

(f) Any witness who is incarcerated at the time that his or her testimony is given (except for a witness to whom the provisions of section 3144 of title 18 apply) may not receive fees or allowances under this section, regardless of whether such a witness is incarcerated at the time he or she makes a claim for fees or allowances under this section.

(b) CONFORMING AMENDMENT.—Section 1821(d)(1) of title 28, United States Code, is amended by striking "(other than a witness who is incarcerated)".

(c) TECHNICAL AMENDMENT.—Section 1821(d)(4) of title 28, United States Code, is amended by striking "3149" and inserting "3144".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective on and after the date of the enactment of this act and shall apply to any witness who testified before such date and has not received any fee or allowance under section 1821 of title 28, United States Code, relating to such testimony.

The bill (H.R. 2324) as amended, was deemed read the third time and passed.

MILITARY ORDER OF WORLD WARS, INCORPORATED

The bill (S. 1578) to recognize and grant a Federal Charter to the Military Order of World Wars was considered, ordered to be engrossed for a third reading, was deemed read the third time, and passed, as follows:

S. 1578

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

SECTION 1. FEDERAL CHARTER.

The Military Order of the World Wars, a nonprofit corporation organized under the laws of the District of Columbia (hereinafter in this Act referred to as the "corporation"), is recognized as such and is granted a Federal charter.

SEC. 2. OBJECTS AND PURPOSES OF CORPORATION.

The objects and purposes of the corporation are those provided in its articles of incorporation and shall include the following:

(1) Promoting military service associations.

(2) Promoting patriotic education and military, naval, and air science.

(3) Defending the honor and integrity of the Federal Government and the Constitution.

(4) Fostering fraternal relations among all branches of the armed forces.

(5) Encouraging the adoption of a suitable policy of national security.

(6) Encouraging the commemoration of military service and the establishment of war memorials.

SEC. 3. NONDISCRIMINATION.

In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 4. RESTRICTIONS.

(a) LOANS.—The corporation may not make any loan to any officer, director, or employee of the corporation.

(b) STOCK.—The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(c) CONGRESSIONAL APPROVAL.—The corporation shall not claim congressional approval or the authorization of the Federal Government for any of its activities.

SEC. 5. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(75) The Military Order of World Wars.".

SEC. 6. ANNUAL REPORT.

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit required by section 5 of this Act. The report shall not be printed as a public document.

SEC. 7. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986. If the corporation fails to maintain such status, the charter granted by this Act shall expire.

SEC. 8. TERMINATION.

The charter granted by this Act shall expire if the corporation fails to comply with—

(1) any restriction or other provision of this Act,

(2) any provision of its bylaws or articles of incorporation, or

(3) any provision of the laws of the District of Columbia.

ADMINISTRATIVE PROCEDURE TECHNICAL AMENDMENTS ACT

The bill (H.R. 2549) to make technical corrections to chapter 5 of title 5, United States Code was considered, ordered to be engrossed for a third reading, was deemed read the third time, and passed.

Mr. GRASSLEY. Mr. President, as the sponsor of S. 971, which ultimately was enacted into the Administrative Dispute Resolution Act of 1990, I rise to make several points regarding the legislative intent behind the passage of this act.

As I stated during the Senate's consideration of this legislation, the Administrative Dispute Resolution Act of 1990 is designed to encourage agencies and private parties to use ADR methods. It is intended to supplement—not replace or limit—existing dispute resolution practices and procedures. By enhancing the Government's ability to resolve a dispute effectively, my colleagues and I believed we were making it easier for agencies to use ADR techniques, where appropriate, in resolving the complex legal issues that now face them.

There are apparently some who believe that the Congress achieved precisely the opposite result. I am told by those who dwell in the arcane world of Government contracts that the Act is being interpreted as making it more difficult to resolve contract claims valued at less than $50,000. Under the terms of section 605(c) of the Contract Disputes Act of 1978, a contractor is required to certify only those claims submitted to the Government in excess of $50,000. A new section, section 605(d), was added by the Administrative Dispute Resolution Act of 1990, which appears to require that when using an ADR technique a contractor must certify all claims, regardless of their dollar amount.

The problem with this interpretation of the ADRA is that contractors perceive the certification requirement as needlessly exposing them to criminal penalties if they, in any way, present a claim that is not 100 percent in accordance with the Defense Contract Audit Agency's accounting standards. Given a choice between using ADR or proceeding with the traditional means of resolving contract disputes which do not require claim certification, the contractor will choose the latter method. Accordingly, if a contractor has a contract claim for less than $50,000 and is required to provide a certification only if he elects to use an ADR technique, he is likely to decline the opportunity.

If the statutory analysis stopped here, then I would have to agree that the Administrative Dispute Resolution Act does in fact achieve this anomalous result. However, common sense tells us that the foregoing interpretation goes too far, and is contrary to the ADRA's overreaching intent to reduce procedural formality. The text of the ADRA, along with a reading of its legislative history, also compels a different interpretation. Section 605(d) states that, when using an ADR technique to resolve a contract claim, all the provisions of the ADRA apply. The ADRA (section 4, four, new Administrative Procedures Act section 582(c)) states explicitly: "Alternative means of dispute resolution authorized under this subchapter are voluntary procedures which supplement rather than limit other available agency dispute resolution techniques."

When discussing the rationale for the foregoing provision in the ADRA, the Senate report that accompanied S. 971 states on page 10 that:

> [T]his section * * * make[s] clear that the intent of the Act is to promote ADR methods as a supplement to already existing agency dispute resolution procedures. The provisions of the Act are not meant to interfere with or limit any procedures or practices already in use. The Tennessee Valley Authority (TVA) contacted the Subcommittee to express their concern that certain provisions of the Act, particularly those concerning arbitration, would limit the TVA's existing authority to arbitrate. This language in the Act is intended to allay that concern.

The ADRA's legislative history provides additional support for this position. During consideration of the bill, Senator LEVIN, chairman of the Governmental Affairs Subcommittee on Oversight of Government Management which held a hearing on the ADRA, rose in support of the ADRA and, in relevant part, stated:

> Federal agencies can currently engage in many ADR techniques such as mediation and mini-trials without express authorization by statute or regulations.
>
> * * * * *
>
> And, I might add, it [the ADRA] is not intended * * * in any way to interfere with ongoing ADR programs.
>
> * * * * *
>
> Again, ADR is not aimed at endrunning established government practice, but is aimed at enhancing, where appropriate, the government's ability to effectively resolve a dispute.

These remarks can be found on page S18087 in the CONGRESSIONAL RECORD of October 24, 1990. Echoing this interpretation are remarks I made, which can be found on page S18090 of the same edition of the CONGRESSIONAL RECORD, in which I note:

> For those agencies that have already experimented successfully with ADR—and our hearing record demonstrates these successes—nothing in S. 971 will cut back on their existing authority. Each agency will promulgate its own rules, after taking public comment, to fit ADR into the array of current procedures. Thus the firm statutory foundation provided by S. 971 will be shaped to fit the details of agency programs and disputes.

The ADRA has no effect on the ADR procedures in effect prior to the ADRA's passage, or on those which agencies understate pursuant to authority other than the ADRA. It is only in those cases where the authority of the ADRA is exercised that a certifi-

cation is required for contract claims less than $50,000. Mr. President, my colleagues and I feel strongly that Federal agencies should promulgate regulations that are consistent with this interpretation of the ADRA because it achieves the result the Act was intended to achieve—making it easier, not harder, to resolve disputes through the use of ADR techniques.

This interpretation also makes good sense as a matter of public policy. First, for those expressing a concern about the need for a certification requirement to protect the public from fraudulent claims by unscrupulous contractors, I note the following trilogy of statutes under which such people can be brought to justice: 18 U.S.C. 287—making or presenting a false or fraudulent claim against the United States; 18 U.S.C. 1001—making a false statement against the United States; 18 U.S.C. 1341—devising any scheme to obtain money or defraud the U.S. Government that involves the U.S. Postal Service. Second it achieves the basic aim of the ADRA, making it easier to use less formal methods to resolve disputes. Third, after reading the act in its entirety, the true intent of the Congress, and hence the proper interpretation of the ADRA, is clear. The ADR merely supplements the authority of Federal agencies to use ADR techniques. Therefore, the ADR Act should not be read as imposing a new certification requirement for all contract claims under $50,000.

RELATIVE TO THE CENTRAL JUDICIAL DISTRICT OF CALIFORNIA

Mr. SIMON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3795, a bill to establish three divisions in the Central Judicial District of California, just received from the House, that the bill be deemed read three times, passed and the motion to reconsider laid upon the table; further that any statements relating to this measure be inserted in the RECORD at the appropriate place.

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

Mr. SEYMOUR. Mr. President, I am extremely pleased that the Senate is taking quick action on H.R. 3795, which would establish three divisions in the Central Judicial District of California, and bring a Federal court to Riverside and San Bernardino Counties—California's inland empire.

It's no secret that California's population exploded in the past decade. One could not help but see this dramatic change in the inland empire. Ten years ago, the freeways that stretched from Los Angeles through the inland desert cut across sparsely populated orange groves, cattle and horse ranches, and uninhabited desert. Today, it is a much different picture: business districts and residential communities cover what was once barren land—a new, modern suburb of a vast southern California metropolis.

With this development, the population of southern California shifted inland. In the last decade, the population of San Bernardino County more than doubled, and the population of Riverside County increased by more than 75 percent. Today, the combined population is more than 2.6 million.

The inland empire's population growth isn't expected to end anytime soon. In fact, the populations of Riverside and San Bernardino Counties are expected to increase by 70 percent. By the year 2005, the inland empire will be home to more than 4.4 million Californians.

What the residents of the inland empire are in urgent need of is easy, local access to Federal judicial services. The Central Judicial District of California is designed to serve a predominantly coastal population, and has not adjusted to southern California's inland growth. Today, if inland empire residents have to go to Federal court, they must drive to either Los Angeles or Orange County. This is easier said than done. Southern California's overall population growth has resulted in a commuter's nightmare of highway gridlock. The more than 50 miles it takes to travel from the inland empire to Los Angeles or Orange County, and back again, can take as long as 6 hours. Absent adequate Federal judicial services in the region, inland empire residents will be forced to endure an increasingly inefficient and unreasonable waste of their time.

H.R. 3795 is a simple, cost-effective answer to the current and future population realities of southern California, particularly in the inland empire. Our federal court system must grow and respond to demographic trends to ensure that all Americans have ready access to quality Federal judicial services and facilities. For the present and future residents of the inland empire, this legislation is sorely needed.

Mr. President, H.R. 3795 has strong, bipartisan support among my friends and colleagues within the California congressional delegation. In particular, I wish to commend the bipartisan leadership of the inland empire congressional delegation, Mr. BROWN, Mr. LEWIS and Mr. MCCANDLESS. They were the original cosponsors of this legislation and they worked diligently to steer this legislation through expeditiously. I also would like to commend and extend my thanks to Chief Judge Manuel Real of the Central Judicial District of California. An extraordinary public servant, Judge Real has been a tireless and eloquent advocate of this legislation.

Finally, I thank my colleague from California, Senator CRANSTON, and the distinguished chairman and ranking member of the Judiciary Committee, Senator BIDEN and Senator THURMOND, for their exceptional leadership and assistance on this matter. It was a pleasure to work with them so that the Senate could take prompt action on an issue of great importance to the residents of California's inland empire.

TECHNICAL AND MISCELLANEOUS CIVIL SERVICE AMENDMENTS ACT

Mr. SIMON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 526, H.R. 2850, the Federal Pay Comparability Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2850) to make technical and conforming changes in title 5, United States Code, and the Federal Employees Pay Comparability Act of 1990, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill which had been 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; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Technical and Miscellaneous Civil Service Amendments Act of 1992".

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 5, United States Code.
Sec. 3. Amendments to the Federal Employees Pay Comparability Act of 1990.
Sec. 4. Amendments relating to the Ethics in Government Act of 1978.
Sec. 5. Amendments to other provisions of law.
Sec. 6. Restoration of coverage of certain Federal personnel provisions to certain veterans health administration employees.
Sec. 7. Retroactive performance awards.
Sec. 8. Miscellaneous provisions.
Sec. 9. Effective dates.

SEC. 2. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in the analysis for part II by striking, in the item relating to chapter 12, "Individual Right of Action" and inserting "Employee Right of Action";

(2) by striking the heading for former section 1209 (the text of which was redesignated as sections 1205 and 1206 by paragraphs (9) and (10), respectively, of section 3(a) of the Whistleblower Protection Act of 1989 (Public Law 101–12; 103 Stat. 18));

(3) by striking the heading for former section 1204 (which was redesignated as section 1211(b) by section 3(a)(6) of the Whistleblower Protection Act of 1989 (Public Law 101–12; 103 Stat. 17));

(4) in section 3105 by striking "section 3105," and inserting "sections 3105,";

(5) in section 2302(b)(8)(B) by striking "Special Counsel of the Merit Systems Protection Board," and inserting "Special Counsel,";

(6) in section 2304(b) by striking "(b) the" and inserting "(b) The";

(7) in section 3104(a)—

(A) by striking "(not to exceed 517)"; and

(B) by amending the second sentence to read as follows: "Any such position may be established by action of the Director or, under such standards and procedures as the Office prescribes (including procedures under which the prior approval of the Director may be required), by agency action.";

(8) in section 3109 by adding at the end thereof the following new subsections:

"(d) The Office of Personnel Management shall prescribe regulations necessary for the administration of this section. Such regulations shall include—

"(1) criteria governing the circumstances in which it is appropriate to employ an expert or consultant under the provisions of this section;

"(2) criteria for setting the pay of experts and consultants under this section; and

"(3) provisions to ensure compliance with such regulations.

"(e) Each agency shall report to the Office of Personnel Management on an annual basis with respect to—

"(1) the number of days each expert or consultant employed by the agency during the period was so employed; and

"(2) the total amount paid by the agency to each expert and consultant for such work during the period.";

(9) by amending section 3152 to read as follows:

"§3152. Limitation on pay

"Members of the FBI–DEA Senior Executive Service shall be subject to the limitation under section 5307.";

(10) in section 3323(b)(1) by striking "annuitant as defined by section 8331 of this title" and inserting "annuitant, as defined by section 8331 or 8401,";

(11) in section 3324—

(A) by amending the heading to read as follows:

"§3324. Appointments to positions classified above GS–15";

and

(B) in subsection (a) by amending paragraph (1) to read as follows:

"(1) to which appointment is made by the Chief Judge of the United States Tax Court;";

(12) in section 3325(b) by striking "section 3104(a)(7) of this title" and inserting "section 3104(c)";

(13)(A) by striking section 3342; and

(B) in the table of sections for chapter 33 by striking the item relating to section 3342;

(14) by amending the heading for section 3373 to read as follows:

"§3373. Assignment of employees to State or local governments";

(15) in section 3401(1)(iv) by striking "Virgin Island" and inserting "Virgin Islands";

(16) in section 3594(c)(1)(A) by striking "5108,," and inserting "5108,";

(17) in section 4109 by striking subsection (d);

(18) in section 4302(a) by striking the semicolon at the end and inserting a period;

(19) in section 4505a—

(A) in subsection (b)(2) by striking "chapter 12 or under" and inserting "chapter 12, chapter 71, or";

(B) in subsection (c) by inserting "of Personnel Management" after "Office"; and

(C) by striking subsection (d) and inserting the following:

"(d) The preceding provisions of this section shall be applicable with respect to any employee to whom subchapter III of chapter 53 applies, and to any category of employees provided for under subsection (e).

"(e) At the request of the head of an Executive agency, the President may authorize the application of subsections (a) through (c) with respect to any category of employees within such agency who would not otherwise be covered by this section.";

(20) in the heading for subchapter III of chapter 45 by striking "OFFICER" and inserting "OFFICERS";

(21) by amending section 4521 to read as follows:

"§4521. Definition

"For the purpose of this subchapter, the term 'law enforcement officer' means—

"(1) a law enforcement officer within the meaning of section 5541(3) and to whom the provisions of chapter 51 apply;

"(2) a member of the United States Secret Service Uniformed Division;

"(3) a member of the United States Park Police;

"(4) a special agent in the Diplomatic Security Service;

"(5) a probation officer (referred to in section 3672 of title 18); and

"(6) a pretrial services officer (referred to in section 3153 of title 18).";

(22) in the table of sections for chapter 51 by striking the item relating to section 5108 and inserting the following:

"5108. Classification of positions above GS–15.";

(23) in section 5108(a)(2) by striking the semicolon at the end and inserting a period;

(24) in the table of sections for chapter 53—

(A) in the item relating to section 5379 by striking "repayment." and inserting "repayments."; and

(B) by striking "Sec." immediately before the item relating to section 5391;

(25) in section 5302—

(A) in paragraph (1) by amending subparagraph (C) to read as follows:

"(C) chapter 74 of title 38, relating to the Veterans Health Administration (other than a position subject to section 7451 of title 38);"; and

(B) in paragraph (8)—

(i) in subparagraph (A) by striking "and" at the end; and

(ii) by adding after subparagraph (B) the following:

"(C) in the case of an employee receiving a retained rate of basic pay under section 5363, the rate of basic pay payable under such section; and";

(26) in section 5304—

(A) in subsection (a)(3)—

(i) by striking "Subject to paragraphs (4) and (5)," and inserting "Subject to paragraph (4),", and by striking "a comparative payment" and inserting "a comparability payment";

(ii) in subparagraph (H) by inserting "and" after the semicolon; and

(iii) in subparagraph (I) by striking the semicolon and inserting a period;

(B) in subsection (d)(1)(A) by inserting "(disregarding any described in section 5302(8)(C))" after "General Schedule", and by striking "annual";

(C) in subsection (e)—

(i) in paragraph (1) by inserting the second sentence the following: "However, members under subparagraph (A) may be paid expenses in accordance with section 5703."; and

(ii) in paragraph (2)(A)(ii) by striking "annual survey" and inserting "surveys of pay localities", and by striking "industries," and inserting "industries";

(D) in subsection (g) by amending paragraph (2) to read as follows:

"(2) The applicable maximum under this subsection shall be level III of the Executive Schedule for—

"(A) positions under subparagraphs (A)–(E) of subsection (h)(1); and

"(B) any positions under subsection (h)(1)(F) which the President may determine.";

(E) in subsection (h)—

(i) in paragraph (1)—

(I) by amending subparagraph (F) to read as follows:

"(F) a position within an Executive agency not covered under the General Schedule or any of the preceding subparagraphs, the rate of basic pay for which is (or, but for this section, would be) no more than the rate payable for level IV of the Executive Schedule;";

(II) in clause (i) by striking "or" at the end;

(III) in clause (ii) by striking the period at the end and inserting "; or"; and

(IV) by adding at the end the following:

"(iii) a position to which subchapter II applies (relating to the Executive Schedule).";

(ii) in paragraph (2) by adding at the end the following:

"(C) Notwithstanding subsection (c)(4) or any other provision of law, but subject to paragraph (3), in the case of a category with positions that are in more than 1 Executive agency, the President may, on his own initiative, provide that each employee who holds a position within such category, and in the locality involved, shall be entitled to receive comparability payments."; and

(iii) in paragraph (3) by amending subparagraph (B) to read as follows:

"(B) shall take effect, within the locality involved, on the first day of the first applicable pay period commencing on or after such date as the President designates (except that no date may be designated which would require any retroactive payments), and shall remain in effect through the last day of the last applicable pay period commencing during that calendar year;";

(27) in section 5306(a)(1)(B) by striking "166b–3" and inserting "166b–3a";

(28) in section 5314 by striking each of the following: "Under Secretary of Education.", "Under Secretary of Health and Human Services.", "Under Secretary of the Interior.", and "Under Secretary of Housing and Urban Development.";

(29) in section 5332 by amending subsection (a) to read as follows:

"(a)(1) The General Schedule, the symbol for which is 'GS', is the basic pay schedule for positions to which this subchapter applies. Each employee to whom this subchapter applies, except an employee covered by the performance management and recognition system established under chapter 54, is entitled to basic pay in accordance with the General Schedule.

"(2) The General Schedule is a schedule of annual rates of basic pay, consisting of 15 grades, designated 'GS–1' through 'GS–15', consecutively, with 10 rates of pay for each such grade. The rates of pay of the General Schedule are adjusted in accordance with section 5303.";

(30) in section 5347(g)—

(A) by striking "(g) Members" and inserting "(g)(1) Except as provided in paragraph (2), members";

(B) by striking the second sentence; and

(C) by adding at the end the following:

"(2) The position of Chairman shall be considered to be a Senior Executive Service position within the meaning of section 3132(a), and shall be subject to all provisions of this title relating to Senior Executive Service positions, including section 5383.";

(31) in section 5371(b)—

(A) by striking "chapter 73" and inserting "chapter 74"; and

(B) by inserting "subchapter V of chapter 55," after "61," each place it appears;

(32) in section 5372(c) by striking "shall," and inserting "shall";

(33) in section 5375(2) by striking "GS–8," and inserting "GS–8";

(34) in section 5377—

(A) in subsection (a)(2)—

(i) in subparagraph (C) by striking "and" at the end;

(ii) in subparagraph (D) by striking the period at the end and inserting a semicolon; and

(iii) by adding after subparagraph (D) the following:

"(E) a position established under section 3104; and

"(F) a position in a category as to which a designation is in effect under subsection (i).";

and

(B) by adding at the end the following:

"(i)(1) For the purpose of this subsection, the term 'position' means the work, consisting of the duties and responsibilities, assignable to an employee, except that such term does not include any position under subsection (a)(2)(A)–(E).

"(2) At the request of an agency head, the President may designate 1 or more categories of positions within such agency to be treated, for purposes of this section, as positions within the meaning of subsection (a)(2).";

(35) in section 5383 by amending subsection (b) to read as follows:

"(b) Members of the Senior Executive Service shall be subject to the limitation under section 5307.";

(36) in subchapter IX of chapter 53 by striking the matter after the subchapter heading and before the heading for section 5391;

(37) in section 5401(1) by striking "(a)" and inserting "(A)", and by striking "(b)" and inserting "(B)";

(38) in section 5403(d) by striking "section 5305" and inserting "section 5303";

(39) in section 5519 by striking "section 6323(c) or (d) of this title" and inserting "section 6323(b) or (c)";

(40) in section 5541—

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

(B) in paragraph (2) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) 'law enforcement officer' means an employee who—

"(A) is a law enforcement officer within the meaning of section 8331(20) or 8401(17);

"(B) in the case of an employee who holds a supervisory or administrative position and is subject to subchapter III of chapter 83, but who does not qualify to be considered a law enforcement officer within the meaning of section 8331(20), would so qualify if such employee had transferred directly to such position after serving as a law enforcement officer within the meaning of such section;

"(C) in the case of an employee who holds a supervisory or administrative position and is subject to chapter 84, but who does not qualify to be considered a law enforcement officer within the meaning of section 8401(17), would so qualify if such employee had transferred directly to such position after performing duties described in section 8401(17) (A) and (B) for at least 3 years; and

"(D) in the case of an employee who is not subject to subchapter III of chapter 83 or chapter 84—

"(i) holds a position that the Office of Personnel Management determines would satisfy subparagraph (A), (B), or (C) if the employee were subject to subchapter III of chapter 83 or chapter 84; or

"(ii) is a special agent in the Diplomatic Security Service.";

(41) in section 5542—

(A) in subsection (a)(4)—

(i) by striking "officer (within the meaning of section 8331(20) or 8401(17))," and inserting "officer,"; and

(ii) by moving the indentation for the matter following subparagraph (B) 2 ems to the right; and

(B) in subsection (c) by amending the second sentence to read as follows: "In the case of an employee who would, were it not for the preceding sentence, be subject to this section, the Office of Personnel Management shall by regulation prescribe what hours shall be deemed to be hours of work and what hours of work shall be deemed to be overtime hours for the purpose of such section 7 so as to ensure that no employee receives less pay by reason of the preceding sentence.";

(42) in section 5544—

(A) in paragraphs (2) and (3) of subsection (a) by striking "2,080" each place it appears and inserting "2,087";

(B) by amending the last two sentences of subsection (a) to read as follows: "The first and third sentences of this subsection shall not be applicable to an employee who is subject to the overtime pay provisions of section 7 of the Fair Labor Standards Act of 1938. In the case of an employee who would, were it not for the preceding sentence, be subject to the first and third sentences of this subsection, the Office of Personnel Management shall by regulation prescribe what hours shall be deemed to be hours of work and what hours of work shall be deemed to be overtime hours for the purpose of such section 7 so as to ensure that no employee receives less pay by reason of the preceding sentence."; and

(C) by adding at the end the following:

"(c) The provisions of this section, including the last two sentences of subsection (a), shall apply to a prevailing rate employee described in section 5342(a)(2)(B).";

(43) in section 5547(c) by striking paragraph (3);

(44)(A) by striking section 5550;

(B) in the table of sections for chapter 55 by striking the item relating to section 5550;

(C) in section 5548(b) by striking "sections 5545(d) and 5550 of this title." and inserting "section 5545(d).";

(D) in section 6123(a)(1) by striking "5543(a)(1), 5544(a), and 5550" and inserting "5543(a)(1) and section 5544(a)"; and

(E) in section 6128—

(i) in subsection (a) by striking "5542(a), 5544(a), and 5550(2)" and inserting "5542(a) and 5544(a)"; and

(ii) in subsection (c) by striking "5544(a), 5546(a), or 5550(1)" and inserting "5544(a) or 5546(a)";

(45)(A) in subchapter VI of chapter 55 by adding at the end the following:

"§5553. Regulations

"The Office of Personnel Management may prescribe regulations necessary for the administration of this subchapter."; and

(B) in the table of sections for chapter 55 by adding after the item relating to section 5552 the following:

"5553. Regulations.";

(46) in the table of sections for chapter 57—

(A) by striking the item relating to section 5723 and inserting the following:

"5723. Travel and transportation expenses of new appointees and student trainees.";

and

(B) by adding after the item relating to section 5754 the following:

"5755. Supervisory differentials.";

(47) in the heading for section 5702 by striking "employee" and inserting "employees";

(48) in section 5723—

(A) by amending the heading to read as follows:

"§5723. Travel and transportation expenses of new appointees and student trainees";

and

(B) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(49) in section 5724(a)(3)(A) by striking "Service;" and inserting "Service or as a director under section 4103(a)(8) of title 38 (as in effect on November 27, 1988);";

(50) in section 5901(a) by striking "5902)." each place it appears and inserting "5902)";

(51) in section 5948—

(A) in the first sentence of subsection (a) by striking "provisions of this section" and inserting "provisions of this section, section 5307.";

(B) in subsection (g)(1)—

(i) by amending subparagraph (D) to read as follows:

"(D) section 5371, relating to certain health care positions;";

(ii) by striking "or" at the end of subparagraph (H);

(iii) by striking "and" at the end of subparagraph (I); and

(iv) by inserting after subparagraph (I) the following:

"(J) section 5376, relating to certain senior-level positions;

"(K) section 5377, relating to critical positions; or

"(L) subchapter IX of chapter 53, relating to special occupational pay systems; and";

(52) in section 6303(a) by amending the second sentence to read as follows: "In determining years of service, an employee is entitled to credit for all service of a type that would be creditable under section 8332, regardless of whether or not the employee is covered by subchapter III of chapter 83.";

(53) in the second sentence of section 6304(e) by striking "date of" and inserting "date";

(54) in section 7112 by redesignating subsection (a)(1) as subsection (a);

(55) in section 7113 by redesignating subsection (a)(1) as subsection (a);

(56) in section 7701(c)(1) by amending subparagraph (A) to read as follows:

"(A) in the case of an action based on unacceptable performance described in section 4303 or a removal from the Senior Executive Service for failure to be recertified under section 3393a, is supported by substantial evidence; or";

(57) in section 8331—

(A) in paragraph (1)—

(i) in subparagraph (L) by striking "section 8347(p)(1)" and inserting "section 8347(q)(1)"; and

(ii) in clause (ii) by striking "section 8347(p)(2)" and inserting "section 8347(q)(2)"; and

(B) in paragraph (7) by striking "Gallaudet College," and inserting "Gallaudet University,";

(58) in the last sentence of section 8332(b) by striking "paragraph (16)" and inserting "paragraph (16)";

(59) in section 8334(i) by redesignating the second paragraph (5) as paragraph (6);

(60) in section 8335(b) by amending the first sentence to read as follows: "A firefighter who is otherwise eligible for immediate retirement under section 8336(c) shall be separated from the service on the last day of the month in which such firefighter becomes 55 years of age or completes 20 years of service if then over that age.";

(61) in the second sentence of section 8337(a) by striking "if the employee if" and inserting "if the employee is";

(62) in section 8339 by redesignating the second subsection (o) as subsection (p);

(63) in section 8341 in subsections (b)(1) and (d) by striking "(o)," and inserting "(p),";

(64) in section 8347—

(A) by redesignating the second subsection (p) as subsection (q); and

(B) in paragraphs (1) and (2) of subsection (q) (as so redesignated) by amending subparagraph (A) of each to read as follows:

"(A) has not previously made an election under this subsection or had an opportunity to make an election under this paragraph;";

(65) in section 8421(a)(2) by adding a period at the end;

(66) in section 8423(a)(1)(B)(i) by striking "multipled" and inserting "multiplied";

(67) in section 8425(b)—

(A) by amending the first sentence to read as follows: "A member of the Capitol Police or firefighter who is otherwise eligible for immediate retirement under section 8412(d) shall be separated from the service on the last day of the month in which such member or firefighter becomes 55 years of age or completes 20 years of service if then over that age."; and

(B) in the second sentence by striking "become" and inserting "becomes";

(68) in section 8438(a)(7)(B) by striking "Federal Savings and Loan Insurance Corporation," and inserting "Federal Deposit Insurance Corporation,";

(69) in section 8440(a)(3) by inserting "section 401(k)(4)(B) of such Code and" after "subject to";

(70) in section 8440a(b)(1) by striking "subchapters III and VII of chapter 84 of this title" and inserting "this subchapter and subchapter VII";

(71) in section 8461(n)—

(A) in paragraphs (1) and (2) by amending subparagraph (A) of each to read as follows:

"(A) has not previously made an election under this subsection or had an opportunity to make an election under this paragraph;"; and

(B) in paragraph (2)(D) by striking "section 8347(p)" and inserting "section 8347(q)";

(72) in section 8478(a)(2)(B)(iii) by striking "Corporation or the Federal Savings and Loan Insurance";

(73) in the analysis for chapter 85 by adding after the item relating to section 8508 the following:

"8509. Federal Employees Compensation Account.";

(74) in section 8706 by redesignating subsection (g) as subsection (f);

(75) in section 8901—

(A) in paragraph (3)(A)(iv) by striking "section 8347(p)(2)" and inserting "section 8347(q)(2)"; and

(B) in paragraph (10)(C)(ii) by inserting a comma after "section 8341(h)";

(76) in section 8904(a) by striking "this section" each place it appears and inserting "this subsection";

(77) in section 8905—

(A) in subsection (b) by striking "this subchapter." and inserting "this chapter"; and

(B) in subsection (c)(1) by inserting a comma after "8341(h)"; and

(78) in section 8906—

(A) in subsection (b)(3) by inserting a period after "Office)"; and

(B) in subsection (c) by striking "and except" and inserting "and (except".

SEC. 3. AMENDMENTS TO THE FEDERAL EMPLOYEES PAY COMPARABILITY ACT OF 1990.

The Federal Employees Pay Comparability Act of 1990, as contained in the Treasury, Postal Service and General Government Appropriations Act, 1991 (Public Law 101-509; 104 Stat. 1427), is amended—

(1) in each of paragraphs (1) and (2) of section 109(b) (104 Stat. 1451) by striking "section 5305" and inserting "section 5303";

(2) in section 203 (104 Stat. 1456) by striking "5545(D)" and inserting "5545(d)";

(3) in section 209(a) (104 Stat. 1460)—

(A) by striking "or" at the end of paragraph (1);

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

(C) by inserting at the end the following:

"(3) any combination of classes of positions described in paragraph (1) or (2) for which the President determines a recruiting difficulty exists.";

(4) in section 302 (104 Stat. 1462)—

(A) by striking "(A) DEFINITIONS.—" and inserting "(a) DEFINITIONS.—";

(B) by redesignating the section subsection (c) as subsection (d);

(C) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(D) by amending subsection (e) (as so redesignated) by striking "Code," and all that follows through the period and inserting the following: "Code (as in effect before the date of enactment of this Act), section 5305 of title 5, United States Code (as amended by section 101 of this Act), or any similar provision of law.";

(5) in section 402 (104 Stat. 1465) by striking "section 8331(20) or section 8401(17)" and inserting "section 5541(3)";

(6) in section 403(d) (104 Stat. 1465) by striking "section 303" and inserting "section 209";

(7) in section 404(a) (104 Stat. 1466) by striking "and any applicable special rate of pay under section 5305 of such title, as so amended, or any similar provision of law." and inserting "and, to the extent determined appropriate by the Office of Personnel Management, any applicable special rate of pay under section 5305 of such title, as so amended, or any similar provision of law (other than section 403).";

(8) in section 404(b) (104 Stat. 1466)—

(A) by striking "(b) Except" and inserting "(b)(1) Except";

(B) by striking "Trention" and inserting "Trenton"; and

(C) by adding at the end the following:

"(2) In the case of any area specified in paragraph (1) that includes a portion, but not all, of a county, the Office of Personnel Management may, at the request of the head of 1 or more law enforcement agencies, extend the area specified in paragraph (1) to include, for the purposes of this section, the entire county, if the Office determines that such extension would be in the interests of good personnel administration. Any such extension shall be applicable to each law enforcement officer whose post of duty is in the area of the extension."; and

(9) in section 405(a) (104 Stat. 1466) by striking "403 and 404" and inserting "403, 404, and 407".

SEC. 4. AMENDMENTS RELATING TO THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) AMENDMENTS TO TITLE I OF THE ACT.—Title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 101(f)—

(A) in paragraph (3) by striking "whose position" and all that follows through "for GS-16" and inserting "who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule";

(B) in paragraph (6) by striking "whose basic rate of pay" and all that follows through "GS-16" and inserting "who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule";

(2) in section 109—

(A) in paragraph (8) by striking "who is paid" and all that follows through "Schedule" and inserting "who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule";

(B) in paragraph (13)(B)(i) by striking "who is compensated" and all that follows through "Schedule" and inserting "who, for at least 60 days, occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule"; and

(C) in paragraph (13)(B)(ii) by striking "compensated" and all that follows through "Schedule" and inserting "who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule".

(b) AMENDMENTS TO TITLE V.—Title V of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 501(a)(1) by striking "whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule under section 5332 of title 5, United States Code," and inserting "who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule,";

(2) in section 501(a)(2) by striking "who becomes a Member or an officer or employee who is a noncareer officer or employee and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule during a calendar year," and inserting "who during a calendar year becomes a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule,"; and

(3) in section 502(a) by striking "whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule" and inserting "who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule".

(c) AMENDMENTS TO GIFT PROVISIONS.—Section 314(g) of the Legislative Branch Appropriations Act, 1992 (Public Law 102-90; 105 Stat. 470) is amended to read as follows:

"(g)(1) The amendments made by subsections (b) through (f) shall take effect on January 1, 1992.

"(2) The amendment made by subsection (a) shall take effect on January 1, 1993.".

SEC. 5. AMENDMENTS TO OTHER PROVISIONS OF LAW.

(a) OMNIBUS BUDGET RECONCILIATION ACT OF 1990.—The Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388) is amended—

(1) in section 7101(c)(2) (104 Stat. 1388-332) by striking "took effect, subject to section 7104." and inserting "took effect."; and

(2) in section 7202(n) (104 Stat, 1388-340)—

(A) in paragraph (2) by striking "section 8347(p)(1)" each place it appears and inserting "section 8347(q)(1); and

(B) in paragraph (4) by striking "section 8347(p)(2)" and inserting "section 8347(q)(2)".

(b) FEDERAL PAY COMPARABILITY ACT OF 1970.—Section 5(a) of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a-2(a)) is amended by inserting "of title 5, United States Code," after "Whenever an adjustment under section 5303".

(c) PUBLIC LAW 100-446.—Section 8(c)(2) of Public Law 100-446 (2 U.S.C. 178g(c)(2); 102 Stat.

1786) is amended by striking the second sentence.

(d) PUBLIC LAW 102–198.—Section 7(c)(4) of Public Law 102–198 (105 Stat. 1625) is amended—

(1) in subparagraph (A) by striking "2440d" and inserting "8440d"; and

(2) in subparagraph (B) by striking "subchapter III of".

(e) PUBLIC LAW 102–233.—Section 21A(b)(9)(B)(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(9)(B)(i)), as amended by section 201 of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991 (Public Law 102–233; 105 Stat. 1765), is amended by striking the last 3 sentences.

SEC. 6. RESTORATION OF COVERAGE OF CERTAIN FEDERAL PERSONNEL PROVISIONS TO CERTAIN VETERANS HEALTH ADMINISTRATION EMPLOYEES.

(a) IN GENERAL.—Section 7511(b) of title 5, United States Code, is amended—

(1) by amending paragraph (7) to read as follows:

"(7) whose position is within the Central Intelligence Agency or the General Accounting Office;";

(2) in paragraph (8) by striking "or" after the semicolon;

(3) in paragraph (9) by striking "title." and inserting "title; or"; and

(4) by adding at the end the following:

"(10) who holds a position within the Veterans Health Administration which has been excluded from the competitive service by or under a provision of title 38, unless such employee was appointed to such position under section 7401(3) of such title.".

(b) APPLICABILITY.—(1) The amendments made by subsection (a) shall apply with respect to any personnel action taking effect on or after the date of enactment of this Act.

(2) In the case of an employee or former employee of the Veterans Health Administration (or predecessor agency in name)—

(A) against whom an adverse personnel action was taken before the date of enactment of this Act,

(B) who, as a result of the enactment of the Civil Service Due Process Amendments (5 U.S.C. 7501 note), became ineligible to appeal such action to the Merit Systems Protection Board,

(C) as to whom that appeal right is restored as a result of the enactment of subsection (a), or would have been restored but for the passage of time, and

(D) who is not precluded, by section 7121(e)(1) of title 5, United States Code, from appealing to the Merit Systems Protection Board,

the deadline for bringing an appeal under section 7513(d) or section 4303(e) of such title with respect to such action shall be the latter of—

(i) the 60th day after the date of enactment of this Act; or

(ii) the deadline which would otherwise apply if this paragraph had not been enacted.

SEC. 7. RETROACTIVE PERFORMANCE AWARDS.

(a) IN GENERAL.—Section 7(b) of the Thrift Savings Plan Technical Amendments Act of 1990 (5 U.S.C. 3392 note; Public Law 101–335) is amended by adding at the end thereof the following new paragraph:

"(3) RETROACTIVE PERFORMANCE AWARDS.—If an individual elects under paragraph (2) to continue to be subject to performance awards, the head of the agency in which such individual is serving shall determine whether to grant retroactive performance awards for any fiscal years prior to fiscal year 1991 to such individual, and the amount of any such awards, without regard to the provisions of subsection (b) of section 5383 of title 5, United States Code, and subsections (b) and (c) of section 5384 of such title. Before granting an award, the head of the agency shall make a written determination that the individual's performance during the fiscal year for which the award is given was at least fully successful, and shall consider the recommendation of the agency's performance review board with respect to the award. No such award for performance during any fiscal year may be less than 5 percent nor more than 15 percent of the individual's rate of basic pay as of the end of such fiscal year.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if enacted as a part of section 7 of the Thrift Savings Plan Technical Amendments Act of 1990.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) ELIMINATION OF DUPLICATIVE AMENDMENTS MADE BY THE DEFENSE ACQUISITION WORKFORCE IMPROVEMENT ACT.—Subsections (i) and (j) of section 1206 of the Defense Acquisition Workforce Improvement Act, as contained in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1662, 1663), are repealed, and title 5, United States Code, shall read as if such subsections had not been enacted.

(b) PROVISIONS RELATING TO COMPARABILITY PAYMENTS IN 1994 AND 1995.—Notwithstanding section 5304 of title 5, United States Code, for purposes of any comparability payments scheduled to take effect under such section during calendar years 1994 and 1995, respectively—

(1) the report required by subsection (d)(1) of such section may be submitted not later than 1 month before the start of the calendar year for purposes of which it is prepared; and

(2) the surveys conducted by the Bureau of Labor Statistics for use in preparing any such report may be other than annual surveys, and shall, to the greatest extent practicable, be completed not later than 4 months before the start of the calendar year for purposes of which the surveys are conducted.

SEC. 9. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect as of the date of enactment of this Act.

(b) EXCEPTIONS.—(1) The amendment made by section 4(c) shall be effective as of December 31, 1991.

(2) The amendments made by section 5(d) shall be effective as of December 9, 1991.

(3) The amendments made by sections 2(13) and 2(17) shall be effective as of October 1, 1991.

(4) The amendments made by sections 2(11), 2(19), 2(29), and 2(38) shall be effective as of May 4, 1991.

(5) The amendments made by section 2(25) shall be effective as of February 3, 1991.

(6) The provisions of section 8(a) and the amendments made by sections 2(57)(A), 2(60), 2(64), 2(67), 2(71), 2(75)(A), 3(1), 3(4), 3(6), and 5(a) shall be effective as of November 5, 1990.

(7) The amendment made by section 2(52) shall be effective as of January 1, 1989, except that no amount shall become payable, as a result of the enactment of such amendment, under—

(A) subchapter VI of chapter 55 of title 5, United States Code, based on a separation that takes effect or an election that is made before the date of enactment of this Act; or

(B) section 5551(b) of title 5, United States Code, which is attributable to an individual's being excepted from subchapter I of chapter 63 of such title before the date of enactment of this Act.

(8) The amendment made by section 2(69) shall be effective as of November 10, 1988.

(9) The amendments made by sections 2(40), 2(41), 2(42), 2(43), and 3(5) shall be effective as of the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

(10) The amendments made by section 2(28) shall be effective as of the first day of the first applicable pay period beginning on or after November 5, 1990.

(11) The amendment made by section 2(49) shall apply with respect to a separation that takes effect on or after the date of enactment of this Act.

(12) The amendment made by section 5(e) shall apply with respect to any action (described in subclause (I) or (II) of the provisions struck by such amendment) occurring on or after the date of enactment of this Act.

AMENDMENT NO. 2914

(Purpose: To provide for notification to Congress before extending certain comparability payments, and to express the sense of the Congress relating to pay provisions for law enforcement officers, and for other purposes)

Mr. SIMPSON. Mr. President, I send an amendment to the desk on behalf of Senator ROTH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for Mr. ROTH, proposes an amendment numbered 2914.

Mr. SIMPSON. 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 45, line 5, strike out "comparability payments." and insert in lieu thereof "comparability payments. No later than 30 days before an employee receives comparability payments under this subparagraph, the President or the President's designee shall submit a detailed report to the Congress justifying the reasons for the extension, including consideration of recruitment and retention rates and the expense of extending locality pay."

On page 50, insert between lines 10 and 11 the following new subsection:

(D) SENSE OF THE CONGRESS RELATING TO LAW ENFORCEMENT OFFICER PROVISIONS.—It is the Sense of the Congress that—

(1) the provisions of section 5541(3) of title 5, United States Code (as added by section 2(40)(c) of this Act)—

(A) are enacted only for the purposes of pay and not for the purposes of retirement;

(B) do not reflect any intent of the Congress to change retirement eligibility standards for law enforcement officers; and

(2) law enforcement officers in primary positions have different retirement eligibility standards than employees in supervisory or administrative positions because of the different requirements in their responsibilities.

The PRESIDING OFFICER. If there is no objection, the amendment to the committee amendment is agreed to.

So the amendment (No. 2914) was agreed to.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2850), as amended, was passed.

Mr. SIMON. 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.

MESSAGES FROM THE HOUSE

At 3:36 p.m., a message from the House of Representatives announced that the House agrees to the amendment of the Senate to the bill (H.R. 2926) to amend the act of May 17, 1954, relating to the Jefferson National Expansion Memorial to authorize increased funding for the East Saint Louis portion of the memorial, and for other purposes.

The message also announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 544. An act to amend the Food, Agriculture, Conservation and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes; and

S. 2322. An act to increase the rate of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1241. An act to amend title 18, United States Code, to provide penalties for willful refusal to pay child support, and for other purposes;

H.R. 3486. An act to amend the Marine Mammal Protection Act of 1972 to provide for examination of the health of marine mammal populations and for effective coordinated response to strandings and the unusual mortality events involving marine mammals;

H.R. 3837. An act to make certain changes to improve the administration of the Medicare program, to reform customs overtime pay practices, to prevent the payment of Federal benefits to deceased individuals, and to require reports on employers with underfunded pension plans;

H.R. 4209. An act to amend the act entitled "An Act conferring jurisdiction on certain courts of the United States to hear and render judgments in connection with certain claims of the Cherokee Nation of Oklahoma", approved December 23, 1982;

H.R. 4906. An act to amend the Consolidated Farm and Rural Development Act to establish a program to aid beginning farmers and ranchers and to improve the operation of the Farmers Home Administration and to amend the Farm Credit Act of 1971, and for other purposes;

H.R. 5193. An act to improve the delivery of health-care services to eligible veterans and to clarify the authority of the Secretary of Veterans Affairs;

H.R. 5194. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1993, 1994, 1995, and 1996, and for other purposes;

H.R. 5237. An act to amend the Rural Electrification Act of 1936 to improve the provision of electric and telephone service in rural areas, to establish a grant program to improve the provision of health care services and educational services in rural areas by enabling providers of such services to obtain access to modern interactive telecommunications systems, and for other purposes;

H.R. 5739. An act to reauthorize the Export-Import Bank of the United States;

H.R. 5350. An act to establish the Great Lakes Fish and Wildlife Tissue Bank;

H.R. 5475. An act providing policies with respect to approval of bills providing for patent term extensions, and to extend certain patents; and

H.R. 5619. An act to reorganize technically chapter 36 of title 38, United States Code, and for other purposes.

ENROLLED BILL SIGNED

At 7:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4437. An act to authorize funds for the implementation of the settlement agreement reached between the Pueblo de Cochiti and the United States Army Corps of Engineers under the authority of Public Law 100-202.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1241. An act to amend title 18, United States Code, to provide penalties for willful refusal to pay child support, and for other purposes; to the Committee on the Judiciary.

H.R. 3486. An act to amend the Marine Mammal Protection Act of 1972 to provide for examination of the health of marine mammal populations and for effective coordinated response to strandings and the unusual mortality events involving marine mammals; to the Committee on Commerce, Science, and Transportation.

H.R. 3837. An act to make certain changes to improve the administration of the medicare program, to reform customs overtime pay practices, to prevent the payment of Federal benefits to deceased individuals, and to require reports on employers with underfunded pension plans; to the Committee on Finance.

H.R. 4209. An act to amend the act entitled "An Act conferring jurisdiction on certain courts of the United States to hear and render judgment in connection with certain claims of the Cherokee Nation of Oklahoma", approved December 23, 1982; to the Committee on the Judiciary.

H.R. 4906. An act to amend the Consolidated Farm and Rural Development Act to establish a program to aid beginning farmers and ranchers and to improve the operation of the Farmers Home Administration and to amend the Farm Credit Act of 1971, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5193. An act to improve the delivery of health-care services to eligible veterans and to clarify the authority of the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 5194. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1993, 1994, 1995, and 1996, and for other purposes; to the Committee on the Judiciary.

H.R. 5237. An act to amend the Rural Electrification Act of 1936 to improve the provision of electric and telephone service in rural areas, to establish a grant program to improve the provision of health care services and educational services in rural areas by enabling providers of such services to obtain access to modern interactive telecommunications systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5739. An act to reauthorize the Export-Import Bank of the United States;

H.R. 5350. An act to establish the Great Lakes Fish and Wildlife Tissue Bank; to the Committee on Environment and Public Works.

H.R. 5475. An act providing policies with respect to approval of bills providing for patent term extensions, and to extend certain patents; to the Committee on the Judiciary.

H.R. 5619. An act to reorganize technically chapter 36 of title 38, United States Code, and for other purposes; to the Committee on Veterans' Affairs.

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-3727. A communication from the Secretary of Energy, transmitting, pursuant to law, an updating of the Comprehensive Ocean Thermal Technology Application and Market Development Plan; to the Committee on Energy and Natural Resources.

EC-3728. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the demonstration and assessment of energy conservation standards for new commercial and multi-family high-rise residential buildings; to the Committee on Energy and Natural Resources.

EC-3729. A communication from the Secretary of the Interior, transmitting, pursuant to law, certification on certain reclamation lands; to the Committee on Energy and Natural Resources.

EC-3730. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-280 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3731. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-281 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3732. A communication from the Inspector General of the Department of Veterans Affairs, transmitting, pursuant to law, an addendum to the semiannual report of the Inspector General, Departmenbt of Veterans Affairs for the period ended March 31, 1992; to the Committee on Governmental Affairs.

EC-3733. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual reports on the Foreign Service Retirement and Disability System and the Foreign Service Pension System for fiscal years 1989 and 1990; to the Committee on Governmental Affairs.

EC-3734. A communication from the National President of the Association of Gov-

ernment Accountants, transmitting for the information of the Senate, a report entitled "A Blueprint for Attracting and Retaining Financial Management Personnel"; to the Committee on Governmental Affairs.

EC-3735. A communication from the Acting Secretary of the Postal Rate Commission, transmitting, pursuant to law, the Commission's opinion and recommended decision on the request of the Postal Service for a recommended decision on Second Class Pallet Discount, 1991, in Docket No. MC91-3; to the Committee on Governmental Affairs.

EC-3736. A communication from the Vice President of the Farm Credit Bank of Spokane (Human Resources and Planning), transmitting, pursuant to law, the annual reports of the Twelfth District Farm Credit Retirement Plan and Thrift Plan for calendar year 1990; to the Committee on Governmental Affairs.

EC-3737. A communication from the Vice President of the Farm Credit Bank of Springfield, transmitting, pursuant to law, the annual report of the Group Retirement Plan for the Agricultural Credit Associations and the Farm Credit Banks in the First Farm Credit District; to the Committee on Governmental Affairs.

EC-3738. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-3739. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations — Perkins Loan Program, College Work-Study Program, and Supplemental Education Opportunity Grant Programs; to the Committee on Labor and Human Resources.

EC-3740. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, a report on the award of a contract by the Board; to the Committee on Labor and Human Resources.

EC-3741. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the fifth report of the Department of Health and Human Services Council on Alzheimer's Disease; to the Committee on Labor and Human Resources.

EC-3742. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to provide an additional opportunity to enroll for educational assistance to certain individuals who receive voluntary separation incentives upon separation from active duty in the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BUMPERS, from the Committee on Small Business, with an amendment in the nature of a substitute:

H.R. 5191. A bill to encourage private concerns to provide equity capital to small business concerns, and for other purposes.

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. Res. 330. An original resolution relating to authorization of multinational action in Bosnia-Hercegovina under Article 42 of the United Nations Charter.

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 3136. An original bill to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 3137. An original bill to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 3138. An original bill to authorize appropriations for fiscal year 1993 for military personnel of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 3139. An original bill to improve the defense economic diversification, conversion, and stabilization activities of the Department of Defense; to authorize transition assistance for members of the Armed Forces adversely affected by reductions in Federal Government spending for national security functions; to clarify and improve the policies and programs of the Department of Defense concerning the national defense technology and industrial base, and for other purposes.

S. 3140. An original bill to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 3141. An original bill to authorize appropriations for fiscal year 1993 for military construction, and for other purposes.

S. 3142. An original bill to authorize appropriations for fiscal year 1993 for defense activities of the Department of Energy, and for other purposes.

S. 3143. An original bill to authorize transition assistance for members of the Armed Forces adversely affected by reductions in Federal Government spending for national security functions, and for other purposes.

S. 3144. An original bill to amend title 10, United States Code, to improve the health care system provided for members and former members of the Armed Forces and their dependents, and for other purposes.

S. 3145. An original bill to amend title 10, United States Code, to clarify and improve the policies and programs of the Department of Defense concerning the national defense technology and industrial base; to encourage and assist the conversion of the national defense technology and industrial base to commercially competitive capabilities, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Genta Hawkins Holmes, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director General of the Foreign Service;

Linton F. Brooks, of Virginia, to be an Assistant Director of the United States Arms Control and Disarmament Agency;

Nancy M. Dowdy, of the District of Columbia, to be Special Representatives for Arms Control and Disarmament Negotiations;

Robert F. Goodwin, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Western Samoa.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Robert F. Goodwin.

Post: New Zealand and Western Samoa.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: Sydney Goodwin, none.
3. Children and Spouses Names; Kristin, Jennifer, and Bruce, none.
4. Parents Names, Marguerite Goodwin, R.K. Goodwin (deceased), none.
5. Grandparents Names, Deceased, none.
6. Brothers and Spouses Names, none.
7. Sisters and Spouses Names, Ann Hintz; Charles Hintz (separated) none.

Henry Lee Clarke, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Henry L. Clarke.

Post: Ambassador to Uzbekistan.

Contributions, amount, date, donee

1. Self: none.
2. Spouse: Kathleen Ann Clarke, none.
3. Children and Spouses (no spouses) Names; Ann Marie Clarke, Edwin L. Clarke, none.
4. Parents Names, Edwin L. Clarke (deceased), Jane I. Clarke—see attached list, none.
5. Grandparents Names, Edwin G. Clarke (deceased), Florine C. Clarke (deceased), Allen Jones (deceased), Helen I. Jones (deceased), none.
6. Brothers and Spouses Names (No brother), none.
7. Sisters and Spouses (divorced) Names, Jane I. Warlick, none.

POLITICAL CAMPAIGN CONTRIBUTIONS

(By Jane I. Clarke (mother of nominee))

Amount, Date, and Donee

$15.00, January, 1988, Republican Women
$25.00, March 1988, Republican National Committee
$10.00, March 1988 Nat'l Fed. Republican, Women
$5.00, May 1988, Republican National Committee
$5.00, June 1988, GOP Victory Fund
$150.00 Club, September 1988, Bunkham County Rep. Women's
$25.00, September 1988, Jim Martin for Governor
$20.00, September 1988, Victory '88 North Carolina Republicans
$25.00, September 1988, Presidential Trust Republican National Committee
$10.00, February 1989, Nat'l Fed. of Republican Women
$15.00, February 1989, Bunkham County Republican Women's Club
$25.00, March 1989, Republican National Committee
$10.00, March 1989, National Republican Congressional Committee
$5.00, April 1989, Nat'l Fed. Republican Women
$10.00, January 1990, Nat'l Fed. Republican Women

$25.00, January 1990, Republican National Committee membership
$10.00, February 1990, Narvel Jim Crawford (Republican State Legislature candidate)
$25.00, July 1990, Republican National Committee
$15.00, July 1990, Bunkham County Rep. Committee
$25.00, February 1991, Republican National Committee
$15.00, March 1991, Bunkham County Republican Women's Club
$15.00, May 1991, Nat'l Fed. of Republican Women
$25.00, July 1991, Republican National Committee
$25.00, January 1992, Republican National Committee
$35.00, January 1992, Bush/Quayle '92 primary campaign
$10.00, February 1992, Bush/Quayle '92

Donald Burnham Ensenat, of Louisiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Donald Burnham Ensenat.

Post: U.S. Ambassador to Brunei.

Contributions, amount, date, donee:

1. Self: $1,000 1988 Bush/Quayle 1988; $1,000 1992 Bush/Quayle 1992; $50, 1992, Friends of Bob Livington.

2. Spouse, none.

3. Children and Spouses Names: Minors, Farish: Will, none.

4. Parents Names: Mr. & Mrs. A.G. Ensenat.

5. Grandparents Names: Deceased, N/A.

6. Brothers and Spouses Names, N/A.

7. Sisters and Spouses Names: Mrs. Catherine Danburg (Spouse deceased.)

Edward Hurwitz, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kyrgyzstan.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Edward Hurwitz.

Post: Kyrgyzstan.

Contributions, amount, date, donee:

1. Self: none.

2. Spouse, none.

3. Children and Spouses Names: Even Hurwitz, Anne Hurwitz, none.

4. Parents Names: N/A.

5. Grandparents Names: N/A.

6. Brothers and Spouses Names; David Hurwitz, Marlene Hurwitz, None.

7. Sisters and Spouses Names; Bess Shay, $50, 1988, Democratic National Committee; $25, 1989, Democratic National Committee; $25, 1990, Democratic National Committee; $25, 1991, Democratic National Committee.

Jon M. Huntsman, Jr., of Utah, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Jon M. Huntsman, Jr.

Post: Ambassador to Singapore.

Contributions, amount, date, donee:

1. Self, Jon M. Huntsman, Jr., $1,000, March 31, 1992, Bush Quayle Compliance Committee; $1000, March 31, 1992, Bush Quayle 1992 Committee.

2. Spouse, Mary Katherine Huntsman, $1,000, March 31, 1992, Bush Quayle Compliance Committee; $1000, March 31, 1992, Bush Quayle 1992 Committee.

3. Children and spouses names, Mary Anne Huntsman (unmarried), No political contributions; Abigail Huntsman (unmarried), No political contributions; Elizabeth Huntsman (unmarried), No political contributions; Jon M. Huntsman III (unmarried), No political contributions.

4. Parents names, Jon M. Huntsman (father), $5,000, February 10, 1988, Governor's Reelection Committee (State); $500, August 23, 1988, Chris Schultz Campaign; $1,000, September 1, 1988, Utah Governors Club; $1,000, October 28, 1988, Victory 88 Campaign; $1,000, November 2, 1988, James V. Hansen; $1,000, November 2, 1988, Howard Nielson; $1,000, November 29, 1988, Victory 88 Campaign; $109, February 17, 1989 Print Flyer Campaign; $1,000, September 14, 1989, Mayor Gillins Campaign; $1,000, July 16, 1990, R. Mont Evans; $200, August 7, 1990, Robert Yates Campaign; $1,000, August 7, 1990, Tom Shimizu; $200, August 7, 1990, Katie Dixon; $500, October 11, 1990, State Sen. Haven Barlow; $500, October 11, 1990, State Rep. Lloyd Frandsen; $1,000, October 11, 1990 State Sen. Richard Carling; $500, October 16, 1990, State Rep. Afton Bradshaw; $1,000, October 17, 1990, Genivive Atwood; $1,000, October 17, 1990, Dan Marriott; $1,000, November 1, 1990, Karl Snow; $1,000, April 4, 1991, Citizens for Coradini; $2,000, September 13, 1991, Dee Dee Corradini (Local); $500, September 13, 1991, Ted Milner Campaign; $2,000, December 23, 1991, Dee Dee Coradini (Local); $1,000, February 27, 1992, Bush Quayle Compliance Committee; $1,000, March 27, 1992, Bush Quayle 92 Committee.

Karen Haight Huntsman (mother), $1,000, March 20, 1992, Bush Quayle Compliance Committee; $1,000, March 20, 1992, Bush Quayle 92 Committee.

5. Grandparents names, Alonzo Blaine Huntsman and Kathleen Huntsman, both deceased, No political contributions; David B. Haight and Ruby Haight, No political contributions.

6. Brothers and spouses names, Paul Christian Huntsman (unmarried), $1,000 February 26, 1992, Bush Quayle 1992 Committee; Mark Haight Huntsman (unmarried), $1,000 February 26, 1992, Bush Quayle Compliance Committee; $1,000 February 26, 1992, Bush Quayle 1992 Committee; James Haight Huntsman (unmarried), $1,000 February 26, 1992, Bush Quayle 1992 Committee; Peter Riley Huntsman and Brynn Ballard Huntsman, $1,000 1990, Dan Marriott; $1,000 1990, Genivive Atwood; David Haight Huntsman and Michelle Rawlings Huntsman, No political contributions.

7. Sisters and spouses names, Jennifer Huntsman (unmarried), $1,000 February 26, 1992, Bush Quayle 1992 Committee; Christena Karen Huntsman, Durham and Richard P. Durham, No political contributions; Kathleen Ann Huntsman Huffman and James Andrew Huffman, No political contributions.

Richard Monroe Miles, of South Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Richard M. Miles.

Post: Ambassador to the Republic of Azerbaijan.

Contributions, amount, date, donee:

1. Self.

2. Spouse.

3. Children and spouses names, Sharon Miles, Richard L. Miles, Elizabeth Miles, none.

4. Parents names, Iris Mann, none; Louis Mann (Stepfather), James Miles, none.

5. Grandparents names, Richard Fortner, deceased; Lillian Fortner, deceased.

6. Brothers and spouses names, Louis and Phyliss Mann, none.

7. Sisters and spouses names, Louise and Richard Angel, none; Lois and Arthur Navarro, none; Donna and Kristin Peabody, none.

Joseph S. Hulings III, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkmenistan.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Jospeh S. Kulings III.

Post: Turkmenistan.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses, none.

4. Parents, none.

5. Grandparents, none.

6. Brother, Timothy G. Hulings, up to $50 each, 1988–92, local candidates: Elkton, Va.

7. Sisters, none.

John Stern Wolf, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: John Stern Wolf.

Post: Ambassador to Malaysia.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, Mahela Devaux Wolf, none.

3. Children's names, Sarah M. and Stephen D., none.

4. Parents names, Fred Wolf, Jr., deceased; Margery Wolf, $100, July 25, 1988, DNC; $200, Nov. 1, 1988, DNC; $50, May 3, 1989, Walter Phillips for Philadelphia District Attorney; $50, Nov. 12, 1990, Happy Fernandez for Philadelphia City Council; $100, Mar. 23, 1991, Flora Wolf for Judge of the Common Pleas Court of Philadelphia, and $50, June 28, 1991, DNC.

5. Grandparents names, Fred and Daisy Wolf, deceased; Bernard and Irma Stern, deceased.

6. Brother and spouse's names, Peggy Wolf, none, Fred Wolf, Jr., $100, Mar. 18, 1989, Rasmussin Campaign for County Executive; $100, May 21, 1989, Kurt Schmoke Committee—Mayor of Baltimore; $100, Aug. 21, 1989, Alan Hollander for Baltimore City Judge; $200, June 18, 1990, Tribute for Governor Schaefer.

7. Sisters and spouses names, none.

William Harrison Courtney, of West Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Am-

bassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: William Harrison Courtney.

Post: Ambassador to Kazakhstan.

Contributions, amount, date, donee:

1. Self, $50, summer 1990, Republican National Committee.

2. Spouse, Paula Feeney.

3. Children and spouses names, William H. Courtney, Jr., Alison Feeney Courtney.

4. Parents names, Mary Lee Fleming, Wilbur Harry Courtney (deceased).

5. Grandparents names, none.

6. Brothers and spouses names, N/A.

7. Sisters and spouses names, Mary Vincent Courtney Collins, David Collins.

David Heywood Swartz, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Byelarus.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Swartz, David Heywood.

Post: Ambassador to Republic of Byelarus.

Contributions, amount, date, donee:

1. Self, David Heywood Swartz, none.

2. Spouse, Ronna Lynn Swartz, none.

3. Children and spouses names, Paul D. Swartz (son), none, Jennifer L. Swartz (daughter), none.

4. Parents names, Keith T. Swartz (father), none, Stella May Swartz (mother—deceased).

5. Grandparents names, Luther Swartz (paternal grandfather—deceased), Osa Swartz (paternal grandmother—deceased), Elmer Heywood (maternal grandfather—deceased), Martha Heywood (maternal grandmother—deceased).

6. Brothers and spouses names, Austin Swartz (brother), none, Patricia Swartz (wife of Austin), none, Stuart Swartz (brother), none. Doris Swartz (wife of Stuart), none.

7. Sisters and spouses names, no sisters.

Mary C. Pendleton, of Virginia, a Career Member of the Foreign Service, Class One, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Mary C. Pendleton.

Post: Republic of Moldova.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, N/A.

3. Children and spouses names, N/A.

4. Parents names, Joseph S. Pendleton, Katherine T. Pendleton, None.

5. Grandparents names, Deceased.

6. Brothers and spouses names, Mr. & Mrs. Thomas H. Pendleton, Mr. & Mrs. David L. Pendleton, Mr. & Mrs. Joseph P. Pendleton, none.

7. Sisters and spouses names, Mr. & Mrs. Ellis R. Olliges, Mr. & Mrs. John Boling, Ms. Anne C. Kennedy, none.

Stanley Tuemler Escudero, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Stanley Tuemler Escudero.

Post: Tajikistan.

Contributions, amount, date, donee:

1. Self, Stanley T. Escudero, none.

2. Spouse, M. Jaye Escudero, none.

3. Children and spouses names, S. Alexander Cobb Escudero, none, unmarried. W. Benjamin Peter Escudero, none, unmarried.

4. Parents names, Estelle T. Damgaard, mother, none. Stanley D. Escudero, deceased 1976.

5. Grandparents names,

6. Brothers and spouses names, none.

7. Sisters and spouses names, none.

Kent N. Brown, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Georgia.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Kent N. Brown.

Post: Ambassador to Republic of Georgia.

Contributions, amount, date, donee:

1. Self, Kent Brown, none.

2. Spouse, Irene Brown, none.

3. Children and spouses names, Steven Brown, none, Karen Brown, none.

4. Parents names, deceased.

5. Grandparents names, deceased.

6. Brothers and spouses names, Gordon Brown, none, Carmen Brown, none.

7. Sisters and spouses names, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of July 27, 1992, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 102-1. Treaty with the People's Republic of the Congo Concerning the Reciprocal Encouragement and Protection of Investment (Exec. Rept. No. 102-44).

Treaty Doc. 102-6. Treaty with Tunisia Concerning the Reciprocal Encouragement and Protection of Investment (Exec. Rept. 102-45).

Treaty Doc. 102-25. Treaty with Sri Lanka Concerning the Encouragement and Reciprocal Protection of Investment (Exec. Rept. 102-46).

Treaty Doc. 102-31. Treaty with the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment (Exec. Rept. 102-47).

Treaty Doc. 102-33. Treaty with the Russian Federation Concerning the Encouragement and Reciprocal Protection of Investment (Exec. Rept. No. 102-48).

Treaty Doc. 102-34. Protocol to the Treaty of Friendship, Commerce, and Consular Rights with the Republic of Finland (Exec. Rept. No. 102-49).

Treaty Doc. 102-35. Protocol to the Treaty of Friendship, Commerce, and Navigation with Ireland (Exec. Rept. 102-50).

Treaty Doc. 102-30. Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean (Exec. Rept. No. 102-51).

TEXTS OF RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION SUBMITTED BY THE COMMITTEE ON FOREIGN RELATIONS TO ABOVE EIGHT TREATIES.

Resolved, (two-thirds of the Senators present concurring therein). That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the People's Republic of the Congo Concerning the Reciprocal Encouragement and Protection of Investment, signed at Washington, February 12, 1990.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Tunisia Concerning the Reciprocal Encouragement and Protection of Investment, with Protocol, signed at Washington on May 15, 1990.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Democratic Socialist Republic of Sri Lanka Concerning the Encouragement and Reciprocal Protection of Investment, with Protocol and a Related Exchange of Letters, signed at Colombo, Sri Lanka on September 20, 1991.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment, with Protocol and Three Related Exchanges of Letters, signed at Washington on October 22, 1991.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of 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.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Between the Government of the United States of the Republic of Finland to the Tragedy of Friendship, Commerce and Consular Rights of February 13, 1934, as Modified by the Protocol of December 4, 1952, signed at Washington on July 1, 1992.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Between the Government of the United States of America and the Government of Ireland to the Treaty of Friendship, Commerce and Navigation of January 21, 1950, signed at Washington on June 24, 1992.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, with Annex, which was signed by the United States, Canada, Japan and the Russian Federal on February 11, 1992, in Moscow.

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. NUNN, from the Committee on Armed Services:

S. 3136. An original bill to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; placed on the calendar.

S. 3137. An original bill to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; placed on the calendar.

S. 3138. An original bill to authorize appropriations for fiscal year 1993 for military personnel of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; placed on the calendar.

S. 3139. An original bill to improve the defense economic diversification, conversion, and stabilization activities of the Department of Defense; to authorize transition assistance for members of the Armed Forces adversely affected by reductions in Federal Government spending for national security functions; to clarify and improve the policies and programs of the Department of Defense concerning the national defense technology and industrial base, and for other purposes; placed on the calendar.

S. 3140. An original bill to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; placed on the calendar.

S. 3141. An original bill to authorize appropriations for fiscal year 1993 for military construction, and for other purposes; placed on the calendar.

S. 3142. An original bill to authorize appropriations for fiscal year 1993 for defense activities of the Department of Energy, and for other purposes; placed on the calendar.

S. 3143. An original bill to authorize transition assistance for members of the Armed Forces adversely affected by reductions in Federal Government spending for national security functions, and for other purposes; placed on the calendar.

S. 3144. An original bill to amend title 10, United States Code, to improve the health care system provided for members and former members of the Armed Forces and their dependents, and for other purposes; placed on the calendar.

S. 3145. An original bill to amend title 10, United States Code, to clarify and improve the policies and programs of the Department of Defense concerning the national defense technology and industrial base; to encourage and assist the conversion of the national defense technology and industrial base to commercially competitive capabilities, and for other purposes; placed on the calendar.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 3146. A bill to amend the National Trails System Act to designate the Ala Kahakai Trail in the State of Hawaii as a route to study for consideration for designation as a national trail; to the Committee on Energy and Natural Resources.

By Mr. SIMON (for himself, Mr. DECONCINI, and Mr. METZENBAUM):

S. 3147. A bill to prohibit certain political activities of certain Federal officers in the Office of National Drug Control Policy; to the Committee on the Judiciary.

By Mr. PRYOR (for himself, Mr. RIEGLE, Mr. COHEN, Mr. SHELBY, Mr. GRAHAM, and Mr. DURENBERGER):

S. 3148. A bill to amend title XI of the Social Security Act to establish an Intergovernmental Task Force on Health Care Fraud and Abuse; to the Committee on Finance.

By Mr. BRADLEY:

S. 3149. A bill to establish a demonstration program to develop new techniques to prevent coastal erosion and preserve shorelines; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BRYAN:

S. 3150. A bill to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DECONCINI:

S. 3151. A bill to amend title 35, United States Code, to permit the filing of a provisional application for a United States patent by describing the invention in a publication in the United States, and to facilitate the filing of patent applications in foreign countries by United States inventors; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. SIMON, Mr. MACK, Mr. ADAMS, Mr. BIDEN, Mr. COCHRAN, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DURENBERGER, Mr. GLENN, Mr. INOUYE, Mr. JEFFORDS, Mr. KASTEN, Mr. KERRY, Mr. LEVIN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. PELL, Mr. STEVENS, Mr. THURMOND, Mr. WELLSTONE, Mr. WOFFORD, and Mr. RIEGLE):

S.J. Res. 330. A joint resolution to designate March 1993 as "Irish-American Heritage Month"; ordered held at the desk.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL from the Committee on Foreign Relations:

S. Res. 330. An original resolution relating to authorization of multinational action in Bosnia-Hercegovina under Article 42 of the United Nations Charter; placed on the calendar.

By Mr. DOLE:

S. Res. 331. A resolution to commemorate Hungarian National Holiday; to the Committee on Foreign Relations.

By Mr. CRANSTON (for himself and Mr. LUGAR):

S. Con. Res. 134. A resolution to commend the people of the Philippines for successfully conducting peaceful general elections and to congratulate Fidel Ramos for his election to the Presidency of the Philippines; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 3146. A bill to amend the National Trails System Act to designate the Ala Kahakai Trail in the State of Hawaii as a route to study for consideration for designation as a national trail; to the Committee on Energy and Natural Resources.

DESIGNATION OF ALA KAHAKAI TRAIL FOR STUDY

• Mr. AKAKA. Mr. President, today Senator INOUYE and I are introducing legislation designed to recognize the importance of the ancient trails of Hawaii.

The National Trails System Act was established to provide for the ever-increasing outdoor recreation needs of our population and to promote the enjoyment and appreciation of the open air and historic resources of the Nation. Under the act, 8 national scenic and 9 national historic trails have been established and 33 trails have been or are being studied for inclusion in the system. Altogether more than 29,000 miles of trails have been designated as national scenic or historic trails. However, not 1 mile of trail in Hawaii has been established or designated for study.

The historical trails of Hawaii long served the people and their ali'i, or ruling leaders, for transportation, communication and trade. Although the canoe was a principal method of travel in ancient Hawaii, human survival depended on extensive cross-country trails that enabled gathering of food and water, and harvesting of materials needed for shelter, clothing, medical care, tools, canoe building, religious observances, and much more. These ancient trails served Hawaii for more than a thousand years. Most islands had an alaloa, or perimeter, trail close to the shoreline as well as mauka-makai trails, extending from seashore to the mountains. Within each ahupua'a, a land tract running from the shoreline to the interior, the trails were used for the trade of products gathered from the sea for those produced from the land.

The ruling monarchs of Hawaii depended on these trails for communication through the use of runners. Runners were not only the bearers of information and materials but, during the years of Kamehameha, were also spearfighters. Cross-country running on the trails was associated with sporting endeavors upon which wagers were made. These island trails were important to the culture of Hawaii and are a

permanent mark upon the land testifying to Hawaii's past.

Just as the markings of Conestoga wagons can still be seen on pioneer trails throughout the Plains States, the impressions made by my forebears can still be seen in the Earth and lava rock of these trails. The ancient trails of Hawaii urgently need protection. Land development and the construction of modern day transportation systems have destroyed many of these ancient trails. Those that remain are in danger of being destroyed by future development.

In 1988, the State of Hawaii recognized the perils to the remaining trails and the need for a comprehensive statewide trail and access system. In response, the State of Hawaii instituted the Na Ala Hele Program to develop and improve mountain and shoreline trails and access while helping to conserve Hawaii's environment and cultural heritage. The opportunity exists to study at least one of the trails identified by the Na Ala Hele Program for designation as a national scenic or historic trail. One of the best preserved ancient trails, but also highly threatened, is the Ala Kahakai, or the "Trail by the Sea," on the Island of Hawaii.

My proposal would designate the Ala Kahakai as a shoreline trail extending from the northern tip of Hawaii Island approximately 175 miles along the western and southern coasts to the northern boundary of Hawaii Volcanoes National Park. Sections of the ancient coastal alaloa trail are in good condition but some segments have been destroyed by wave action, four-wheel-drive vehicles, land-clearing activities, and lava flows. The Trails and Access Program of Hawaii's Department of Land Nat and Natural Resources Forestry and Wildlife Division has prepared a detailed description of the proposed study route. I ask unanimous consent that the description be reprinted in full at the conclusion of my remarks. Let me briefly describe just a few of the historic and scenic highlights along the route.

The trail route passes through four national parks and several State parks. The best known of these is Hawaii Volcanoes National Park and the others are of historical and cultural significance to the people of Hawaii and this Nation. The Pu'ukohola Heiau National Historic Site contains the John Young homesite and the Pu'ukohola Heiau. John Young was a British sailor who became a trusted adviser of Kamehameha I. The Pu'ukohola Heiau which was a *luakini*, or human sacrificial temple, was completed in 1791 and dedicated to the war god Kuka'ilimoku, by Kamehameha through the sacrifice of his cousin and principal rival for supremacy of Hawaii Island. With his cousin's death, Kamehameha ruled the island. Another of the historical parks is Pu'uhonua o Honaunau National Historic Park, which is an ancient place of refuge where until 1819 the vanquished worriers and kapu or taboo breakers escaped death if they reached it ahead of their pursuers.

The route of the trail is also extremely scenic and provides unobstructed ocean-to-mountain vistas. The trail traverses or passes adjacent to all of the island's white sand beaches. Lava flows are visible along the majority of the trail and the sea can be heard in the lava tubes under a hiker's feet. Behind some lava shore are small storm beaches and a few native plants such as the silver-grey-green *hinahina* and the large-leafed *noni*. The near-shore water is quite clear, in some areas, and brightly colored fish are visible from the high shore.

Along the coast from Upolu Point to Kawaihae, an almost continuous string of fishing village ruins have been preserved by dry climate and isolation. This area was heavily populated in Kamehameha's time. Elsewhere along the route are petroglyphs, house sites, agricultural areas, heiaus, salt pans, and fish ponds which provide evidence of past habitation and are of immense interest to archaeologists and Hawaiians intent upon rediscovering their heritage.

North of the long curve of palm-shaded beach that separates the ocean from the fishponds at Anaeho'omalu, there is Waiulua Bay with its brackish ponds. Many of the ponds are decoratively bright with orange and yellow algae and some of them contain rare mutated species that delight marine biologists.

In 1991, the American Hiking Society and Backpacker magazine listed the Ala Kahakai as threatened and encouraged preservation. The State of Hawaii recognizes the importance of this trail and is working diligently to preserve what remains and reestablish that which is gone. This trail deserves to be studied for inclusion in the National Trails Systems. The Federal Government should take action to preserve this historic trail which played a significant role in the development of Hawaii. The Federal Government, through the National Park Service, should work with the State of Hawaii in a spirit of cooperation to complete a study as required by the National Trails System Act. In completing the study, the National Park Service should look for innovation solutions to management problems and not assume that the trail must be managed by the National Park Service. The designation of a trail as a part of the National Trails System and monetary assistance from the Federal Government should not preclude local or State management. Sharing of management with State and local governments is economically and politically advisable.

Mr. President, I urge my colleagues to support this legislation. I ask unanimous consent that the full text of my bill and the description of the route of the Ala Kahakai be printed in the RECORD.

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

S. 3146

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

SECTION 1. DESIGNATION OF ALA KAHAKAI TRAIL FOR STUDY.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

"(34) Ala Kahakai Trail in the State of Hawaii, an ancient Hawaiian trail on the Island of Hawaii extending from the northern tip of the Island of Hawaii approximately 175 miles along the western and southern coasts to the northern boundary of Hawaii Volcanoes National Park.".

DESCRIPTION ALA KAHAKAI TRAIL

(Furnished by the Trails and Access Program, Forestry and Wildlife Division, Department of Natural Resources, State of Hawaii)

THE TRAIL'S NATIONAL SIGNIFICANCE

The *Ala Kahakai* (trail by the sea) would extend approximately 175 miles from the northern tip of the largest island in the Hawaiian chain, Hawai'i Island, to the northern boundary of Hawaii Volcanoes National Park. In ancient Hawai'i it was customary for each island to have an *alaloa* (long trail) that would facilitate travel completely around the island. The *Ala Kahakai* would include portions of the ancient coastal *alaloa* of Hawaii island. This is a listing of the major scenic, natural, historic and recreational features that give the Ala Kahakai National Trail significance.

SCENIC VALUES

Mountains

Major relief features on Hawai'i are the result of volcanic activity. Hawai'i island was built by the combined action of five distinct volcanic centers. From the proposed trail, three and sometimes four of these mountain formations are in view. Unobstructed ocean to mountain vistas are enjoyed by the hiker.

(1) Kohala mountain range—5,400 feet elevation, extinct, the first volcano to form.

(2) Mauna Kea—13,796 feet elevation, nearly 30,000 feet above the ocean floor, dormant. At its summit is Lake Waiau, the highest lake in the United States. Frequently snow covered; an internationally valued location for astronomical observatories.

(3) Mauna Loa—13,677 feet elevation, still an active volcano, probably the largest single mountain on earth, frequently snow covered.

(4) Kilauea Volcano—4,090 feet elevation, active volcano located in the Hawai'i Volcanoes National Park where spectacular eruptions continue to occur.

(5) Hualalai—8,271 feet elevation, still active volcano with latest eruption in 1801.

Volcanic Formations

(1) Kahuku Pali—This spectacular scarp (cliff produced by faulting of the ground surface) is in some places 600 feet high, extends 10 miles on land and can be traced southward for 18 miles beneath the ocean.

(2) Kuili cinder cone—At 343 foot elevation, this cone is a landmark as it is one of very few hills found next to the South Kohala-North Kona coastline. One can gauge dis-

tances along the coast by noting Kuili's location.

Such cinder cones and tuff cones can be seen at the summits of volcanic centers. The cones were built by moderately explosive volcanic eruptions. Certain cinder hills at lower elevations are mined for cinder which is sold and used in construction. Kuili has not yet been mined, and was used by Hawaiians as a lookout point to spot schools of fish.

(3) Ancient and contemporary lava flows are visible along the majority of the trail. The *a'a* (rough and *pahoehoe* (smooth, ropy) types of lava are dominant features, and beach areas often take the appearance of oases in the midst of desolate lava fields. Understanding how the Hawaiians survived and flourished in this seemingly inhospitable environment makes fascinating study and affords ample opportunity for trail interpretation. The west coast of Hawai'i was heavily populated in ancient times, as reported by explorers Cook and Vancouver and other travelers.

Beaches and Ocean Views

Volcanic haze from Kilauea's ongoing eruption can obscure scenic views. When prevailing winds blow away the haze, landmarks can be seen at great distances. On a clear day when there are few clouds, one can see across the channel to the islands of Maui, Kaho'olawe, Molokini, and the faint outline of Moloka'i.

The west coast of Hawai'i island has all the white sand beaches on the island. Once developed, lands adjacent to such beaches become extremely expensive. Costs of developing public parks are often prohibitive for Hawai'i State and County. The west coast has most of the beach areas on the island and less rainfall than the east side. Thus residents islandwide value west Hawai'i for shoreline recreation.

Fishponds

Hawaiians built more fishponds than any other Pacific island people. Fishponds were often reserved for use by chiefs. Numerous fishponds, at times flanked by significant historic sites, can be found along the west coast. They include:

(1) Kalahuipua'a—approximately 10 acres of prime fishponds. Several hotels, condominiums and golf courses are located here.

(2) Opae'ula or Kapo'ikai Pond—Once a fishpond, it is now a significant habitat for endangered, endemic Hawaiian birds.

(3) Kaloko and Aimakapa Ponds—located in an area being developed as a National Cultural Park at Honokohau, North Kona. Aimakapa is 20 acres of open water and a significant habitat for endangered birds. Kaloko fishpond has the largest and thickest manmade sea wall on Hawai'i island. The sea wall is to be repaired as part of the national park plan.

See the Historic Values section for more on Hawaiian fishponds.

Marine Life Conservation Districts (MLCD)

In the State of Hawai'i are the only well-developed Pacific coral reefs in the United States. Hawai'i is the most isolated island archipelago in the world. Due to this isolation, a large number of marine species are unique and endemic to Hawai'i. State Marine Life Conservation Districts have been established at Lapakahi and Wailea Bay in North Kohala and Kealakekua Bay in South Kona.

Lapakahi MLCD located on the northwestern coast of Hawai'i, Lapakahi is about 12 miles north of Kawaihae. The MLCD is divided into two subzones. Subzone A includes Koai'e Cove, and Subzone B includes the waters 500 feet outside of Subzone A and extending southward along the shoreline adjacent to the park, from the highwater mark to a distance of 500 feet offshore. Lapakahi State Historical Park features excavated and partially reconstructed ruins of the ancient fishing village of Koai'e, dating back to the 1300s.

Within Koai'e Cove are two small beaches consisting of coral rubble (there is no sand beach). The cove provides the easiest access to the water. The nearshore bottom is mostly boulders and lava fingers with some coral. The cove's northern portion has some good coral gorwth close to shore, but coral and fish are most abundant in the southern portion. Considerable marine life is also found around the outcropping of rocks to the right of the cove's center.

There is a remarkable diversity of fish species within the MLCD, as nearly all nearshore species typical of the North Kohala coast are represented. During the winter, humpback whales are frequently spotted just offshore.

Waialea Bay MLCD is located in the southern portion of Kawaihae Bay, on the western coast of Hawai'i. The MLCD extends from the highwater mark seaward to a line from the point immediately north of Ohai Point to Kanekanaka Point.

Although access to Waialea Bay is not particularly easy, the site is popular with Big Island residents. The beach (known locally as Beach 69 because of the pole marker) erodes due to strong surf during winter months, but is a beautiful beach during the summer. The bay's bottom drops off gradually from the beach to depths of about 30 feet outside the bay's mouth. An intermittent stream enters the bay, and surface visibility is reduced during periods of freshwater intrusion.

The best reef is in the MLCD's southern portion, and extends out beyond the District's boundaries. Depths range from about 10 to 30 feet. Coral communities are also found around the rocky prominence inside the bay. The diversity of marine life in Waialea is among the best in all of Kawaihae Bay, which makes it a popular site for snorkel and SCUBA activities.

Humpback whales are often seen outside the bay during winter.

Kealakekua Bay MLCD, located on the western coast of Hawaii near the village of Captain Cook, Kealakekua Bay is about 30 minutes south of Kailua-Kona. The MLCD extends from the highwater mark seaward to a line from Cook Point to Manini Beach Point. A line from Cook Point to the north end of Napo'oop'o Beach divides the district into Subzone A to the north and Subzone B to the south.

Kealakekua Bay's waters are nearly pristine, and its diversity of marine life is spectacular. The northern coastline is bordered by a sheer cliff (Pali-kapu-o-Keoua). On the pali's face numerous lava tube openings are visible, some of which are ancient Hawaiian burial caves.

Captain James Cook, the British explorer who discovered Hawai'i in 1778, arrived at Kealakekua Bay in January 1779 during his second voyage to the islands. Thought by the natives to be a god, Cook was given godly treatment. But the following month he was killed in a skirmish on the shores of Ka'awaloa Cove following a series of incidents between his crew and the Hawaiians.

In 1878 a 27-foot monument was erected in Cook's honor by his countrymen near the site where he was killed. On the lava flats behind Cook Monument are the ruins of the ancient village of Ka'awaloa.

The bay's best diving is in Ka'awaloa Cove (near Cook Monument where depths range from about 5 to 120 feet. The diversity of coral and fish is exceptional, and fish are quite tame.

Dolphins are commonly seen inside the bay.

Other Features

The Oceanthermal Energy Conversion project at Keahole is the only project of its kind in the United States. Here also are several experimental aquacultural operations.

The proposed Ala Kahakai would link national parks in Kawaihae, Honokohau, Honaunau and Hawai'i Volcanoes, and several state and county coastal parks.

NATURAL VALUES

Birds

At least two species of endangered birds can be seen along the trail, notably at Kapo'ikai and Aimakapa Ponds. Hawaiian stilts *(Himantopus mexicanus knudseni)* on Hawai'i island are only found at west coast ponds. The Hawaiian stilt population was estimated at 1,500 birds in 1977. Hawaiian coots (*Fulica americana alai*) had an estimated worldwide population of 2,500 birds in 1977.

Plants

The 1972 compilation of Hawaiian plants lists 1,381 native species of flowering plants of which 96.6 percent are endemic. Today 150 rare Hawaiian plant taxa are being proposed as threatened and/or endangered in the next couple of years. In the last six months, 22 plant taxa have become officially listed as endangered, and one plant species has been officially listed as threatened for the State of Hawai'i. However, scores of plants that took millions of years to evolve in the isolation of the Hawaiian chain have been exterminated in the two centuries since Captain Cook's arrival in Hawai'i (1778). Introduced animals and plants are primary responsible for this rapid decline of endemic flora. Most surviving endemic plants are in remote areas.

The February 21, 1990 federal register lists five candidate plant species under review for threatened and/or endangered status for this coastal area of Hawai'i.

A few endemic coastal plants can be seen growing along the trail, such as:

(1) *Maia pilo* (*Capparis sandwichiana*), used by Hawaiians to mend broken bones, and

(2) *Pua kala* (*Argemone glauca*)—a poppy used by Hawaiians for relief of toothache and ulcers.

Anchialine Pools

Anchialine (brackish) pools are frequently found along this coast. The larger pools were usually made into fishponds by the early Hawaiians. Anchialine pools exist almost exclusively along the shorelines of Hawai'i island and southwest Maui, and are rarely found on ancient lavas. These unique pools are increasingly being studied in order to better understand the environmental effects of surrounding developments on the numerous endemic plant and animal species found in anchialine waters. One 1974 study found numerous endemic plant and animal species. Among the endemic plants are crusty algae ranging in color from dark green and white to orange. Endemic animals include:

(1) *Opae'ula* shrimp. (*Halocaridina rubra*), raised extensively by Hawaiians for fish bait. Preyed upon by another endemic shrimp, *Metabetaeus lohena*. Two endemic shrimp species are blind and are known only from one other Hawaiian locality at Cape Kinau, Maui.

(2) There are a hydroid and snail found only in these Kona coast anchialine ponds.

(3) Moray eel (*Gymnothorax hilonis*) Prawn (*Macrobrachium grandimanus*) Fish (*Eleotris sandwicensis* and *Kuhlia sandwicensis*).

Waiulua Bay, part of the future Anaeho'omalu resort complex, is the location of the largest concentration of anchialine pools in the State. Locations of anchialine pools along the trail are Puako, Kapalaoa, Weliweli, Wainanali'i, Keawaiki, Kiholo, Luahinewai, Ka'upulehu, Kuki'o, Makalawena, Ka Lae, Ka'elehuluhulu, and others.

Kilauea Volcano

Within the Hawai'i Volcanoes National Park portions of the coast have been and continue to be dramatically altered by ongoing volcanic activity.

HISTORIC VALUES

Hawai'i islands' coastal areas are rich in history. Traces of once thriving coastal communities that existed in ancient times can be seen in many locations. This is only a partial listing of the abundant shoreline historic sites. Many of the historic sites are listed on the State and/or National Register of Historic Places.

Ancient Trails

Although the canoe was a principle method of travel in ancient Hawai'i, human survival depended on extensive crosscountry networks that enabled gathering of food and water, and harvesting of materials needed for shelter, clothing, medical care, tools, canoe building, religious observances, and much more.

Trails and their surrounding historic sites provide clues to how communities were linked socially, economically, and politically; which areas were important in early settlement, commerce, and religion; where particularly powerful chiefs resided; and where valuable forest or sea resources were once located.

Ancient trails are those developed prior to Western contact. They facilitated trading between upland and coastal villagers, and communications between districts, *ahupua'a* (ancient land divisions), and extended families. Ancient trails were usually narrow, following the natural topography of the land, and sometimes, paved with smooth, waterworn stepping stones (*'ala or pa'ala*). There were strict rules, punishable by death, governing access to the precious resources of the mountains and ocean. Trail use restrictions were according to the laws of the chief ruling over the particular land division(s) in which the trail was located. However, the *alaloa* (long trails), circumscribing the island, were open to all in times of peace. The proposed Ala Kahakai includes sections of the ancient *alaloa* that still exist.

The *Makahiki* was ancient Hawaiian annual tax collection season beginning in mid-October and lasting several months. It was a season of sports and religious festivities; war was prohibited. For tax collection, a procession of priests and others carrying the Makahiki god symbol would walk the shoreline trail in a clockwise direction around Hawai'i island.

Mamalahoe Kanawai is translated, Law of the Splintered Paddle. The story is told that Kamehameha I, who would later conquer and unite most of the Hawaiian islands, set out one day in a war canoe to raid a place along the Puna coast. He jumped ashore and ran after two fishermen. While running his foot slipped and was trapped between lava rocks. Seeing his plight, one of the fishermen returned with a paddle and struck him on the head so hard that the paddle splintered to pieces. Kamehameha escaped, but this experience was commemorated years later in the name he chose for one of his best-known laws, *Mamalahoe Kanawai*. This law was intended to guarantee the safety of the highways (trails) to all, particularly women, children, the sick and the aged.

Historic Trails

Historic trails are those developed after Western contact. Overland travel was predominantly by foot throughout the 1830s. With the expanding use of horses and mules from the 1840s onward, many ancient foot trails were modified by removing the smooth stepping stones which caused the animals to slip. Trail and road-building in the kingdom was done by "forced labor," prisoners, and as a form of tax payment. Sometimes trail builders were paid laborers. New, wider trails has to be constructed to accommodate two horses passing each other and eventually horsedrawn carts. Unlike the ancient foot trails, these trails could not simply conform to the natural, sometimes steep slopes. Dips in the terrain needed to be leveled, and sections of trail built-up and raised. Western surveying techniques led to straight and direct routes. These more modern trails were often bordered with kerbstones to help confine the animals to the trail. This was especially helpful when trails were used to drive cattle several miles to the nearest shipping point or to greener pastures.

All along the Ala Kahakai are remnants of ancient and historic trails illustrating the effects of changing modes of transportation—from foot travel, to horse and mules, to carts, and finally to horseless carriages.

North Kohala District

Many sites in this district are associated with events in Kamehameha I's life. Kamehameha I life. Kamehameha I was a high chief of Hawai'i island who waged war, until, in 1800, he succeeded in uniting all of the islands except Kauai under his rule, thus founding a dynasty which would rule the Hawaiian kingdom for nearly a hundred years. Hawai'i is unique in the United States for many reasons, one for which is Hawai'i's monarchical form of government that endured until 1893. Kamehameha's life is a fascinating one, and much history associated with him took place on Hawai'i island.

Umiwai Bay—Kamehameha I was born here in approximately 1758. It is a State of Hawai'i Historic Site.

Mo'okini Heiau—Tradition says that the *heiau* (temple) was built in the A.D. 1300–1400s and re-dedicated as a main war temple by the warrior, Kamehameha. It is well-known *luakini* (human sacrificial) *heiau* and a registered National Historic Landmark.

Kapunapuna and Kapa'a Villages—Along the coast from Upolu Point to Kawaihae, an almost continuous string of fishing village ruins have been preserved by dry climate and isolation.This area was heavily populated in Kamehameha's time. One of the largest village sites in North Kohala is Kapunapuna Village.

Lapakahi State Historical Park contains a restored fishing village site dating back to approximately 1300 A.D. Coastal villages often include ruins of house enclosures, canoe sheds, burials and fishing shrines.

Old Kohala Railway presently extends from Mahukona to Kokoiki. Established in 1878, it once ran from Mahukona to Niuli'i, a distance of about 20 miles. It was used for transporting sugar and other freight, to and from the small Mahukona harbor.

South Kohala District

From Mahukona to Kawaihae are shoreline jeep trails which are used regularly by residents. Some of the jeep trails were probably built over older trails. Kawaihae literally means "the water of wrath." It is said that early Hawaiians fought for water from a pool in this dry area.

John Young's Homesite is located within the 77 acre area comprising the Pu'ukohola Heiau National Historic site. John Young was a British sailor who later became a trusted advisor of Kamehameha I. Kamehameha made him a Hawaiian chief and appointed him governor of Hawai'i island from 1802 to 1812. His granddaughter was Queen Emma, wife of King Kamehameha IV.

Pu'ukohola Heiau—Kamehameha ordered this *luakini* (human sacrificial) *heiau* built, and it was completed in 1791. Kamehameha dedicated it to the war god, Kuka'ilimoku, with a sacrifice of his cousin and principle rival for supremacy of Hawai'i island, Keoua. With Keoua's death, Kamehameha ruled the island. Kamehameha had invited Keoua to the *heiau* dedication to make peace, but instead had his cousin killed as he stepped ashore from a canoe.

Mailekini Heiau—On the hillside between Pu'ukohola and the sea is Mailekini *heiau*, equal in dimensions to Pu'ukohola. It was used by Kamehameha's ancestors, and no human sacrifices were made there.

Hale o Kapuni Heiau is believed to be submerged in a cove at the base of the hill where Pu'ukohola and Mailekini are located. This *heiau* was dedicated to shark gods and is located in a shark breeding area.

Petroglyph fields—Compared to other Polynesians, Hawaiians were the most prolific in making petroglyphs. Nowhere else in the Pacific are there petroglyph fields more extensive than in Hawai'i and particularly on the Big Island of Hawai'i. Large petroglyph fields can be seen in Puako, Anaeho'omalu, Kapalaoa, Ka'upulehu, and Pohue, and Pu'uloa in Ka'u district. In addition, small groups of carvings may be found at other coastal locations. Petroglyphs are likely to be in places along trails where travelers could rest.

Fishponds—In a U.S. Department of the Interior, National Parks Service publication, "Ancient Hawaiian Shore Zone Fishponds: An Evaluation of Survivors for Historical Preservation," by R.A. Apple and W.K. Kikuchi, the Kalahuipua'a ponds of South Kohala were given the highest rating on Hawai'i island (2.45 out of a possible 3) and the second highest in the State for their historic integrity and feasibility for aquacultural use without extensive modifications. There are more fishponds and different types of fishponds in Hawai'i than on any other Pacific island. Archaeological and oral histories indicate that Hawaiian fishponds first appeared between the A.D. 1000–1400s. Fishponds in Hawai'i were primarily built and controlled by *ali'i* (chiefs).

In Hawaiian society, control of water and foods sources meant power and status. *Kekaha wai ole* (desolate land without water) is the general name given to the vast, dry lava fields found along the North Kona coast. In such arid lands it is understandable that great value and prestige were placed on the control of water resources. Other historic fishponds can be seen at Anaeho'omalu, Kiholo, Kaloko and Honokohau.

North Kona District

Kamehameha Fishpond at Kiholo—Royal fishponds existed at Kiholo by 1801 when they were threatened by the Hualalai lava flow of that year. Early Hawaiian historian Samuel Kamakau relates in his *Ruling Chiefs* that, as the flow threatened to engulf Kiholo and its ponds, Kamehameha was called to

Kiholo to placate the volcano goddess Pele—and he was successful. The flow stopped short.

Kamehameha I ordered a fishpond built at Kiholo in 1810. Reverend William Ellis described the pond as not less than two miles in circumference with a large stone ocean wall, a half mile in length. Legends say that Pele, disguised as an old woman, was refused fish from this pond. She was again refused when she asked for fish entrails. In anger she caused the 1859 lava flow which covered nearly the entire fishpond. The 1859 flow headed almost directly to the fishpond from Mauna Loa, a distance of 33 miles to the sea.

Wainanali'i Village was also destroyed by the 1859 flow. Traces of the village can still be seen and several foot trails lead to the area. According to the well known missionary, Reverend Lorenzo Lyons, the villagers were aroused at midnight by the hissing and roaring of the lava flow. Most escaped in time but several were trapped. The little harbor by the village was filled with lava. The 1859 flow is easily distinguishable from older flows along the coast. More recent flows are darker with less vegetation.

Pa'aiea Pond is said to have been three miles long, one and a half miles wide, and owned by a chief. It extended from Ka'elehuluhulu to Kalaoa. In a very similar legend Pele was denied fish from Pa'aiea and in anger caused the 1801 lava flow to fill this huge pond.

Protestant church foundation at Kiholo—As the 1859 flow drew near, the Protestant church was disassembled lest it be destroyed. However, the lava separated and went around the church site, leaving it untouched. Today the church foundation remains encircled by lava.

Salt pans at Kiholo and Ka Lae Mano—Remains of salt works can be seen at Kiholo, Ka Lae Mano, Ka'elehuluhulu and other locations along the coast. Hawaiians used shallow depressions in rocks adjacent to the sea to make salt. Larger quantities were produced in the 1800s and 1900s in man-made, shallow salt pans along the coastline. Kiholo and Ka Lae Mano were major areas of salt production, and Ka Lae Mano's salt was famous for its excellent quality.

Luahinewai is the deepest anchialine pool along the west coast. Kamehameha I's rival and cousin, Keoua, was the ruling chief of the Ka'u kingdom, the southern and eastern part of Hawai'i island. While on trip to Pu'ukohola *heiau* where he would be killed, Keoua's canoes landed at Luahinewai where he bathed. After bathing he cut off the end of his penis, an act which sorcerers called "the death of Uli." The cultural significance of this act was that Keoua knew that he was about to die. The cut off part could be used in sorcery against those who would be responsible for Keoua's death.

Petroglyphs at Ka'upulehu—Some of the petroglyphs at Ka'upulehu are interpreted as telling the story of the *Fair American*.

In 1790 Kame'eiamoku was a high chief of a residence at Ka'upulehu. Kame'eiamoku, committed a petty offense while aboard the ship *Eleanora*, for which he had been beaten by a Captain Simon Metcalfe. Angered and humiliated, he vowed to capture the first foreign boat that came his way. Unknown to him, the *Eleanora* had proceeded to Maui where, in retaliation for the killing of a sailor on watch, Metcalfe ordered what became the Olowalu massacre, in which over a hundred Hawaiians were killed or wounded.

The next vessel which put in at Ka'upulehu was, as fate would have it, the tiny schooner, *Fair American*, commanded by Metcalfe's son and having a five-man crew. Kame'eiamoku and his followers were admitted to the vessel under pretense of friendly trade. Captain and crew were thrown overboard, all but one were killed, and the vessel was seized. The sole survivor, Isaac Davis, the *Fair American* and all items seized from the schooner were taken from Kame'elamoku by Kamehameha. The *Fair American* became the first foreign vessel in Kamehameha's war fleet. Isaac Davis later became a confidential advisor of Kamehameha, along with John Young.

Queen's Bath in Kaloko/Honokohau is an anchialine pool said to have been a queen's bath. It is surrounded by seven large and striking lookout mounds made of lava rock. It is thought that guards would warn people away when the queen was bathing. The mounds form a rectangular pattern around the brackish pool.

Hulihe'e Palace in Kailua was built in 1838 by Kuakini, governor of Hawai'i island. Princess Ruth Ke'elikolani lived there for a time, and King Kalakaua used it as a summer palace. In 1927 the palace was restored as a museum and is a historic attraction today.

Mokuaikaua Church in Kailua was also constructed by Governor Kuakini, with the cooperation of 4,000 people. Stones from an old *heiau* at the same spot were used for the foundation. It was dedicated in 1823 and rebuilt in 1837 after its destruction by fire.

Kamoa Point (traditionally, Ka Lae o Ka Moa), located south of Kailua-Kona, is a promontory with a concentration of Kamehameha I and pre Kamehameha I cultural remains. These historic sites include a women's *heiau* for healing and purification rites; a *heiau* with a focus on martial arts and athletic excellence; a repository for the war god, Kuka'ilimoku, (during Kamehameha I's time); an important surfing *heiau*; and a *heiau* for the burial preparations of deceased *ali'i*. Kamoa Point is on the Hawai'i Register of Historic Places.

Kuamo'o Burials are a National Historic Site and commemorate an important event in Hawaiian history.

In 1819 Kekuaokalani, nephew of Kamehameha I and cousin of Liholiho (Kamehameha II), regarded Liholiho's orders to end the kapu system as a heinous offense. Many priests and commoners gathered in support of Kekuaokalani, and an insurrection ensued. All efforts at conciliation failed, and at Kuamo'o a bitter, bloody battle took place. Kekuaokalani and his wife, Manono, were killed. This defeat confirmed the new king Liholiho's decree, and the kapu system and associated religious system were abandoned. Discontinuance of formal religious rituals and the Makahiki celebrations left a vacuum in Hawaiian life. Thus in 1819, a year prior to the arrival of American missionaries, the stage was set for the introduction of a new order and new religion.

South Kona District to South Point

Kealakekua Bay is famous as the location of Captain Cook's death on February 14, 1779. When he first arrived at Kealakekua Bay on January 17, 1779, it was estimated that not less than 10,000 Hawaiians enthusiastically greeted the ships. *Hikiau heiau* is located here and is a State monument. It was a *kluakini heiau* of Kamehameha I. Here Captain Cook was ceremoniously received as the god Lono: he had arrived during the Makahiki season when, according to mythology, Lono was expected to arrive from the sea.

Pu'uhonua o Honaunau National Historic Park—This *pu'uhonua* is an ancient place of refuge where until 1819 vanquished warriors and kapu breakers escaped death if they reached it ahead of their pursuers. It has the walls of a fortified *heiau*. There are two *heiau* within the walled area. One is the Hale o Keawe.

Hale o Keawe—In this *heiau* the bones of high chiefs were kept in sennit caskets.

Holua slides—Very little is known about the ancient Hawaiian sport of *holua* sliding. A long narrow sled was constructed and used to slide down grassy slopes. Remains of *holua* slides continue to be discovered. Along the proposed trail, *holua* slides can be seen as sloping ramps made of varying sizes of lava rock. These ramps were covered with grass prior to sliding. The most significant *holua* slides known to be along the proposed trail are:

(1) Keauhou slide in North Kona which extended for a mile and was used until approximately 1825. This slide is a national Historic Site. Presently a half mile of the slide crosses a golf course, while the other half is as yet on undeveloped land.

(2) Ahole slide in South Kona is in better structural condition than any other known slide in the State. It is also a National Historic Site. Until the 1960s the large area adjacent to this slide was used for military bombing practice. There are impressive foot trails in this area also. It is believed that with the end of the kapu system, the *holua* slides were abandoned. Missionaries discouraged the sport since gambling was associated with it.

Ka Lae (South Point, Ka'u) is the southernmost point in the United States.

Heiau o Kalalea—This fishing shrine at Ka Lae was kapu to women. Offerings are still placed there.

Pohaku o ke au (stone of the times) is located near the Heiau o Lalalea. The stone is believed to turn over if there is to be a change of government.

Other Historic Features

Hieaus in good and bad structural condition are found along the coast and this outline has identified only a few of them. Among those omitted, for example, is 'Ahu'ena *heiau* which Kamehameha ordered restored. Located on the oceanfront at Kailua-Kona, 'Ahu'ena has recently been restored by Hawaiian experts according to descriptions given in John Papa Ii's *Fragments of Hawaiian History*. It is one of the best restoration efforts in the State.

In November 1819 at Kailua, Kamehameha II (Liholiho) officially put an end to the kapu system, an act which was to have dramatic effects on Hawaiian society and culture. He ordered *heiaus* destroyed and idols burned. Many Hawaiians refused to abandon traditional practices, and some idols escaped destruction. The *heiaus* and other Hawaiian artifacts that can be appreciated today have managed to survive earlier efforts to destroy the vestiges of Hawaiian religious practices.

Shelter caves are another feature easily visible to the hiker. These are small lava bubbles which were used by Hawaiians for temporary shelter while at the shoreline. The caves are usually big enough for one or two men to comfortably sleep. The air is quite cool in the shelter even on the hottest day. Piles of discarded seashells and other organic material outside the caves are indicators of use by early Hawaiians.

Burial caves are found in lava tubes and in cliff areas along the arid coast. All burials are considered sacred and off limits to travelers.

Ku'ula stones are fishing shrines which vary in size and are carved or natural. Used to attract fish, they honor the god of fishermen, Ku. Some of these sacred stones are

still used by fishermen, and their locations are often disguised as a precaution against theft.

RECREATIONAL USE OF HAWAI'I COASTAL TRAIL

Present Use

Present recreational use of the areas along the trail varies greatly depending upon the ease of access and proximity to population centers. A few areas receive intensive use while others are rarely visited. The recreational opportunities afforded to residents and visitors along this trail system are numerous and diverse. They include such activities as:

Swimming—Various types of swimming areas are present, including both protected bays, tide pools, and open ocean.

Surfing—A number of board and body surfing sites are found along the coast.

Snorkeling and scuba diving—The coral reefs along Hawai'i's west coast are among the best developed in the islands. The water is warm and clear, and many types of marine life abound, including humpback whales and dolphins. Three Marine Life Conservation Districts are located along this coast.

Fishing—

Boating—The calm waters and steady trade winds offer ideal boating conditions for all kinds of craft.

Exploration—Areas along the trail present unlimited possibilities for exploration and scientific research. Lava fields, anchialine pools and tidepools, historic ruins and beach areas are all accessible from the trail.

Hiking—Short or long distance hikes are presently possible along the trail, although the lack of access and clearly marked trails can be problematic. A number of other trails which run from the shoreline to the mountains intersect the coastal trail and could provide access to upland areas if public rights-of-way are present.

Photography—The unique splendor and diversity of Hawai'i's natural environment make it an ideal area for photographic and other artistic pursuits.

Birdwatching—Endemic and migratory species are found by brackish ponds along the trail, including the endangered Hawaiian stilt and Hawaiian coot. Care needs to be taken so as not to disturb the birds during nesting periods.

Other—Certain State, County, and National parks along the route permit camping and have facilities for organized recreational activities.

Potential Use

The full recreational potential of the coastal trail system is at present unrealized due to a lack of funds to properly develop it for public use, the scarcity of access points, and public rights-of-way. A unified trail system with well marked routes and access points would provide a wealth of recreational and educational opportunities for Hawai'i resident population. Visitors would also greatly benefit from the added attraction that such a trail system would provide.

The presence of four National and several State parks along the proposed trail route provides a unique opportunity to link together these areas, thereby increasing the value of each. A number of these parks have as their theme the historical and cultural heritage of the Hawaiian people. The trail system would provide a link to Hawai'i's past and function as a living museum.

Access points at selected sites along the trail would allow varying types of hiking activities ranging from short day hikes to extended hikes of several weeks. Campgrounds located at suitable intervals along the trail would complement those found in parks and provide the hiker with facilities for overnight stays.

SUMMARY

Scenic beauty and unique natural features are found in many of Hawai'i's trails, but no other trail is as concentrated with historic sights of national significance, as is the Ala Kahakai. National support for preserving the ancient *alaloa* in the form of the *Ala Kahakai*, is key to ensuring this trail's survival.•

By Mr. SIMON (for himself, Mr. DECONCINI, and Mr. METZENBAUM):

S. 3147. A bill to prohibit certain political activities of certain Federal officers in the Office of National Drug Control Policy; to the Committee on the Judiciary.

OFFICE OF NATIONAL DRUG CONTROL POLICY POLITICAL ACTIVITIES ACT

• Mr. SIMON. Mr. President, today I introduce legislation to prohibit political campaigning and political management by appointed officers of the Office of National Drug Control Policy [ONDCP], commonly known as the drug czar's office.

Mr. President, the Office of National Drug Control Policy is responsible for the formation and implementation of our national drug control strategy. Appointees to this office perform a public service that requires leadership on a complex issue which affects the lives and well-being of all Americans. While I do not expect the drug czar and other appointees to act in a political vacuum, I cannot accept the blatant politicization of the office.

Last month, I inserted an article from the Orlando Sentinel in the RECORD which reported that over 40 percent of the positions at ONDCP are patronage positions. This is the highest percentage of political patronage positions in any Federal governmental agency. By comparison, the Justice Department and the Departments of the Army, Navy, and Air Force each have less than 1 percent. The article also points out that some staff members in key positions at ONDCP did not even mention the words "drugs" in their job applications. The high percentage of political appointees coupled with the general lack of experience with the drug issue has severely undermined the legitimacy of the office.

I believe this is a direct result of the politicization of the office which began under former drug czar William Bennett. During his tenure as drug czar, Mr. Bennett traveled the nation making political campaign speeches on behalf of administration-endorsed political candidates. Upon his resignation, Mr. Bennett was the first choice to head the Republican National Committee—it would have been a natural transition.

Governor Bob Martinez, who cochaired the 1988 Bush Presidential campaign replaced Mr. Bennett as drug czar. Prior to his confirmation hearings, I stated that I would oppose his nomination unless he made a commitment to refrain from partisan political activity in his office. He refused to make that commitment and that was one of the reasons I opposed his nomination. Mr. Martinez, following in the footsteps of his predecessor, has also engaged in partisan political activities, most recently by criticizing Bill Clinton at the Democratic Convention as part of a so-called Republican "truth squad."

I have also made a commitment to oppose other nominees to the drug czar's office unless they agree to refrain from partisan political activity. I have opposed nominees for this reason and I will continue to do so regardless of which party controls the White House.

Some progress has been made in the effort to fight illegal drug use in the United States, most notably in the continuing decline in casual cocaine use, but there is absolutely no doubt that there is still work to do. The increases in hard-core cocaine use and heroin availability and the soaring drug-related murder toll put our modest progress in perspective. In my home State of Illinois, there have been three times as many murders so far this year than there were deaths of United States Armed Forces in the Persian Gulf war. According to law enforcement officials, these fatalities are part and parcel of the continuing drug trade that plagues so many of our neighborhoods.

And against this backdrop of bloodshed and despair, we cannot continue to let politics overshadow the important mission of the Office of National Drug Control Policy. I believe this legislation is an important step in helping to restore some respect and credibility to ONDCP. I urge my colleagues to cosponsor this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my statement.

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

S. 3147

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 "Office of National Drug Control Policy Political Activities Act of 1992".

SEC. 2. PROHIBITIONS ON POLITICAL ACTIVITIES.

(A) IN GENERAL.—Section 1003(a)(2) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1502) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end thereof the following new subparagraph:

"(B) The Director, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Associate Director for National Drug Control Policy shall not take an active part in political management or in political campaigns.".

(b) DEFINITION.—Section 1010 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1507) is amended—

(1) in paragraph (7) by striking out "and" at the end thereof;

(2) in paragraph (8) by striking out the period and inserting in lieu thereof "; and"; and

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

"(9) the term 'an active part in political management or in political campaigns' means such activities as defined under section 7324(a) of title 5, United States Code.".

(c) AMEMDMENT TO HATCH ACT PROVISIONS.—Section 7324(d)(3) of title 5, United States Code, is amended by inserting before the semicolon ", except for an employee as provided under section 1003(a)(2)(B) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1502(a)(2))".•

By Mr. PRYOR (for himself, Mr. RIEGLE, Mr. COHEN, Mr. SHELBY, Mr. GRAHAM, and Mr. DURENBERGER):

S. 3148. A bill to amend title XI of the Social Security Act to establish an Intergovernmental Task Force on Health Care Fraud and Abuse; to the Committee on Finance.

INTERGOVERNMENTAL HEALTH CARE FRAUD AND ABUSE TASK FORCE ACT

• Mr. PRYOR. Mr. President, I rise to introduce the Intergovernmental Task Force on Health Care Fraud and Abuse Act of 1992. I am joined by Senators RIEGLE, COHEN, SHELBY, GRAHAM, and DURENBERGER in introducing this legislation which will help control the widespread and costly problem of health care fraud and abuse.

I believe a major reason we have a health care crisis is unchecked fraud and abuse. For example, at a hearing of the Special Committee on Aging I chaired last fall, I heard the story of how a telephone salesman pushed unneeded and dangerous medical equipment on an elderly woman and then charged it to Medicare. She repeatedly urged her Medicare carrier to deny payment for the devices, but her pleas fell on deaf ears. This same scam perpetrated along the east coast resulted in $9 million in false billings to Medicare.

We have also heard recently that the Federal Bureau of Investigation has uncovered a scam involving high-priced prescription drugs in the Medicaid program, costing the American taxpayer billions of dollars. It has also jeopardized the health of unsuspecting Medicaid patients who were given medicines that were no longer effective.

These examples are just the tip of the iceberg. According to the General Accounting Office, losses due to fraud and abuse in our health care system may be as high as 10 percent of our nation's health care bill—amounting to more than $80 billion this year alone. Although health care providers are honest, even a small number of unscrupulous individuals can—and do—steal enormous amounts of money from our health care system.

All of us here are deeply enmeshed in the debate over how to restore affordability and access to our health care system. We have spent months trying to come up with a better way to provide health care for our nation's citizens. I believe, however, until we learn how to control health care fraud and abuse our efforts to truly reform our health care system will fail.

Throughout our health care system—Medicare, Medicaid, and the private health insurance industry—it has always been easier to simply pass the costs of fraud and abuse on to those paying the bills. When, and if, crooked health care providers are caught they simply prey on another segment of our massive and fragmented system.

At that same Aging Committee hearing I referred to a moment ago, a representative of GAO pointed out that Medicare beneficiaries are the primary source of leads on fraud and abuse, and yet about half of all their calls to Medicare are ignored. How did the representative of the Health Care Financing Administration respond to these findings? She announced that HCFA was closing down the toll-free lines beneficiaries used to make these calls. Fortunately, an uproar from Congress prevented this from happening.

With the Medicare bureaucracy asleep at the switch, fraudulent medical equipment suppliers have been stealing an estimated $200 million yearly. After multiple hearings and legislation I have cosponsored and supported, that bureaucracy is finally starting to wake up and take steps to deal with this problem.

Unfortunately, the failure to take health care fraud and abuse seriously is not limited to the Medicare bureaucracy. In my capacity as chairman of the Federal Services Subcommittee, I have also been trying for the last several years to get the Office of Personnel Management to implement antifraud controls in the area of Federal employee health benefits. These controls were mandated by legislation in 1988, and to this day OPM has not taken steps to implement the law.

Mr. President, it is high time the Federal Government showed leadership, rather than laxity, in efforts to stem the epidemic of health care fraud and abuse. It is time we made this a priority and worked with the private health insurance industry to battle this problem. Where obstacles stand in the way, it is time the administration and the private health insurance industry found acceptable ways around them.

The legislation we are proposing today to establish a Health Care Fraud and Abuse Task Force will do exactly that. Its membership will be drawn from Federal, State, and private health care sectors, and its job will be to develop and put into place strategies for combating health care fraud and abuse. The task force will coordinate antifraud and abuse activities, find ways to ensure that Medicare beneficiaries and health insurance claimants are enlisted in this effort, and advise the Congress of any changes that are needed to Federal policies to advance this campaign. This legislation stems from a GAO recommendation, and was recently introduced in the House by Representatives TED WEISS, chairman of the House Subcommittee on Human Resources and Intergovernmental Relations.

The proposed Task Force on Health Care Fraud and Abuse will not require any appropriation, yet it could save the American taxpayer and our Nation billions of dollars. I urge all of my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the proposed legislation be printed in the RECORD.

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

S. 3148

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 "Intergovernmental Health Care Fraud and Abuse Task Force Act of 1992".

SEC. 2. ESTABLISHMENT OF INTERGOVERNMENTAL HEALTH CARE FRAUD AND ABUSE TASK FORCE.

Part A of title XI of the Social Security Act (42 U.S.C. 1101 et seq.) is amended by adding at the end the following new section:

"TASK FORCE ON INTERGOVERNMENTAL HEALTH CARE FRAUD AND ABUSE

"SEC. 1144. (a) ESTABLISHMENT.—There is established a task force to be known as the 'Intergovernmental Task Force on Health Care Fraud and Abuse' (in this section referred to as the 'Task Force').

"(b) COMPOSITION.—The Task Force shall be composed of 15 members as follows:

"(1) FEDERAL OFFICIALS.—The following 6 Federal officials or the designees of such officials:

"(A) The Secretary.

"(B) The Inspector General of the Department of Health and Human Services.

"(C) The Attorney General.

"(D) The Director of the Federal Bureau of Investigation.

"(E) The Administrator of the Health Care Financing Administration.

"(F) The Comptroller General of the United States.

"(2) PUBLIC MEMBERS.—Nine members, appointed by the President, of which—

"(A) one shall be an attorney general of a State;

"(B) one shall be a representative of a State medicaid fraud control program;

"(C) one shall be a representative of health care consumers;

"(D) one shall be a representative of beneficiaries under title XVIII;

"(E) one shall be a representative of health care providers;

"(F) one shall be a representative of for-profit health insurance companies;

"(G) one shall be a representative of not-for-profit health insurance companies;

"(H) one shall be a representative of employers who provide employee health insurance; and

"(I) one shall be a representative of State insurance commissioners.

In making appointments under this paragraph of an individual who is a representative of persons or organizations, the President shall consider the recommendations of national organizations that represent such persons or organizations. The President shall report to the Congress, within 30 days after the date of the enactment of this section, the names of the members appointed under this paragraph.

"(c) TERMS.—Each member shall be appointed for the life of the Task Force. A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

"(d) FUNCTIONS OF TASK FORCE.—

"(1) IN GENERAL.—The Task Force shall—

"(A) investigate the nature, magnitude, and cost of health care fraud and abuse in the United States, and

"(B) identify and develop the most effective methods of preventing and eliminating such fraud and abuse, with particular emphasis on coordinating public and private prevention and enforcement efforts.

"(2) PARTICULARS.—The Task Force shall examine at least the following:

"(A) Mechanisms to provide greater standardization of claims administration in order to accommodate fraud detection and prevention.

"(B) Mechanisms to allow more freedom for health benefit plan administrators, health care providers, and law enforcement officials to exchange information for coordinating case development and prosecution efforts, without undermining patient and provider privacy protections or violating antitrust laws.

"(C) The need for regulation of new types of health care providers.

"(D) Criteria for physician referrals to facilities in which such physician's (or such physician's family members) have a financial interest.

"(E) The extension to private health insurers of administrative remedies currently available to public insurers.

"(F) Creating a model State statute for establishing State insurance fraud units and State laws to strengthen the ability of insurers to pursue, and recover from, fraudulent providers.

"(G) The availability of resources to law enforcement authorities to combat health care fraud and abuse.

"(H) Mechanisms for involving beneficiaries under titles XVIII and XIX and health insurance claimants in efforts to identify health care fraud and abuse.

"(I) How health care fraud and abuse litigation is organized and financed.

"(3) REPORTS.—

"(A) TRANSMISSION OF REPORTS.—The Task Force shall transmit to the Ways and Means Committee, the Energy and Commerce Committee, and the Select Committee on Aging of the House of Representatives and the Committee on Finance and the Special Committee on Aging of the Senate—

"(i) an interim report not later than 6 months after the date on which a majority of the public members of the Task Force have been appointed;

"(ii) an additional interim report not later than 12 months after the date on which a majority of the public members of the Task Force have been appointed; and

"(iii) a final report not later than 18 months after the date on which a majority of the public members of the Task Force have been appointed.

"(B) CONTENTS OF REPORTS.—Each report transmitted under subparagraph (A) shall contain a detailed statement of the findings of the Task Force as of the date of such transmission and such recommendations as the Task Force considers appropriate.

"(e) COMPENSATION AND ORGANIZATION.—

"(1) COMPENSATION OF MEMBERS.—

"(A) RATES OF PAY.—Each public member described in subsection (b)(2) who is not an officer or employee of the Federal Government is entitled to receive pay equal to the daily equivalent of the minimum annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the actual performance of duties vested in the Task Force. Each member of the Task Force who is an officer or employee of the Federal Government shall serve on the Task Force without additional pay.

"(B) TRAVEL EXPENSES.—Each member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while the member is away from such member's home or regular place of business in performance of services for the Task Force.

"(2) ORGANIZATION.—

"(A) QUORUM.—Nine members of the Task Force shall constitute a quorum but a lesser number may hold hearings.

"(B) CHAIRMAN.—The chairman of the Task Force shall be the Inspector General of the Department of Health and Human Services.

"(C) MEETINGS.—The Task Force shall meet at the call of the chairman or a majority of the members of the Task Force. Meetings of the Task Force shall be open to the public under section 10(a)(10) of the Federal Advisory Committee Act, except that the Task Force may conduct meetings in executive session if a majority of the members of the Task Force (a quorum being present) approve of going into executive session.

"(f) STAFF OF TASK FORCE.—Subject to rules prescribed by the Task Force, the chairman may appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to carry out the functions of the Task Force, without regard to the laws, rules, and regulations governing appointment and compensation and other conditions of service in the competitive service. Upon the request of the chairman, any Federal employee who is subject to such laws, rules, and regulations, may be detailed to the Task Force to assist in carrying out the functions of the Task Force under this section, and such detail shall be without interruption or loss of civil service status or privilege.

"(g) AUTHORITY OF TASK FORCE.—

"(1) HEARINGS AND SESSIONS.—The Task Force may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Task Force considers appropriate. The Task Force may administer oaths or affirmations to witnesses appearing before the Task Force.

"(2) OBTAINING OFFICIAL DATA.—

"(A) IN GENERAL.—The Task Force may secure directly from any department or agency of the United States information necessary to enable the Task Force to carry out this section. Upon request of the chairman of the Task Force, the head of such department or agency shall furnish such information to the Task Force.

"(B) ACCESS TO INFORMATION.—Information obtained by the Task Force is available to the public in the same manner in which information may be made available under sections 552 and 552a of title 5, United States Code.

"(3) GIFTS, BEQUESTS, AND DEVISES.—The Task Force may accept, use, and dispose of gifts, bequests, or devises of services or property for the purpose of aiding or facilitating the work of the Task Force.

"(4) MAILS.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Task Force, the Secretary shall provide to the Task Force the administrative support services necessary to carry out the responsibilities of the Task Force under this section.

"(6) SUBPOENA POWER.—

"(A) IN GENERAL.—The Task Force may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter which the Task Force is authorized to investigate under this section. The attendance of witnesses and the production of evidence may be required from any place within the United States and may be required at any designated place within the United States for a hearing.

"(B) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under subparagraph (A), the Task Force may apply to a United States district court for an order requiring such person to appear before the Task Force to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where such person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

"(C) SERVICE OF SUBPOENAS.—The subpoenas of the Task Force shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

"(D) SERVICE OF PROCESS.—All process of any court to which application is to be made under subparagraph (B) may be served in the judicial district in which the person required to be served resides or may be found.

"(h) TERMINATION.—The Task Force shall terminate 60 days after the date the final report is submitted under subsection (d)(3)(A)(iii).

"(i) FUNDING.—Such funds as are necessary to carry out the functions of the Task Force shall be allocated to the Task Force by the Secretary from funds otherwise appropriated for the Department of Health and Human Services.".

SEC. 3. EFFECTIVE DATE.

The amendment made by section 2 shall be effective on the date of the enactment of this Act.•

• Mr. RIEGLE. Mr. President, today I am joining with Senator PRYOR and others to introduce the Intergovernmental Health Care Fraud and Abuse Task Force Act of 1992. This bill establishes an intergovernmental commission to investigate the nature, magnitude, and cost of health care fraud and abuse in the United States, as well as identify and develop the most effective ways to prevent and eliminate fraud and abuse.

In 1992, the United States will spend about $800 billion on health care; this

represents almost 14 percent of the gross national product. The size of the health care sector and sheer volume of money involved make it an attractive and relatively easy target for some fraudulent and abusive providers. Concern over rapid growth in health care spending had triggered an examination of what value the nation is getting for its health care dollar. In a recent report by the U.S. Accounting Office, it was estimated that 10 percent of total health care spending is a result of fraud and abuse.

Examples of health care fraud and abuse can be found in all segments of the health care industry and throughout the United States. Fraud and abuse can occur through improper billing practices, including overcharging for services provided, charging for services that were never rendered, accepting bribes or kickbacks for referring patients to facilities, and performing inappropriate or unnecessary services. We have also seen instances where suppliers of health care products have defrauded insurance carriers and the government out of millions of dollars by intentionally inflating the value of services or equipment provided.

Both the public and private sectors devote a large amount of resources to detecting fraud, but efforts to detect and prosecute health care abuses are meeting with limited success. Both public health insurance programs and private health insurance companies have problems detecting fraud and abuse. In addition, they face problems associated with prosecuting fraud and abuse, and the complications associated with evolving provider ownership arrangements.

Mr. President, we need the Intergovernmental Health Care Fraud and Abuse Commission, as established in this legislation, to examine the various causes of waste in our health care system and to recommend ways to coordinate efforts by both the public and private sector to detect fraud and abuse. In addition, it will recommend effective ways to prevent such fraud and abuse from happening in the future. I have made a commitment to enacting comprehensive health care reform legislation to correct inequalities in our health care system and control health care costs. I am proud to be working with Senator PRYOR on this important first step toward controlling health care spending and improving the quality of our health care system in America.●

By Mr. BRADLEY:

S. 3149. A bill to establish a demonstration program to develop new techniques to prevent coastal erosion and preserve shorelines; to the Committee on Banking, Housing, and Urban Affairs.

LOCAL INNOVATION AND COASTAL PROTECTION ACT

● Mr. BRADLEY. Mr. President, for a long time, I've made very clear to all my interest and love of the shore and our oceans. This is where I go with my family in the summer, as many other New Jerseyans. This is where I have focused a lot of my own attention, whether it's to celebrate the shore's history and diversity by a New Jersey Coastal Heritage Trail, or to address less pleasant issues such as oil spills and medical waste.

Last winter, the New Jersey shore was battered by a series of storms. A lot of property was damaged. A lot of beach simply vanished. Partly as a result of these storms, we have an ongoing debate both in my state and nationally as to what to do and how to prevent damage.

My own research tells me we have yet a lot to learn about living on the shore. Many communities have watched their beaches steadily erode. In my state, we've spent millions to counter erosion, often with little to show for our efforts.

In 1982, and 1983, for instance, I had to get $12 million in emergency appropriations to save the access road to the Sandy Hook national recreation area. We pumped sand on the disappearing beach. By 1989, we needed another $6 million to do the same thing. Today, the Park Service is requesting yet $8 million more.

Frankly, we've been very simple-minded in our approaches—relying too often on pumped concrete or pumped sand. We've got to get new tools, new approaches. We need innovation and we need it now.

This past spring, my office was contacted by citizens from a small town on the New Jersey coast. They had been working with a local inventor and some researchers at a local technical institute. Their small experiment used two chains of concrete disks, laid across the beach, as a simple way to reverse erosion. Lo and behold, the experiment appeared to work: the beach grew.

Last spring, these folks reached out to me to help enlarge and better monitor the experiment. I wanted to help. But, other than requesting a specific line item in an Appropriations bill, there seemed to be little to encourage the town's interest and innovative spirit.

The legislation I am introducing today would change that. My bill will target and encourage innovation. It will reach out to communities, to counties, to States. It urges them to be creative, to find a better way to protect and enhance our shores.

Here's how the bill works: The bill sets up a program—managed by FEMA—which allows coastal municipalities, counties, and States to apply for Federal grants. The Federal Government is authorized to fund projects for up to $500,000. A local cost share of 25 percent is required.

The grants are intended for projects that target coastal erosion and are considered innovative or experimental. This is a program to develop new ideas first and last.

A special preference is given to those projects that use natural features, planning, temporary or portable structures to control erosion. If we can, we want to minimize the footprint of these projects and encourage flexibility. While an approach, for instance, that relied on poured concrete and embedded steel wouldn't be ruled out, it is not the first choice.

All grants would include a provision that required a complete analysis—at full government expense—of the long-term impacts and impacts to neighboring communities. We're not trying to find new Band-Aids. We're not trying to steal sand from one beach for another. We're looking for real solutions.

The grant money will be provided by the likely beneficiaries, with direct safeguards. The legislation calls for a separate fund financed by a $5 per year fee on coastal community flood insurance policies. However, this is not your normal trust fund: first, if the money is not spent appropriately and is allowed to accumulate, the authority to collect the fee is withdrawn; second, every contributing policy holder will get an annual accounting of the program—this will help spread the word about the program, and its successes and failures; and third, after four years, the program stops and all unobligated funds are returned to the policy holders.

Additionally, the bill calls on the FEMA flood insurance managers to develop a list of approved erosion reduction techniques. FEMA is authorized to allow appropriate flood insurance discounts to those communities that aggressively employ these techniques and reduce the risks of erosion.

What I've tried to do is create a small, responsible and forward looking program. I've tried to make sure that the funds will actually be there to implement the program. I've tried to safeguard those funds so they don't get hijacked to other purposes.

At some point, the Senate will turn to consider reforms to the national flood insurance program. I hope that at that time we can consider this bill and decide that it is an appropriate response to our pressing needs.

I ask unanimous consent to have the text of the legislation printed following these remarks.

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

S. 3149

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 "Local Innovation and Coastal Protection Act of 1992".

SEC. 2. PROGRAM AUTHORITY.

(a) IN GENERAL.—Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) is amended by adding at the end the following new section:

"SEC. 1366. EROSION MITIGATION DEMONSTRATION PROGRAM.

"(a) IN GENERAL.—The Director shall make grants, with amounts made available from the Coastal Erosion Control Fund established under section 1367, to demonstrate the feasibility of innovative mitigation activities designed to minimize coastal erosion, preserve shorelines, and avoid environmental degradation.

"(b) ELIGIBLE RECIPIENTS.—The Director may make grants under this section to—

"(1) any State; and

"(2) any community participating in the national flood insurance program under this title that—

"(A) has suffered recurring flood damages and claims, as determined by the Director; and

"(B) is in full compliance with the requirements under the national flood insurance program.

"(c) ELIGIBLE ACTIVITIES.—

"(1) IN GENERAL.—A grant under this section may be used to develop and test innovative techniques to minimize coastal erosion and preserve shorelines.

"(2) PRIORITY.—In making grants under this section, the Director shall give a priority to eligible recipients that conduct projects to demonstrate the feasibility of techniques that—

"(A) have application to more than 1 location;

"(B) substantially broaden the applicability of proven erosion control techniques; or

"(C) avoid permanent structural alterations and rely instead on natural designs, including the use of vegetation, or temporary structures, to accomplish their goal.

"(d) APPLICATIONS.—The Director shall make grants under this section on the basis of a nationwide competition, in accordance with such application forms and procedures as the Director may establish.

"(e) MAXIMUM AMOUNT.—The total amount of any grant under this section may not exceed $500,000 for any project assisted under this section.

"(f) PROGRAM REQUIREMENTS.—

"(1) MATCHING REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (C), a grant under this section may not exceed 3 times the amount that the recipient certifies, as the Director shall require, that the recipient will contribute from non-Federal funds to carry out activities assisted with amounts provided under this section.

"(B) NON-FEDERAL FUNDS.—For purposes of this subsection, the term 'non-Federal funds' includes—

"(i) State or local agency funds,

"(ii) any salary paid to staff to carry out the activities of the recipient,

"(iii) the value of the time and services contributed by volunteers to carry out such activities (at a rate determined by the Director), and

"(iv) the value of any donated material or building and the value of any lease on a building.

"(C) NO MATCH REQUIRED FOR EVALUATION.—No non-Federal contribution is required for the conduct of evaluations under paragraph (2).

"(2) REPORT.—Not later than 5 years after the receipt of a grant under this section, the recipient of the grant shall transmit to the Director a report that—

"(A) evaluates the long-term effectiveness of the techniques that were developed under this section; and

"(B) assesses any impact that such techniques have had on adjacent coastal areas.

"(g) REPORT TO CONGRESS.—The Director shall transmit to the Congress an annual report that—

"(1) summarizes the erosion mitigation techniques developed pursuant to this section;

"(2) describes the status of the Coastal Erosion Control Fund established under section 1367; and

"(3) recommends any legislative or administrative action necessary to further the purposes of this section.

"(h) AUTHORIZATION.—There are authorized to be appropriated to carry out this section, from the Coastal Erosion Control Fund under section 1367, $12,500,000 for each of the fiscal years 1993 through 1996.".

SEC. 3. ESTABLISHMENT OF COASTAL EROSION CONTROL FUND.

Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by section 2, is further amended by adding at the end the following new section:

"SEC. 1367. ESTABLISHMENT OF COASTAL EROSION CONTROL FUND.

"(a) IN GENERAL.—The Director shall establish in the Treasury of the United States a fund to be known as the Coastal Erosion Control Fund (hereafter in this section referred to as the 'Fund'), which shall be available, to the extent provided in appropriation Acts, for grants under section 1366.

"(b) CREDITS.—The Fund shall be credited with any premium surcharges assessed under section 1308(e).".

SEC. 4. INSURANCE PREMIUM MITIGATION SURCHARGE.

(a) IN GENERAL.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following new subsections:

"(e) Notwithstanding any other provision of this title, the Director shall assess, with respect to each contract for flood insurance coverage under this title, an annual mitigation surcharge of $5. The surcharges shall be paid into the Coastal Erosion Control Fund under section 1367, and shall not be subject to any agents' commissions, company expenses allowances, or State or local premium taxes.

"(f) The Director shall not assess any surcharge under subsection (e) if the balance of the Fund exceeds $15,000,000.

"(g) The Director shall transmit to those who paid a surcharge under subsection (e)—

"(1) an annual report describing the expenditures of the Fund during the preceding fiscal year; and

"(2) any unobligated funds that remain in the Fund at the end of fiscal year 1996.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any contract for flood insurance under the National Flood Insurance Act of 1968 issued or renewed after the date of enactment of this Act.

SEC. 5. INSURANCE RATE INCENTIVES FOR EROSION MITIGATION EFFORTS.

Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by sections 2 and 3, is further amended by adding at the end the following new section:

"SEC. 1368. INSURANCE RATE INCENTIVES FOR EROSION MITIGATION EFFORTS.

"(a) PREFERRED EROSION MITIGATION MEASURES.—The Director shall evaluate the effectiveness of the erosion mitigation measures funded under section 1366 and shall publish a list of the most effective of such measures in the Federal Register.

"(b) RATE INCENTIVES FOR COMMUNITIES.—The Director shall provide incentives in the form of adjustments in the premium rates for flood insurance coverage in areas that the Director determines have implemented erosion mitigation measures contained in the list published pursuant to subsection (a).".•

By Mr. BRYAN:

S. 3150. A bill to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FEDERAL TRADE COMMISSION ACT AMENDMENTS

• Mr. BRYAN. Mr. President, as chairman of the Commerce Committee Consumer Subcommittee, I am proud to introduce today legislation to reauthorize the Federal Trade Commission. The Federal Trade Commission, Mr. President, is charged with the responsibility of ensuring fair competition in our Nation's markets, and protecting consumers from unfair and deceptive acts and practices. The Commission's antitrust authority is derived from its administration of the Sherman, Clayton, and Robinson-Patman antitrust acts, all of which are designed to prevent unlawful restraints on trade and commerce.

The Commission's consumer protection authority is provided to it under the Federal Trade Commission Act, which provides the FTC the authority to prevent unfair and deceptive acts and practice. These kinds of practices include telemarketing fraud, mail scams, and other methods of fraudulent contractual inducements. These types of scams, Mr. President, cost the American public billions of dollars a year. At the beginning of this Congress, Mr. President, I, along with Senator MCCAIN, introduced legislation to enhance the FTC's authority to prevent and prosecute these kinds of activities. The bill, S. 1392, was passed unanimously by the Senate last year, and is now awaiting consideration by the House of Representatives.

To ensure adequate protection of consumers, and fair competition in the marketplace, it is imperative that the Congress acts to provide the appropriate authorization for the Commission. The legislation I am introducing, Mr. President, provides an increase in the Commission's funding to ensure that it has the appropriate resources to carry out its duties, and fulfill its legislative mandates. The legislation also includes a number of provisions to enhance and clarify the Commission's authority in certain areas.

It has been over a decade since the FTC was last authorized. This, in my opinion, is too long of a period for any agency to go without an authorization.

I plan to act quickly in moving this legislation. The Consumer Subcommittee has already held a hearing to examine the provisions contained in the bill. The Commerce Committee, in the last several Congresses, has reported authorizing bills for the Commission, which have been passed by the Senate. Therefore, Mr. President, I have no doubt that once the legislation is reported that my colleagues will give their unanimous support for this legislation.•

By Mr. DECONCINI:

S. 3151. A bill to amend title 35, United States Code, to permit the filing of a provisional application for a United States patent by describing the invention on a publication in the United States, and to facilitate the filing of patent applications in foreign countries by United States inventors; to the Committee on the Judiciary.

PATENT FILING SIMPLIFICATION ACT

• Mr. DECONCINI. Mr. President, I rise to introduce legislation that will make it easier for American inventors, universities, and companies to file patent applications in the United States and abroad. I hope that this legislation will encourage discussion of the best way to reduce the cost of filing patent applications at home and abroad. It is a rather unique concept that will require much discussion and thorough analysis.

The Publication Filing Act of 1992 would assist patent applicants who publish descriptions of their inventions in technical journals or other publications before they file their application papers in the U.S. Patent and Trademark Office. The bill would treat a publication in a technical journal as a patent application filing for as long as 1 year before any papers would have to be filed in the Patent and Trademark Office, provided certain requirements were met. In other words, the publication would serve as a provisional patent application.

This would allow American applicants to postpone some of the costs of filing a normal patent application in the Patent and Trademark Office for up to a year while preserving all of their U.S. and foreign patent rights. During the year, an applicant might be able to develop the invention further or investigate its marketability or patentability. Some applicants might find by the end of the year that it would not be worthwhile for them to proceed; if so, they would have avoided the cost of filing formal papers in the Office.

To take full advantage of the bill, an inventor would publish a written description of the invention in a technical journal or other publication before revealing the invention to the public in any other manner. The publication would describe the invention in the same detail required for a normal patent application, but would not include patent "claims," an oath, or other formal components of a normal patent application. No papers would have to be filed in the Patent and Trademark Office or any fee paid to the Office at the time of publication.

Within a year after publication, the inventor would file the necessary documents and pay the necessary fees to the Patent and Trademark Office. The Office would announce the filing and open the application papers to public inspection promptly, using the procedure that is used today from announcing and opening "reissue" patent applications. This would enable members of the public who were aware of a publication to determine within a year whether the invention described in it might be subject to patent protection. If the applicant wanted to obtain foreign patents, foreign applications also would have to be filed within a year after the publication, consistent with the 1-year period for foreign filing allowed by the Paris Convention for the Protection of Industrial Property.

The main benefits to applicants from filing by publishing are as follows:

First, the bill would enable applicants to make their inventions public for a year without losing their foreign patent rights. Under existing U.S. patent law, a party who makes an invention public has up to a year to file a patent application in the U.S. Patent and Trademark office without losing U.S. rights, but loses foreign rights if the invention is made public even one day before filing an application in the U.S. In effect, my bill provides American inventors with a 1-year grade period for foreign filing.

Second, if the United States decides to switch to a first-to-file system, as contemplated in S. 2605, which I introduced earlier this year, the Publication Filing Act, by making the date of publication a filing date, would allow parties to publish their inventions without fear of another party separately making the same invention and winning the patent rights by being the first to file. Under a first-to-file system, it becomes more important to have the earliest possible filing date. The bill establishes a relatively simple and inexpensive procedure for obtaining a filing date.

This legislation does not remove any options for patenting that exist today and it would add very little to the work load of the Patent and Trademark Office. The result of the bill would be that a larger number of patent applicants would elect to publish articles than is the case today, which would result in more rapid dissemination of technological information among inventors, scientists, and engineers.

Mr. President, the idea for this bill came from a joint hearing of the Senate Judiciary Subcommittee on Patents, Copyrights and Trademarks and the House Judiciary Subcommittee on Intellectual Property and Administration of Justice held on April 30, 1992, regarding S. 2605/H.R. 4978, the Patent System Harmonization Act of 1992. The bill I am introducing today complements the legislative proposals for patent law harmonization.

The Subcommittees heard testimony on the need for harmonizing patent systems to make it less expensive for American inventors to obtain patent protection worldwide. At the hearing, I expressed my general support for simplifying patent procedures. Patent law harmonization is still some distance away. The diplomatic conference to negotiate a patent law harmonization treaty will not be reconvened by the World Intellectual Property Organization in Geneva before July 1993. Assuming an acceptable treaty can be negotiated, the process of ratifying it and enacting implementing legislation will require additional time.

The bill I am introducing today could be enacted without waiting for patent law harmonization. The changes in law proposed by this bill are compatible both with the first-to-invent system followed in the United States and with the first-to-file system that the United States presumably will adopt if it agrees to a harmonization treaty.

Mr. President, this bill will be especially helpful to universities. University-developed technology often is far more valuable if foreign rights as well as United States rights can be licensed. Thus, universities as well as companies are increasingly concerned with the need to obtain foreign patent rights.

Unlike the United States, most foreign countries do not have grade periods in their patent laws. They require "absolute novelty" of the invention at the time of filing the application. This means that any inventor who makes the invention public even 1 day before filing a patent application loses patent rights. The only way to avoid losing rights is to have a filing date in that country or a right of property in an application filed in another Paris Convention member country before the invention is made public.

This situation creates a problem for university research researchers. University researchers are often more interested in pursuing their basic conceptual research and publishing their results for the benefit of the scientific community. Thus, they regularly publish descriptions of their work at an early date. Unfortunately, once a university professor publishes an article in a technical journal describing an invention without consulting a patent attorney, foreign rights are lost.

In our joint Judiciary Committee hearing on S. 2605/H.R. 4978, Howard W. Bremer, testifying on behalf of the Association of University Technology Managers, said it would be useful for university publications to be accorded the equivalent of a priority date for

patenting purposes as of the date of publication. Mr. Bremer's suggestion was for the patent law harmonization treaty to accord a publication the equivalent of a priority date. My bill would provide this benefit through an amendment to domestic patent law without waiting for a treaty.

The bill takes advantage of a provision in article 4 of the Paris Convention which affords a right of priority to any "filing that is equivalent to a regular national filing under the domestic legislation of any country * * *." By treating a publication in the United States as a filing, an inventor would enjoy the Paris Convention right of priority, meaning that the inventor would have up to a year to file a patent application in any other Paris Convention member country, notwithstanding the absolute novelty requirements in most countries.

It is my belief that this bill is needed even if a harmonization treaty is consummated. The treaty will permit an inventor who invents second and files first to obtain the patent over an inventor who invents and publishes first but files second. By affording a filing date as of the date of publication, the bill will enable the first inventor to file a patent application quickly by publishing and thereby avoid the possibility of being beaten by a second inventor.

The bill also provides a few advantages to inventors who file only in the United States. It provides extra time to file papers in the Patent and Trademark Office after the invention had become public in some way other than a publication, such as a public use or sale. It gives a procedural advantage in patent interferences to a party who obtains an earlier filing date by publishing the invention.

I look forward to hearing the views of inventors, patent owners, professional and trade associations, and other interested parties on this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3151

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 "Patent Filing Simplification Act of 1992".

SEC. 2. PROVISIONAL APPLICATION THROUGH PUBLICATION.

Section 111 of title 35, United States Code, is amended by—

(1) by inserting "(a)" before "Application for patent"; and

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

"(b)(1) A publication describing the invention in the English language in the United States published or authorized by an inventor shall constitute a regularly filed application for patent, filed on the date of publication in the United States, if—

"(A) within the earlier of one year after the date of publication or one year after a foreign filing date applicable under section 119 of this title, the applicant files with the Commissioner—

"(i) a copy of the publication;

"(ii) proof of the date of publication; and

"(iii) the components of an application specified in the second sentence of subsection (a); and

"(B) the nature of the publication and the proof of the date of publication meet the requirements of regulations promulgated by the Commissioner.

"(2) Proof of receipt of a copy of a publication in the Patent and Trademark Office library shall be conclusive evidence of publication on the date of receipt. The Commissioner may establish a surcharge to recover the cost to the Office of processing applications filed by publication.".

SEC. 3. NONCONFIDENTIALITY.

Section 122 of title 35, United States Code, is amended by inserting ", except applications filed by publication in the United States under section 111(b) of this title," after "Applications for patents".

SEC. 4. DESIGN PATENTS.

(a) IN GENERAL.—Section 172 of title 35, United States Code, is amended to read as follows:

§ 172. Right of priority; novelty and loss of right; provisional application

"The right of priority provided for by section 119 of this title and the times specified in sections 102(d) and 111(b) shall be six months in the case of designs.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 16 of title 35, United States Code, is amended by amending the item relating to section 172 to read as follows:

"172. Right of priority; novelty and loss of right; provisional application.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect on January 1, 1994, and shall apply to—

(1) any publication occuring on or after January 1, 1993; and

(2) any application filed relating to such publication.●

ADDITIONAL COSPONSORS

S. 32

At the request of Mr. PELL, his name was added as a cosponsor of S. 32, a bill to increase the rate of special pension payable to persons on the Medal of Honor Roll, and for other purposes.

S. 781

At the request of Mr. SARBANES, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 1451

At the request of Mr. BIDEN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 2236

At the request of Mr. SIMON, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 2236, a bill to amend the Voting Rights Act of 1965 to modify and extend the bilingual voting provisions of the Act.

S. 2385

At the request of Mr. RIEGLE, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 2385, a bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes.

S. 2900

At the request of Mr. DOMENICI, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2900, a bill to establish a moratorium on the promulgation and implementation of certain drinking water regulations promulgated under title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) until certain studies and the reauthorization of the Act are carried out, and for other purposes.

S. 2909

At the request of Mr. BENTSEN, the name of the Senator from Michigan [Mr. LEVIN] 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. 2914

At the request of Mr. DURENBERGER, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 2914, a bill to direct the Secretary of Health and Human Services to make separate payment for interpretations of electrocardiograms.

S. 2918

At the request of Mr. GRAHAM, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New Jersey [Mr. BRADLEY], the Senator from Virginia [Mr. WARNER], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. WALLOP], the Senator from Utah [Mr. GARN], the Senator from Oklahoma [Mr. BOREN], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 2918, a bill to promote a peaceful transition to democracy in Cuba through the application of appropriate pressures on the Cuban Government and support for the Cuban people.

S. 2941

At the request of Mr. RUDMAN, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2941, a bill to provide the Administrator of the Small Business Administration continued authority to

administer the Small Business Innovation Research Program, and for other purposes.

S. 2973

At the request of Mr. CRANSTON, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 2973, a bill to amend title 38, United States Code, to improve the care and services furnished to women veterans who have experienced sexual trauma, to study the needs of such veterans, to expand and improve other Department of Veterans Affairs programs that provide such care and services, and for other purposes.

S. 3097

At the request of Mr. GORTON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 3097, a bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of certain chemicals used in the illicit production of controlled substances, to provide greater flexibility in the regulatory controls placed on the legitimate commerce in those chemicals, and for other purposes.

S. 3119

At the request of Mr. CONRAD, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 3119, a bill to establish a National Appeals Division of the Department of Agriculture to hear appeals of adverse decisions made by certain agencies of the Department, and for other purposes.

SENATE JOINT RESOLUTION 242

At the request of Mr. SPECTER, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Maine [Mr. COHEN], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 242, a joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week."

SENATE CONCURRENT RESOLUTION 126

At the request of Mr. SHELBY, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor 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 CONCURRENT RESOLUTION 134—COMMENDING THE PEOPLE OF THE PHILIPPINES ON THEIR GENERAL ELECTIONS

Mr. CRANSTON (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 134

Whereas achieving the first peaceful and constitutional succession of elected presidents is one of the most difficult and important steps in the establishment of democratic government;

Whereas the Philippines, under the leadership of President Corazon Aquino, has successfully completed this democratic transition and, thereby secured the final victory of the 1986 Peoples Power Revolution;

Whereas Fidel Ramos was a key participant in the 1986 Peoples Power Revolution that ended the Marcos dictatorship, and subsequently played a crucial role in opposing 6 abortive coup attempts that threatened to overthrow the democratically elected government;

Whereas newly-elected President Fidel Ramos will face the important challenge of continuing the difficult economic and political reforms begun by his predecessor;

Whereas despite a series of natural disasters (including earthquakes, typhoons, and volcanic eruption), the Philippine economy has turned from annual contraction under the previous regime to a yearly growth rate of 3 to 4 percent;

Whereas the American people can be proud of the role the United States has played in helping Filipinos succeed in the reestablishment of democracy in their country and in beginning free market economic reforms; and

Whereas despite the withdrawal of United States Armed Forces from Clark Air Field and Subic Bay Naval Station, the United States and the Philippines continue to be bound together by their Mutual Defense Treaty and to share important security interests in the region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That in light of the continued strong security and economic interests shared by the United States and the Philippines as well as our deep cultural and historic ties, the Congress—

(1) congratulates Fidel Ramos on his election to the Presidency of the Philippines;

(2) commends the people of the Philippines for institutionalizing democratic government in their country by supporting peaceful and constitutional elections;

(3) urges the President of the United States to support strongly continued economic and political reform by the new Philippine Government; and

(4) believes a new era has begun in the United States-Philippine relations and recommends that a post-bases relationship be built on the cooperative pursuit of mutually beneficial goals.•

Mr. CRANSTON. Mr. President, today I am submitting a concurrent resolution on behalf of myself and Senator LUGAR commending the Philippines for completing peaceful general elections in May. These elections indicate that democracy has taken firm hold in the Philippines. The resolution also congratulates Fidel Ramos for his election to the Presidency. President-elect Ramos' victory puts the finishing touches to President Corazon Aquino's legacy of returning democratic rule to the Philippines.

Since 1986, the Philippines has overcome many obstacles in the way of its political and economic development. The resilience of this country in the face of recurring natural disasters is impressive. Its commitment to securing a democratic transition is heartening.

The resolution also recognizes that a new era in United States-Philippine relations has begun. This relationship should be built upon cooperation and mutual goals for democracy and peace in the region. It is important that the United States continue to support economic and political reform in the Philippines. The Philippines has served as a democratic example for its neighbors in the region. The United States must maintain its investment in fostering democratic growth by upholding its commitment to the multilateral assistance initiative.

At present, the Philippines future looks bright, particularly when one considers the rich oil and natural gas deposits recently discovered off its shores. President-elect Ramos is working aggressively to create an administration that will maintain stability and foster economic growth throughout the decade. The United States can help the Philippines reach its goals through continued economic support.

I urge my colleagues to join me in recognizing the Philippines accomplishments and congratulating it on its successful democratic transition.

SENATE RESOLUTION 330—ORIGINAL RESOLUTION REPORTED RELATING TO AUTHORIZATION OF MULTILATERAL ACTION IN BOSNIA-HERCEGOVINA

Mr. PELL, from the Committee on Foreign Relations, reported the following original resolution; which was placed on the calendar:

S. RES. 330

Whereas the Republic of Bosnia-Hercegovina is internationally recognized as an independent state and is a member of the United Nations and a participant in the Conference on Security and Cooperation in Europe;

Whereas attempts to bring about a permanent cessation of hostilities precipitated by Serbia and Serbian-backed forces in Bosnia-Hercegovina through negotiations have repeatedly failed;

Whereas horrible atrocities are being committed by Serbian-backed forces against the civilian population, including the "ethnic-cleansing" of regions inhabited by non-Serbs;

Whereas the United States and other Contracting Parties to the International Convention on the Prevention and Punishment of the Crime of Genocide may, under Article VIII, "call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide" or any of the other "Acts Constituting Genocide" enumerated in Article III.

Whereas officials of the International Committee of the Red Cross have been denied access to prison camps and interment camps throughout Bosnia-Hercegovina even though such officials are entitled to access to such camps under Article 143 of the 1949 Geneva Convention.

Whereas United Nations and Red Cross relief convoys carrying much needed supplies of food and medicine are being repeatedly blocked and in some cases have been attacked by Serbian-backed forces;

Whereas the Security Council of the United Nations voted unanimously to dispatch additional forces to reopen Sarajevo's airport, and the delivery of supplies of humanitarian assistance to the city's beleaguered population is taking place under the protection of these forces but with great difficulty;

Whereas the Security Council also endorsed the cease-fire plan negotiated by the European Community Envoy which would place all heavy weapons in the possession of factions in Bosnia-Hercegovina under international supervision;

Whereas the president of the democratically elected Government of Bosnia-Hercegovina has issued urgent appeals for immediate assistance from the international community; and

Whereas the situation in Sarajevo and elsewhere in Bosnia-Hercegovina has reached a critical point requiring immediate and decisive action by the international community: Now, therefore, be it *Resolved*, That it is the sense of the Senate that—

(1) the President should immediately call for an emergency meeting of the United Nations Security Council in order to authorize, under Article 42 of the United Nations Charter, all necessary means, including the use of military force, giving particular consideration to the possibility of "demonstrations" of force as specified in Article 42, to implement—

(a) a United Nations-sponsored effort to provide humanitarian relief to civilians in Bosnia-Hercegovina; and

(b) a United Nations-sponsored plan to place heavy weapons belonging to all factions in Bosnia-Hercegovina under U.N. supervision;

(2) during such meeting, the Security Council should—

(a) consider the means by which the United Nations and International Red Cross personnel shall be granted access to refugee and prisoners of war camps in all of the republics of the former Yugoslavia;

(b) review the effects on Bosnia-Hercegovina of the arms embargo imposed on all states in the former Yugoslavia pursuant to United Nations Security Council Resolution 713 and determine whether the termination or suspension of the application of that resolution to Bosnia-Hercegovina could result in increased security for the civilian population of that country; and

(c) determine how to convene a tribunal to investigate allegations of war crimes and crimes against humanity committed within the territory of the former Yugoslavia and to accumulate evidence, charge, and prepare the basis for trying individuals believed to have committed such crimes; and

(3) when requested by the President, the Congress should promptly consider authorization for any use of United States military forces pursuant to, and only pursuant to, the U.N. authorization described in paragraph 1.

SENATE RESOLUTION 331—COMMEMORATING THE HUNGARIAN NATIONAL HOLIDAY

Mr. DOLE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 331

Whereas the Republic of Hungary on August 20, 1992, will celebrate the founding of the Hungarian state by King Saint Stephen in 1000 AD;

Whereas the Hungarian people, because of their successful democratic revolution, will be able to celebrate this national and religious holiday for the first time since the Communists consolidated power in Hungary in 1947;

Whereas Hungarian-Americans, who have made major contributions to the prosperity and well-being of the United States, will join joyously in this celebration: Now, therefore, be it

Resolved, That the United States Senate hereby congratulates the Republic of Hungary on the Hungarian National Holiday and extends to Hungary its best wishes for continued success in establishing a free, prosperous, and democratic nation.

Mr. DOLE. Mr. President, I rise today to submit a resolution to commemorate the founding of the Hungarian state by King Saint Stephen in the year 1000 AD.

The Hungarian people have waited many long years—almost 50 years—to celebrate this national and religious holiday. And, having successfully ousted the Communist government that held them hostage for so many years, the Hungarian people will once again honor this festive holiday on August 20.

Mr. President, I am confident that the entire Senate membership joins me in congratulating the Hungarian Government and the Hungarian people on their national holiday. We also extend our congratulations to Hungarian-Americans, who had made major contributions to the success and well-being of the United States of America.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1993

CRAIG (AND OTHERS) AMENDMENT NO. 2903

Mr. CRAIG (for himself, Mr. DECONCINI, Mr. GORTON, Mr. STEVENS, Mr. BURNS, and Mr. DOMENICI) proposed an amendment to amendment No. 2902 proposed by Mr. FOWLER to the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes, as follows:

In lieu of the matter proposed to be inserted, insert the following new section:

SEC. . FOREST SERVICE APPEALS.

(a) IN GENERAL.—In accordance with this section, the Secretary of Agriculture shall modify the procedure for appeals of decisions of the Forest Service.

(b) RIGHT TO APPEAL.—Not later than 30 days after the date of issuance of a decision of the Forest Service, a person who was involved in the public comment process for the underlying decision may file an appeal.

(c) DISPOSITION OF APPEAL.—

(1) INFORMAL DISPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), a designated employee of the Forest Service shall offer to meet with each individual who files an appeal in accordance with subsection (b) and attempt to dispose of the appeal.

(B) TIME AND LOCATION OF MEETING.—Each meeting in accordance with subparagraph (A) shall take place—

(i) not later than 15 days after the date of filing of the appeal; and

(ii) at a location designated by the Chief of the Forest Service that is in the vicinity of the lands affected by the decision.

(2) FORMAL REVIEW.—If the appeal is not disposed of in accordance with paragraph (1), an appeals hearing officer designated by the Chief of the Forest Service shall review the appeal and recommend to the official responsible for the decision the appropriate disposition of the appeal. The official shall decide the appeal.

(3) TIME FOR DISPOSITION.—Disposition of appeals under this subsection shall be completed not later than 30 days after the date of filing of the appeal.

(d) STAY.—Unless the Chief of the Forest Service determines that an emergency situation exists with respect to a decision of the Forest Service, implementation of the decision shall be stayed during the period beginning on the date of the decision and ending on—

(1) if no appeal of the decision is filed, 30 days after the date of filing of the appeal; or

(2) if an appeal of the decision is filed, the date of disposition of the appeal under subsection (c).

GORTON (AND OTHERS) AMENDMENT NO. 2904

Mr. GORTON (for himself, Mr. PACKWOOD, Mr. CRAIG, Mr. SEYMOUR, Mr. BURNS, and Mr. MURKOWSKI) proposed an amendment to the bill H.R. 5503, supra, as follows:

On page 67 of the bill, strike lines 9 through 11 and insert in their place the following:

"FUNDING OF FOREST HEALTH IMPROVEMENT PROJECTS.—To meet the forest health emergency now experienced on many of the Federal forest lands, the Secretary of Agriculture on National Forest System lands and the Secretary of Interior on public lands shall expend such sums as are necessary within available funds from the salvage sale fund authorized by section 14(h) of the National Forest Management Act of 1976 (16 U.S.C. 472a(h)) and the salvage sale trust fund within the Bureau of Land Management established by this Act. Such projects shall employ a combination of multi-resource management practices, treatments, and protections. Such projects shall be designed to accomplish the objective of improving forest health through management actions that improve stand density and composition, salvage dead and dying timber, remove or treat sources of infection or infestation, reduce excess fuels, and leave remaining vegetation in a condition designed to increase its opportunity to contribute to a healthy, productive ecosystem. In the execution of such projects, the Secretary of Agriculture and the Secretary of the Interior are authorized to use the authorities in the Knutson-Vandenberg Act of 1930 (16 U.S.C. 576) as amended, the provisions of the National Forest Management Act of 1976 (16 U.S.C. 472a), as amended, the Federal Land Policy and Management Act of 1976 (16 U.S.C. 1701 et seq.), and other applicable law.

"ENVIRONMENTAL ANALYSIS.—Any forest health improvement project found by the Secretary of Agriculture or the Secretary of the Interior to be not inconsistent with the

long-term management goals and objectives of a land management plan for the administrative unit in which the activity is to occur shall be deemed not to be a major Federal action significantly affecting the quality of the human environment for the purpose of subsection (C) of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)). The Secretary of Agriculture and the Secretary of the Interior shall establish by regulation a policy providing for categorical exclusions from requirements established pursuant to such section for certain types of salvage based on the extent to which the salvage includes selective thinning, minimal building of new roads, minimum loss of healthy standing timber, and other justifying factors.

"ADMINISTRATIVE REVIEW—Unless the Secretary of Agriculture or the Secretary of the Interior specifically provide for administrative review, citizens of the United States may seek immediate judicial review of a decision by the respective Secretary to conduct a forest health improvement project in the district court of the United States for the district in which the project is to occur. If the respective Secretary provides an opportunity for administrative review, standing to bring an administrative appeal of a forest health improvement project shall be available only to persons who have raised the issue or issues for which administrative review is sought in written or oral comment submitted during the preparation of the project.

"SPOTTED OWL FORESTS.—Notwithstanding the Forest Service Record of Decision of March 3, 1992, 57 Fed. Reg. 8621 (March 11, 1992), the National Forest Management Act of 1976, and the National Environmental Policy Act of 1969, the Forest Service is authorized to allow salvage timber sales in Habitat Conservation Areas and other suitable habitat for the northern spotted owl on the spotted owl forests in Washington, Oregon and California outside any units of the National Wilderness Preservation System and other areas in which timber harvesting is expressly prohibited by statute, unless such salvage will adversely affect spotted owl habitat as determined by the Secretary of Agriculture.

JEFFORDS (AND METZENBAUM) AMENDMENT NO. 2905

Mr. JEFFORDS (for himself and Mr. METZENBAUM) proposed an amendment to the bill H.R. 5503, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . Section 6 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905 and 1751) is amended by adding at the end the following new subsections:

"(c)(1) Notwithstanding any other provision of law, the Secretary of Agriculture, with respect to national forest lands in the 16 contiguous western States (except National Grasslands) administered by the Forest Service where domestic livestock grazing is permitted under applicable law, and the Secretary of the Interior with respect to public domain lands administered by the Bureau of Land Management where domestic livestock grazing is permitted under applicable law, shall establish for the grazing season that commences on March 1, 1993, and ends on February 28, 1994, a domestic livestock grazing fee equal to $2.40 per animal unit month.

"(2) The grazing fee established in paragraph (1) shall apply to grazing permits on Federal lands managed by the Forest Service (with the exception of National Grasslands) or the Bureau of Land Management, except that:

"(A) If a grazing applicant or permittee presents certified evidence that the applicant or permittee owns or controls, whether through direct ownership or through leasing or management agreements a total of fewer than (i) 500 head of cattle or horses or (ii) 2,500 head of sheep or goats, or both, on grazing land under all types of ownership, including Federal, State, local, and private, the fee shall be the greater of—

"(i) the fee determined by applying the formula described in subsection (a); or

"(ii) $1.92 per animal unit month.

"(B) All livestock owned or controlled by an applicant or permittee, whether in one or several States and whether grazed on Federal lands or not, shall be included in calculating the total number of livestock under paragraph (1).

"(C)(i) Subject to clause (ii), the Forest Service and the Bureau of Land Management shall determine by regulation the type of certified evidence applicants or permittees must provide to reflect aggregate ownership or control of domestic livestock for the purpose of determining the appropriate grazing fee.

"(ii) Proofs of livestock ownership under applicable State laws may include bills of sale, brand inspection records, State and local property tax assessments, incorporation papers, and lease agreements.

"(D) For purposes of this subsection, individual members of a grazing association shall be considered as individual applicants or permittees for the purpose of determining the appropriate fee level to be assessed.

"(E) Executive Order No. 12548, dated February 14, 1986, shall not apply to grazing fees established pursuant to this Act.

"(d) The grazing advisory boards established pursuant to an action of the Secretary, notice of which was published in the Federal Register on May 14, 1986 (51 Fed. Reg. 17874), are abolished. The advisory functions exercised by the boards, shall, after the date of enactment of this subsection, be exercised only by the appropriate councils established pursuant to section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739).

"(e)(1) Funds appropriated pursuant to section 5 or any other provision of law relating to disposition of the Federal share of receipts from fees for grazing on public domain lands or National Forest lands in the 16 contiguous western States shall be used for—

"(A) restoration and enhancement of fish and wildlife habitat;

"(B) implementation and enforcement of applicable land management plans, allotment plans, and regulations regarding the use of the lands for domestic livestock grazing;

"(C) land and range improvements and conservation practices on public lands used for the purposes of grazing, including restoration and improved management of riparian areas; and

"(D) increased production of forage and browse for livestock and wildlife habitat needs.

"(2) The funds referred to in paragraph (1) shall be distributed as the Secretary concerned considers advisable after consultation and coordination with the advisory councils established pursuant to section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739) and other interested parties, including local conservation districts in areas where applicable.".

LOTT AMENDMENT NO. 2906

(Ordered to lie on the table.)

Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 5503, supra, as follows:

On page 91, line 14, strike "$144,245,000" and insert in lieu thereof "$144,110,000".

On page 20, line 21, strike "$206,445,000" and insert in lieu thereof "$206,590,000".

On page 21, line 3, following "1989" insert, ": *Provided*, That of the funds provided under this heading, $135,000 shall be available for exhibit design and archaeological survey for the continued preparation of the Corinth, Mississippi site development.".

BOND AMENDMENT NO. 2907

Mr. BYRD (and Mr. NICKLES) (for Mr. BOND) proposed an amendment to the bill H.R. 5503, supra, as follows:

On page 66, between lines 3 and 4, insert the following new paragraph:

None of the funds made available under this Act may be used to purchase, procure, or upgrade computer hardware or software used by an officer or employee of the Forest Service prior to the implementation, by the Secretary of Agriculture, of reforms of the field structure and organization of the Department of Agriculture.

WALLOP AMENDMENT NO. 2908

Mr. BYRD (and Mr. NICKLES) (for Mr. WALLOP) proposed an amendment to the bill H.R. 5503, supra, as follows:

On page 2, line 12, strike "545,517,000" and insert "$545,665,000".

On page 18, line 24, strike "$989,330,000" and insert "$989,282,000".

STEVENS AMENDMENT NO. 2909

Mr. STEVENS proposed an amendment to the bill H.R. 5503, supra, as follows:

Insert at the appropriate place in the bill:

"Notwithstanding any other provision of law, the Secretary of the Interior is authorized to exchange a property, located at 132-140 Manor Avenue, Anchorage, Alaska, for property that meets requirements of the United States Geological Survey located in Anchorage Alaska owned by AHPI/Municipality of Anchorage. This exchange will be based on terms and conditions determined by the Secretary to be in the best interests of the United States Government. Either party is authorized to equalize the value of the properties involved through payment or receipt of cash or other consideration.".

REID (AND BUMPERS) AMENDMENT NO. 2910

Mr. REID (for himself and Mr. BUMPERS) proposed an amendment to the bill H.R. 5503, supra, as follows:

At the end of the bill, add the following section:

SEC. . NOTWITHSTANDING ANY OTHER PROVISION OF LAW.

(a) FINANCIAL GUARANTEE.—Prior to the commencement of any mineral activities conducted pursuant to the general mining laws causing more than minimal disturbance to the environment, the claimant shall furnish a bond, surety, or other financial guarantee, which may include, but not be limited to, the use of bond pools, in an amount as de-

termined by the Secretary of not less than $200 or more than $2,500 per acre, conditioned upon compliance with the requirements of this Act and other applicable laws and regulations. Regardless of the financial limits of the preceding sentence, the bond, surety, or other financial guarantee shall not be less than the estimated cost to complete the reclamation of the disturbed land.

(b) REVIEW.—The Secretary shall review the bond, surety, or other financial guarantee for sufficiency not less than every five years.

(c) PHASED GUARANTEES.—The Secretary may reduce proportionately the amount of bond, surety, or other financial guarantee upon determination that any portion of reclamation is completed in accordance with this Act and applicable laws and regulations.

(d) RELEASE.—The Secretary shall provide for public notice prior to any reduction in, or final release of, a bond or other financial guarantee.

BILINGUAL VOTING ACT

SIMPSON AMENDMENT NO. 2911

Mr. SIMPSON proposed an amendment to the bill (H.R. 4312) to amend the Voting Rights Act of 1965 with respect to bilingual election requirements, as follows:

On page 2, line 3, strike "2007" and insert "1997".

On page 2, line 18, strike "10,000" and insert "20,000".

At the end of the bill, add the following:

SEC. . REPORT.

(a) REPORT.—Not later than May 1, 1997, the Director of the Census, in cooperation with the Attorney General, shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that shall include the following information:

(1) Voting participation rates among each language minority group, both on a national basis and for each covered jurisdiction.

(2) Voting participation rates among all voters as a group and English-speaker voters as a group, both on a national basis and for each covered jurisdiction.

(3) Any increases or decreases in voting participation for each of the groups described in paragraphs (1) and (2), both on a national basis and for each covered jurisdiction.

(4) The names and qualifying information for each State, and each political subdivision, in which at least 10,000 persons are covered individuals.

(5) The names and qualifying subdivision, in which at least 20,000 persons are covered individuals.

(6) The names and qualifying information for each covered jurisdiction.

(7) For each State, political subdivision, or covered jurisdiction described in paragraph (4), (5), or (6), information regarding—

(A) whether multilingual voting assistance is available in the State, political subdivisions, or jurisdiction; and

(B) if such assistance is available—

(i) the type of such assistance that is available; and

(ii) the number of persons who utilize such assistance, as an absolute number and as a percentage of the general population and of language minority groups.

(b) Definitions.—As used in this section:

(1) COVERED INDIVIDUAL.—The term "covered individual" means an individual who is—

(A) a citizen described in clause (i) of Section 203(b)(2)(A) of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a(b)(2)(A));

(B) a citizen in a language minority described in clause (ii) of such section; and

(C) a citizen in a covered jurisdiction.

(2) COVERED JURISDICTIONS.—The term "covered jurisdiction" means a jurisdiction that is

(A) a covered State or covered political subdivision under paragraph (2)(A) of section 203(b) of the Voting Rights Act of 1965; and

(B) is not excluded from the application of such section under paragraph (2)(B) of such section.

(3) LANGUAGE MINORITY GROUP.—The term "language minority group" has the meaning given the term in section 203(e) of the Voting Rights Act of 1965.

SEC. . STUDY OF VOTING FRAUD.

(a) STUDY.—The Attorney General shall conduct a study, covering all covered jurisdictions (as defined in section (b)(2)), to determine—

(1) whether multilingual voting assistance under section 203 of the Voting Rights Act of 1965 has been used, or implicated in efforts, to violate other laws, particularly laws requiring the use of documentary identification and citizenship as a requirement for voting; and

(2) if so, the extent to which the multilingual voting assistance has been so used or implicated.

(b) REPORT.—Not later than June 1, 1995, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report setting forth the findings of such study.

INDIAN TRIBAL COURTS

GORTON AMENDMENT NO. 2912

Mr. SIMPSON (for Mr. GORTON) proposed an amendment to the bill (S. 1752) to provide for the development, enhancement, and recognition of Indian tribal courts, as follows:

At the end of the bill, add the following new title:

TITLE IV—STUDY OF TRIBAL/FEDERAL COURT REVIEW

SEC. 401. STUDY.

(a) TRIBAL/FEDERAL COURT REVIEW.—A comprehensive study shall be conducted in accordance with subsection (b), of the treatment by tribal courts of matters arising under the Indian Civil Rights Act (25 U.S.C. 1301 et seq.) and of other Federal laws for which tribal courts have jurisdictional authority and regulations promulgated by Federal agencies pursuant to the Indian Civil Rights Act and other Acts of Congress. The study shall include an analysis of those Indian Civil Rights Act cases that were the subject of Federal court review from 1968 to 1978 and the burden, if any, on tribal governments, tribal courts, and Federal courts of such review. The study shall address the circumstances under which Federal court review of actions arising under the Indian Civil Rights Act may be appropriate or warranted.

(b) TRIBAL/FEDERAL COURT REVIEW STUDY PANEL.—The study required in subsection (a) shall be conducted by the Tribal/Federal Court Review Study Panel in consultation with tribal governments.

SEC. 402. TRIBAL/FEDERAL COURT REVIEW STUDY PANEL.

(a) COMPOSITION.—The Tribal/Federal Court Review Study Panel shall consist of—

(1) four representatives of tribal governments, including tribal court judges, two of whom shall be appointed by the Speaker of the House of Representatives and two of whom shall be appointed by the President pro tempore of the Senate; and

(2) four members of the United States Court of Appeals courts who shall be appointed by the Director of the Administrative Office of the United States Courts.

(b) PERSONNEL.—The Tribal/Federal Court Review Study Panel may employ, on a temporary basis, such personnel as are required to carry out the provisions of this title.

(c) FINDINGS.—The Tribal/Federal Court Review Study Panel, not later than the expiration of the 12-month period following the date on which moneys are made available to carry out this title, shall submit its findings and recommendations to—

(1) the Congress;

(2) the Tribal Judicial Conference; and

(3) the Director of the Administrative Office of the United States Courts.

(d) TERMINATION.—Not later than 30 days after the Panel has submitted its findings and recommendations under subsection (c), the Panel shall cease to exist.

SEC. 403. APPROPRIATIONS.

For purposes of carrying out the provisions of this title there are authorized to be appropriated such sums as may be necessary.

SEC. 404. PROHIBITION ON GRANTS.

Notwithstanding any other provision of this Act, no grants shall be made by the Conference under this Act after the expiration of the 18-month period following the date of enactment of this Act, unless the Tribal/Federal Court Review Study Panel has submitted its findings and recommendations to the Congress in accordance with subsection (c) of section 402 and a period of 60 days has expired following the submission of such findings and recommendations.

SMALL BUSINESS CREDIT CRUNCH RELIEF ACT

BUMPERS (AND KASTEN) AMENDMENT NO. 2913

Mr. SIMON (for Mr. BUMPERS, for himself and Mr. GORTON) proposed an amendment to the bill (H.R. 4111) to amend the Small Business Act to provide additional loan assistance to small businesses, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Credit and Business Opportunity Enhancement Act of 1992".

(b) TABLE OF CONTENTS.—The table of contents for this Act shall be as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVED ACCESS TO CREDIT

Subtitle A—Section 7(a) Guaranteed Loan Program

Sec. 101. Short title.
Sec. 102. Authorizations.
Sec. 103. Buy American preference.

Sec. 104. State limitations on interest rates.
Subtitle B—Microloan Demonstration Program Amendments
Sec. 111. Short title.
Sec. 112. Findings.
Sec. 113. Microloan demonstration program amendments.
Sec. 114. Regulations.
Sec. 115. Authorization of appropriations.
TITLE II—AMENDMENTS TO THE SMALL BUSINESS ACT AND RELATED ACTS
Subtitle A—Small Business Competitiveness Demonstration Program
Sec. 201. Extension of demonstration programs.
Sec. 202. Management improvements to the small business competitiveness demonstration program.
Sec. 203. Amendments to the dredging demonstration program.
Subtitle B—Defense Economic Transition Assistance
Sec. 211. Section 7(a) loan program.
Sec. 212. Small business development center program.
Subtitle C—Small Business Administration Management
Sec. 221. Disadvantaged small business status decisions.
Sec. 222. Establishment of size standards.
Sec. 223. Management of Small Business Development Center Program.
Subtitle D—Technical Amendments and Repealers
Sec. 231. Commission on minority business development.
TITLE III—STUDIES AND RESOLUTIONS
Subtitle A—Access to Surety Bonding
Sec. 301. Short title.
Sec. 302. Survey.
Sec. 303. Report.
Sec. 304. Definitions.
Subtitle B—Small Business Loan Secondary Market Study
Sec. 311. Secondary market for loans to small businesses.
Subtitle C—Contract Bundling Study
Sec. 321. Contract bundling study.
Subtitle D—Resolution Regarding Small Business Access to Capital
Sec. 331. Sense of the Congress.

TITLE I—IMPROVED ACCESS TO CREDIT

Subtitle A—Section 7(a) Guaranteed Loan Program

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Small Business Credit Crunch Relief Act of 1992".

SEC. 102. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(4) Except as may be otherwise specifically provided by law, the amount of deferred participation loans authorized in this section—

"(A) shall mean the net amount of the loan principal guaranteed by the Small Business Administration (and does not include any amount which is not guaranteed); and

"(B) shall be available for a national program, except that the Administration may use not more than an amount equal to 10 percent of the amount authorized each year for any special or pilot program directed to identified sectors of the small business community or to specific geographic regions of the United States.";

(2) by amending subsection (e)(2) to read as follows:

"(2) For the programs authorized by this Act, the Administration is authorized to make $5,978,000,000 in deferred participation loans and other financing. Of such sum, the Administration is authorized to make—

"(A) $5,200,000,000 in general business loans, as provided in section 7(a);

"(B) $53,000,000 in loans, as provided in section 7(a)(12)(B); and

"(C) $725,000,000 in financings, as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958.";

(3) amending subsection (g)(2) to read as follows:

"(2) For the programs authorized by this Act, the Administration is authorized to make $7,030,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $6,200,000,000 in general business loans as provided in section 7(a);

"(B) $55,000,000 in loans, as provided in section 7(a)(12)(B); and

"(C) $775,000,000 in financings, as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958."; and

(4) by amending subsection (i)(2) to read as follows:

"(2) For the programs authorized by this Act, the Administration is authorized to make $8,083,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(A) $7,200,000,000 in general business loans, as provided in section 7(a);

"(B) $58,000,000 in loans, as provided in section 7(a)(12)(B); and

"(C) $825,000,000 in financings, as provided in section 7(a)(13) and section 504 of the Small Business Investment Act of 1958.".

SEC. 103. BUY AMERICAN PREFERENCE.

In providing financial assistance with amounts appropriated pursuant to the amendments made by this Act, the Administrator of the Small Business Administration shall, when practicable, accord preference to small business concerns which use or purchase equipment and supplies produced in the United States. The Administrator shall also encourage small business concerns receiving such assistance to purchase such equipment and supplies.

SEC. 104. STATE LIMITATIONS ON INTEREST RATES.

Section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is amended by striking "The rate of interest on financings made on a deferred basis shall be legal and reasonable but" and inserting the following: "Notwithstanding the provisions of the constitution of any State or the laws of any State limiting the rate or amount of interest which may be charged, taken, received, or reserved, the maximum legal rate of interest on any financing made on a deferred basis pursuant to this subsection".

Subtitle B—Microloan Demonstration Program Amendments

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Microlending Expansion Act of 1992".

SEC. 112. FINDINGS.

The Congress finds that—

(1) nationwide, there are many individuals who possess skills that, with certain short-term assistance, could enable them to become successfully self-employed;

(2) many talented and skilled individuals who are employed in low-wage occupations could, with sufficient opportunity, start their own small business concerns, which could provide them with an improved standard of living;

(3) most such individuals have little or no savings, a nonexistent or poor credit history, and no access to credit or capital with which to start a business venture;

(4) women, minorities, and individuals residing in areas of high unemployment and high levels of poverty have particular difficulty obtaining access to credit or capital;

(5) providing such individuals with small-scale, short-term financial assistance in the form of microloans, together with intensive marketing, management, and technical assistance, could enable them to start or maintain small businesses, to become self-sufficient, and to raise their standard of living;

(6) banking institutions are reluctant to provide such assistance because of the administrative costs associated with processing and servicing the loans and because they lack experience in providing the type of marketing, management, and technical assistance needed by such borrowers;

(7) many organizations that have had successful experiences in providing microloans and marketing, management, and technical assistance to such borrowers exist throughout the Nation; and

(8) loans from the Federal Government to intermediaries for the purpose of relending to start-up, newly established and growing small business concerns are an important catalyst to attract private sector participation in microlending.

SEC. 113. MICROLOAN DEMONSTRATION PROGRAM AMENDMENTS.

(a) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(A)—

(A) by amending clause (i) to read as follows:

"(i) to assist women, low-income, and minority entrepreneurs and business owners and other such individuals possessing the capability to operate successful business concerns, and, in particular, those entrepreneurs and business owners located in labor surplus areas or low-income areas;"; and

(B) in clause (iii)(I), by inserting ", particularly loans in amounts averaging not more than $5,000," after "small-scale loans";

(2) in paragraph (3)(A)—

(A) by striking "As part of" and inserting the following:

"(i) IN GENERAL.—As part of";

(B) by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(C) in subclause (III), as redesignated, by striking "economic and unemployment" and inserting "economic, poverty, and unemployment";

(D) by amending subclause (VIII), as redesignated, to read as follows:

"(VIII) any plan to involve other technical assistance providers (such as counselors from the Service Corps of Retired Executives or small business development centers) or private sector lenders in assisting selected business concerns."; and

(E) by adding at the end the following:

"(ii) SELECTION OF INTERMEDIARIES.—In selecting intermediaries to participate in the program established under this subsection, the Administration shall give priority to those applicants that provide loans to small business concerns located in labor surplus areas or in low-income areas.";

(3) by amending paragraph (3)(F) to read as follows:

"(F) LOAN DURATION; INTEREST RATES.—

"(i) LOAN DURATION.—Loans made by the Administration under this subsection shall be for a term of 10 years.

"(ii) APPLICABLE INTEREST RATES.—Except as provided in clauses (iii) and (iv), loans made by the Administration under this subsection to an intermediary shall bear an interest rate equal to one-half of 1 percentage point below the rate determined by the Secretary of the Treasury for obligations of the United States with a period of maturity of 5 years, adjusted to the nearest one-eighth of 1 percent.

"(iii) RATES APPLICABLE TO LOANS IN LABOR SURPLUS AND LOW-INCOME AREAS.—Loans made by the Administration to an intermediary that predominantly serves small business concerns and entrepreneurs located in labor surplus and low-income areas shall bear an interest rate that is 1.25 percentage points below the rate determined by the Secretary of the Treasury for obligations of the United States with a period of maturity of 5 years, adjusted to the nearest one-eighth of 1 percent.

"(iv) RATES APPLICABLE TO CERTAIN SMALL LOANS.—Loans made by the Administration to an intermediary described in clause (iii) that makes loans to small business concerns and entrepreneurs averaging not more than $5,000, shall bear an interest rate that is 2 percentage points below the rate determined by the Secretary of the Treasury for obligations of the United States with a period of maturity of 5 years, adjusted to the nearest one-eighth of 1 percent.

"(v) RATES APPLICABLE TO MULTIPLE SITES OR OFFICES.—The interest rate prescribed in clause (ii), (iii), or (iv) shall apply to each separate loan-making site or office of 1 intermediary only if such site or office meets the requirements of that clause.

"(vi) RATE BASIS.—The applicable rate of interest under this paragraph shall—

"(I) be applied retroactively for the first year of an intermediary's participation in the program, based upon the actual lending practices of the intermediary as determined by the Administration prior to the end of such year; and

"(II) be based in the second and subsequent years of an intermediary's participation in the program, upon the actual lending practices of the intermediary during the term of the intermediary's participation in the program.

"(vii) COVERED INTERMEDIARIES.—The interest rates prescribed in this subparagraph shall apply to all loans made to intermediaries under this subsection on or after October 28, 1991.";

(4) in paragraph (4)—

(A) in subparagraph (A), by striking "Subject to" and inserting "Except as otherwise provided in subparagraphs (C) and (D) and subject to"; and

(B) by adding at the end the following:

"(C) GRANTS FOR INTERMEDIARIES IN LABOR SURPLUS AREAS AND LOW-INCOME AREAS.—

"(i) IN GENERAL.—Except as otherwise provided in subparagraph (D), each intermediary that receives a loan under paragraph (1)(B)(i) and that predominantly serves small business concerns and entrepreneurs located in labor surplus or low-income areas shall be eligible to receive a grant in an amount equal to 25 percent of the total outstanding balance of loans made to it under this subsection to provide marketing, management, and technical assistance to small business concerns that are borrowers under this subsection.

"(ii) CONTRIBUTION.—As a condition of any grant made under clause (i), the Administration shall require the intermediary to contribute an amount equal to 25 percent of the amount of the grant, obtained solely from non-Federal sources. In addition to cash or other direct funding, the contribution may include indirect costs or in-kind contributions paid for under non-Federal programs.

"(D) ADDITIONAL TECHNICAL ASSISTANCE GRANTS FOR MAKING CERTAIN LOANS.—

"(i) IN GENERAL.—Each intermediary that meets the requirements of subparagraph (C) and that has a portfolio of loans made under this subsection that averages not more than $5,000 during the period of the intermediary's participation in the program shall be eligible to receive a grant equal to 5 percent of the total outstanding balance of loans made to the intermediary under this subsection, in addition to grants made under subparagraph (C)(i).

"(ii) PURPOSES.—A grant awarded under clause (i) may be used to provide marketing, management, and technical assistance to small business concerns that are borrowers under this subsection.

"(iii) CONTRIBUTION EXCEPTION.—The contribution requirements in subparagraph (C)(ii) do not apply to grants made under this subparagraph.

"(E) ELIGIBILITY FOR MULTIPLE SITES OR OFFICES.—The eligibility for a grant described in subparagraph (A), (C), or (D) shall be determined separately for each loan-making site or office of 1 intermediary.";

(5) in paragraph (5)(A), by striking "2 grants" and inserting "6 grants";

(6) in paragraph (6), by amending subparagraph (C) to read as follows:

"(C) INTEREST LIMIT.—Notwithstanding any provision of the laws of any State or the constitution of any State pertaining to the rate or amount of interest that may be charged, taken, received, or reserved on a loan, the maximum rate of interest to be charged on a microloan funded under this subsection shall not exceed the rate of interest applicable to a loan made to an intermediary by the Administration—

"(i) in the case of a loan made by the intermediary to a small business concern or entrepreneur other than those described in clauses (ii) and (iii), by more than 7 percentage points;

"(ii) in the case of a loan of more than $5,000 made by the intermediary to a small business concern or entrepreneur located in a labor surplus or low-income area, by more than 7.75 percentage points; and

"(iii) in the case of a loan of not more than $5,000 made by the intermediary to a small business concern or entrepreneur located in a labor surplus or low-income area, by more than 9.5 percentage points.";

(7) in paragraph (7)—

(A) in subparagraph (A), by striking "35 microloan programs" and inserting "60 microloan programs";

(B) in subparagraph (B), by striking "25 additional" and inserting "50 additional";

(C) by amending subparagraph (C)(i) to read as follows:

"(i) be awarded more than 4 microloan programs in the first 2 years of the demonstration program nor more than 2 microloan programs in any year thereafter;";

(D) in subparagraph (C)(ii), by striking "$1,000,000" and inserting "$1,500,000"; and

(E) in subparagraph (C)(iii), by striking "$1,500,000" and inserting "$2,500,000";

(8) by amending paragraph (8) to read as follows:

"(8) ASSISTANCE TO RURAL AREAS, LABOR SURPLUS AREAS, AND LOW-INCOME AREAS.—In funding microloan programs, the Administration shall ensure that not less than 70 percent of the programs funded under this subsection will provide microloans to small business concerns and entrepreneurs located in rural areas, labor surplus areas, and low-income areas.";

(9) by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively;

(10) by inserting after paragraph (8) the following:

"(9) TECHNICAL ASSISTANCE FOR INTERMEDIARIES.—

"(A) IN GENERAL.—The Administration may procure technical assistance for intermediaries participating in the Microloan Demonstration Program to ensure that such intermediaries have the knowledge, skills, and understanding of microlending practices necessary to operate successful microloan programs.

"(B) ASSISTANCE AMOUNT.—The Administration shall transfer 3 percent of its annual appropriation for loans under this subsection to the Administration's Salaries and Expense Account for the specific purpose of providing 1 or more technical assistance grants to experienced microlending organizations to achieve the purpose set forth in subparagraph (A).'"; and

(11) in paragraph (11), as redesignated—

(A) by amending subparagraph (A) to read as follows:

"(A) the term 'intermediary' means—

"(i) a private, nonprofit entity;

"(ii) a nonprofit community development corporation;

"(iii) a consortium of private, nonprofit organizations or nonprofit community development corporations; or

"(iv) a quasi-governmental economic development entity (such as a planning and development district), other than a State, county, municipal government, or any agency thereof, if—

"(I) no application is received from an eligible nonprofit organization; or

"(II) the Administration determines that the needs of a region or geographic area are not adequately served by an existing, eligible nonprofit organization that has submitted an application,

that seeks to borrow or has borrowed funds from the Administration to make microloans to small business concerns under this subsection;";

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following:

"(D) the term 'low-income area' means—

"(i) a county or parish; or

"(ii) a census tract or block numbering area within a central city of a metropolitan area,

in which not less than 20 percent of the population has an annual income below the poverty level, as determined by the most recently available census data; and

"(E) the term 'labor surplus area' means an area designated as such by the Secretary of Labor.".

(b) EFFECTIVE DATES.—The amendments made by paragraphs (4) and (5) of subsection (a) shall become effective on October 1, 1992.

SEC. 114. REGULATIONS.

Not later than 45 days after the date of enactment of this Act, the Small Business Administration shall promulgate interim final regulations to implement the amendments made by this subtitle.

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following new subsection:

"(k) AUTHORIZATION OF APPROPRIATIONS.—To carry out the program established under

section 7(m), there are authorized to be appropriated to the Small Business Administration—

"(1) for fiscal year 1992—

"(A) $45,000,000, to be used for the provision of loans; and

"(B) $10,000,000, to be used for the provision of grants;

"(2) for fiscal year 1993—

"(A) $80,000,000, to be used for the provision of loans; and

"(B) $25,000,000, to be used for the provision of grants; and

"(3) for fiscal year 1994—

"(A) $60,000,000, to be used for the provision of loans; and

"(B) $35,000,000, to be used for the provision of grants.".

(b) REPEAL OF EXISTING PROVISION.—Section 609 of Public Law 102-140 (105 Stat. 831) is amended by striking subsection (*l*).

TITLE II—AMENDMENTS TO THE SMALL BUSINESS ACT AND RELATED ACTS

Subtitle A—Small Business Competitiveness Demonstration Program

SEC. 201. EXTENSION OF DEMONSTRATION PROGRAMS.

(a) SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.—Section 711(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3889) is amended to read as follows:

"(c) PROGRAM TERM.—The Program shall commence on January 1, 1989, and terminate on September 30, 1996.".

(b) ALTERNATIVE PROGRAM FOR CLOTHING AND TEXTILES.—Section 721(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3895) is amended by striking "September 30, 1992" and inserting "September 30, 1996".

(c) EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.—Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking "During fiscal years 1989, 1990, 1991, and 1992, the" and inserting "The"; and

(2) by inserting before the period at the end ", commencing on October 1, 1989 and terminating on September 30, 1996".

SEC. 202. MANAGEMENT IMPROVEMENTS TO THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) IMPLEMENTATION ON A FISCAL YEAR BASIS.—Section 712(d) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3890) is amended—

(1) in paragraph (1), by striking "4 quarters" in the third sentence and inserting "4 fiscal year quarters"; and

(2) in paragraph (3), by inserting "fiscal year" before "quarter".

(b) TARGETED APPLICATION OF REMEDIAL MEASURES.—Section 713(b) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3892) is amended—

(1) in the first sentence, by striking "to the extent necessary for such agency to attain its goal" and inserting "only at those buying activities of the participating agency that failed to attain the small business participation goal required by section 712(a)";

(2) by striking the third sentence; and

(3) by inserting after the first sentence, the following new sentence: "Upon determining that its contract awards to small business concerns again meet the goals required by section 712(a), a participating agency shall promptly resume the use of unrestricted solicitations pursuant to subsection (a).".

(c) RELATIONSHIP TO RELATED LAW.—Section 713 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3892), as amended by subsection (b), is further amended by adding at the end the following new subsection:

"(d) RELATIONSHIP TO OTHER APPLICABLE LAW.—Solicitations for the award of contracts for architectural and engineering services (including surveying and mapping) issued by a Military Department or a Defense agency shall comply with the requirements of subsections (a) and (b) of section 2855 of title 10, United States Code.".

(d) SUBCONTRACTING ACTIVITY.—Section 714 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3892) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) SUBCONTRACTING ACTIVITY.—

"(1) SIMPLIFIED DATA COLLECTION SYSTEM.—The Administrator for Federal Procurement Policy shall develop and implement a simplified system to collect data on the participation of small business concerns (including small business concerns owned and controlled by socially and economically disadvantaged individuals) as other than prime contractors.

"(2) PARTICIPATING INDUSTRIES.—The system established under paragraph (1) shall be used to collect data regarding contracts for architectural and engineering services (including surveying and mapping). The Administrator for Federal Procurement Policy may expand such system to collect data regarding such other designated industry groups as deemed appropriate.

"(3) PARTICIPATING AGENCIES.—As part of the system established under paragraph (1) data shall be collected from—

"(A) the Environmental Protection Agency;

"(B) the National Aeronautics and Space Administration;

"(C) the United States Army Corps of Engineers (Civil Works); and

"(D) the Department of Energy.

The Administrator for Federal Procurement Policy may require the participation of additional departments or agencies from the list of participating agencies designated in section 718.

"(4) DETERMINING SMALL BUSINESS PARTICIPATION RATES.—The value of other than prime contract awards to small business concerns furnishing architectural and engineering services (including surveying and mapping) (or other services provided by small business concerns in other designated industry groups as may be designated for participation by the Administrator for Federal Procurement) shall be counted towards determining whether the small business participation goal required by section 712(a) has been attained.

"(5) DURATION.—The system described in subsection (a) shall be established not later than October 1, 1992 (or as soon as practicable thereafter on the first day of a subsequent quarter of fiscal year 1993), and shall terminate on September 30, 1996.".

(e) STATUS OF SMALL BUSINESS CONCERNS".—Section 714(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3892) (as redesignated by subsection (d)) is amended—

(1) in the subsection heading, by inserting "AND STATUS" after "SIZE";

(2) by inserting "and the status of the small business concern (as a small business concern owned and controlled by socially and economically disadvantaged individuals)" after "size of the small business concern".

(f) REPORTS TO CONGRESS.—Section 716 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3893) is amended—

(1) in the section heading, by striking "**REPORT**" and inserting "**REPORTS**";

(2) in the first sentence of subsection (a), by striking "fiscal year 1991 data is" and inserting "data for fiscal year 1991 and 1995 are"; and

(3) in subsection (c), by striking "report" and inserting "report to be submitted during calendar year 1996".

(g) IMPROVING ACCURACY OF DATA PERTAINING TO A-E SERVICES.—Section 717(d) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3894) is amended by inserting before the period at the end the following: ", and such contract was awarded under the qualification-based selection procedures required by title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)".

(h) PROCUREMENT PROCEDURES.—Restricted competitions pursuant to section 713(b) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3892) shall not be imposed with respect to the designated industry group of architectural and engineering services if the rate of small business participation exceeds 35 percent, until the improvements to the collection of data regarding prime contract awards (as required by subsection (g)) and the system for collecting data regarding other than prime contract awards (as required by subsection (d)) have been implemented, as determined by the Administrator for Federal Procurement Policy.

(i) TEST PLAN AND POLICY DIRECTION.—The Administrator for Federal Procurement Policy shall issue appropriate modifications to the test plan and policy direction issued pursuant to section 715 of the Small Business Competitiveness Demonstration Program Act of 1988, to conform to the amendments made by this section and section 201(a).

SEC. 203. AMENDMENTS TO THE DREDGING DEMONSTRATION PROGRAM.

(a) MODIFICATION OF THE SMALL BUSINESS PARTICIPATION GOALS.—The first sentence of section 722(b) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3895) is amended—

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

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

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

"(5) 20 percent during fiscal year 1993, and each subsequent year during the term of the program, including 5 percent of the dollar value of suitable contracts that shall be reserved for emerging small business concerns.".

(b) EXCLUSION OF CERTAIN CONTRACTS.—Section 722(b) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3896) is further amended—

(1) by striking "total dollar value of contracts" and inserting "aggregate value of all suitable contracts"; and

(2) by striking the last sentence and inserting the following: "The total value of contracts to be performed exclusively through the use of so-called dustpan dredges or sea-

going hopper dredges is deemed to be generally unsuitable for performance by small business concerns and is to be excluded in calculating whether the rates of small business participation specified in subsection (b) have been attained.".

(c) QUALIFIED SMALL BUSINESS COMPETITORS.—Section 722(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3896) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) Prior to making a determination to restrict a solicitation for the performance of a dredging contract for exclusive competition among 2 or more eligible small business concerns in accordance with section 19.5 of the Government-wide Federal Procurement Regulation (48 C.F.R. 19.5, or any successor thereto), the contracting officer shall make a determination that each anticipated offeror is a responsible source (as defined under section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)) and has (or can demonstrate the capability to obtain) the specialized dredging equipment deemed necessary to perform the work to be required in accordance with the schedule to be specified in the solicitation.".

(d) REPORTS.—Section 722(f) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note, 102 Stat. 3896) is amended—

(1) in paragraph (1), by striking "September 30, 1992" and inserting "September 30, 1995"; and

(2) in paragraph (2), by striking "of the fiscal years 1989, 1990, and 1991" and inserting "fiscal year during the term of the program established under subsection (a)".

Subtitle B—Defense Economic Transition Assistance

SEC. 211. SECTION 7(a) LOAN PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

"(21)(A) The Administration may make loans under the authority of this subsection—

"(i) to a small business concern that has been (or can reasonably be expected to be) detrimentally affected by—

"(I) the closure (or substantial reduction) of a Department of Defense installation; or

"(II) the termination (or substantial reduction) of a Department of Defense program on which such small business was a prime contractor or subcontractor (or supplier) at any tier; or

"(ii) to a qualified individual seeking to establish (or acquire) and operate a small business concern.

"(B) Recognizing that greater risk may be associated with a loan to a small business concern described in subparagraph (A)(i), any reasonable doubts concerning the firm's proposed business plan for transition to non-defense-related markets shall be resolved in favor of the loan applicant when making any determination regarding the sound value of the proposed loan in accordance with paragraph (6).

"(C) Loans pursuant to this paragraph shall be authorized in such amounts as provided in advance in appropriation Acts for the purposes of loans under this paragraph.

"(D) For purposes of this paragraph a qualified individual is—

"(i) a member of the Armed Forces of the United States, honorably discharged from active duty involuntarily or pursuant to a program providing bonuses or other inducements to encourage voluntary separation or early retirement;

"(ii) a civilian employee of the Department of Defense involuntarily separated from Federal service or retired pursuant to a program offering inducements to encourage early retirement; or

"(iii) an employee of a prime contractor, subcontractor, or supplier at any tier of a Department of Defense program whose employment is involuntarily terminated (or voluntarily terminated pursuant to a program offering inducements to encourage voluntary separation or early retirement) due to the termination (or substantial reduction) of a Department of Defense program.".

SEC. 212. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) by striking subparagraph (D);

(2) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively; and

(3) by inserting before subparagraph (H) the following new subparagraph:

"(G) assisting small businesses to develop and implement strategic business plans to timely and effectively respond to the planned closure (or reduction) of a Department of Defense facility within the community, or actual or projected reductions in such firms' business base due to the actual or projected termination (or reduction) of a Department of Defense program or a contract in support of such program—

"(i) by developing broad economic assessments of the adverse impacts of—

"(I) the closure (or reduction) of the Department of Defense facility on the small business concerns providing goods or services to such facility or to the military and civilian personnel currently stationed or working at such facility; and

"(II) the termination (or reduction) of a Department of Defense program (or contracts under such program) on the small business concerns participating in such program as a prime contractor, subcontractor or supplier at any tier;

"(ii) by developing, in conjunction with appropriate Federal, State, and local governmental entities and other private sector organizations, the parameters of a transition adjustment program adaptable to the needs of individual small business concerns;

"(iii) by conducting appropriate programs to inform the affected small business community regarding the anticipated adverse impacts identified under clause (i) and the economic adjustment assistance available to such firms; and

"(iv) by assisting small business concerns to develop and implement an individualized transition business plan.".

Subtitle C—Small Business Administration Management

SEC. 221. DISADVANTAGED SMALL BUSINESS STATUS DECISIONS.

(a) PUBLICATION OF DECISIONS.—A decision issued pursuant to section 7(j)(11)(F)(vii) of the Small Business Act (15 U.S.C. 636(j)(11)(F)(vii)) shall—

(1) be made available to the protestor, the protested party, the contracting officer (if not the protestor), and all other parties to the proceeding, and published in full text; and

(2) include findings of fact and conclusions of law, with specific reasons supporting such findings or conclusions, upon each material issue of fact and law of decisional significance regarding the disposition of the protest.

(b) PRECEDENTIAL VALUE OF PRIOR DECISIONS.—A decision issued under section 7(j)(11)(F)(vii) of the Small Business Act that is issued prior to the date of enactment of this Act shall not have value as precedent in deciding any subsequent protest until such time as the decision is published in full text.

SEC. 222. ESTABLISHMENT OF SIZE STANDARDS.

(a) IN GENERAL.—Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by striking "In addition" and all that follows through the end period and by adding at the end the following new paragraphs:

"(2) In addition to the criteria specified in paragraph (1), the Administrator may specify detailed definitions or standards (by number of employees or dollar volume of business) by which a business concern is to be recognized as a small business concern for the purposes of this Act or any other Act. Unless specifically authorized by statute, the Secretary of a department or the head of a Federal agency may not prescribe for the use of such department or agency a size standard for categorizing a business concern as a small business concern, unless such proposed size standard—

"(A) is being proposed after an opportunity for public notice and comment;

"(B) provides for determining, over a period of not less than 3 years—

"(i) the size of a manufacturing concern on the basis of the number of its employees during that period; and

"(ii) the size of a concern providing services on basis of the average gross receipts of the concern during that period; and

"(C) is approved by the Administrator.

"(3) When establishing or approving any size standard pursuant to paragraph (2), the Administrator shall ensure that the size standard varies from industry to industry to the extent necessary to reflect the differing characteristics of the various industries and consider other factors deemed to be relevant by the Administrator.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue proposed regulations to implement the amendments made by subsection (a). Final regulations shall be issued not later than 270 days after such date of enactment.

(2) LISTING OF ADDITIONAL SIZE STANDARDS.—The regulations required by paragraph (1) shall include a listing of all small business size standards prescribed by statute or by individual Federal departments and agencies, identifying the programs or purposes to which such size standards apply.

SEC. 223. MANAGEMENT OF SMALL BUSINESS DEVELOPMENT CENTER PROGRAM.

Not later than 45 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committees on Small Business and the Committees on Appropriations of the Senate and the House of Representatives, proposed regulations for the Small Business Development Program authorized by section 21 of the Small Business Act (15 U.S.C. 648). Such proposed regulations shall not be published in the Federal Register.

Subtitle D—Technical Amendments

SEC. 231. COMMISSION ON MINORITY BUSINESS DEVELOPMENT.

(a) TERMINATION.—Section 505(f) of the Business Opportunity Development Reform Act of 1988 (15 U.S.C. 636 note; 102 Stat. 3887) is amended by inserting before the period at

the end "or September 30, 1992, whichever is later".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if it were included in the Business Opportunity Development Reform Act of 1988 (15 U.S.C. 636 note).

SEC. 232. TECHNICAL CORRECTIONS.

(a) AMENDMENTS TO SECTION 8.—Section 8 of the Small Business Act (15 U.S.C. 837) is amended—

(1) in subsection (a)(1)(B), by striking the period and inserting a semicolon;

(2) in subsection (a)(1)(C), by striking the period and inserting "; and";

(3) in subsection (a)(6)(C)(i), by striking "to (A)" and inserting "to subparagraph (A)";

(4) in subsection (a)(6)(C)(ii), by striking "7(j)(10)(H)" and inserting "7(j)(10)(G)";

(5) in subsection (a)(12)(E), by striking "to (D)" and inserting "to subparagraph (D)";

(6) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively;

(7) by inserting after subsection (b) the following:

"(c) [Reserved].";

(8) in subsection (d)(4)(F)(ii) (as redesignated by paragraph (6) of this subsection), by striking "impositon" and inserting "imposition"; and

(9) in subsection (h)(2) (as redesignated by paragraph (6) of this subsection), by striking "Administration" and inserting "Administrative".

(b) AMENDMENTS TO SECTION 15.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in subsection (c)(2)(B), by striking "Blindmade" and inserting "Blind-made";

(2) in paragraphs (3) and (5) of subsection (k), by striking the semicolon and inserting a comma;

(3) in subsection (l)(6), by adding a period at the end; and

(4) in subsection (m)(2)(B), by striking "requirement" and inserting "requirements".

TITLE III—STUDIES AND RESOLUTIONS

Subtitle A—Access to Surety Bonding

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Small Business Access to Surety Bonding Survey Act of 1992".

SEC. 302. SURVEY.

(a) IN GENERAL.—The Comptroller General shall conduct a comprehensive survey of business firms, including using a questionnaire described in subsection (b), to obtain data on the experiences of such firms, and especially the experiences of small business concerns, in obtaining surety bonds from corporate surety firms.

(b) CONTENT OF SURVEY QUESTIONNAIRE.—In addition to such other questions as the Comptroller General deems appropriate to ensure a comprehensive survey under subsection (a), the questionnaire used by the Comptroller General shall include questions to obtain information from a surveyed business on—

(1) the frequency with which the firm was requested to provide a corporate surety bond in fiscal year 1992;

(2) whether the frequency with which the firm was requested to provide a corporate surety bond increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(3) the frequency with which the firm provided a corporate surety bond in fiscal year 1992;

(4) whether the frequency with which the firm provided a corporate surety bond increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(5) the average size of corporate surety bonds provided by the firm in fiscal year 1992;

(6) whether the average size of the corporate surety bonds provided by the firm increased or decreased during fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(7) the dollar amount of the largest corporate surety bond provided by the firm in fiscal year 1992;

(8) whether the dollar amount of the largest corporate surety bond provided by the firm increased or decreased in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(9) the dollar amount of work performed by the firm by type of construction owner, including the Federal Government, State and local governments, other public entities, and private entities, in each of fiscal years 1990, 1991, and 1992;

(10) the dollar amount of such work bonded by a corporate surety company for the firm by type of construction owner, including construction owners referred to in paragraph (9), for each of fiscal years 1990, 1991, and 1992;

(11) whether the firm purchased its corporate surety bonds through an insurance agent or directly from a surety company;

(12) the means used by the firm to identify its source for the purchase of corporate surety bonds;

(13) the average corporate surety bond premium (expressed as a percentage of contract amount) paid by the firm in fiscal year 1992;

(14) any increase or decrease in the average corporate surety bond premium (expressed as a percentage of the contract amount) paid by the firm in fiscal years 1990, 1991, and 1992 and the reason for any increase or decrease, if known;

(15) whether or not the underwriting requirements (including state of accounts receivable, financial procedures, need for personal indemnification, and requirements for collateral) changed in fiscal year 1990, 1991, or 1992;

(16) the nature of any changes in underwriting requirements experienced by the firm in fiscal years 1990, 1991, and 1992 and the reason for any such changes, if known;

(17) whether or not the source of surety bonds (a surety agent or company) provided reasons for such changes in underwriting requirements and whether these reasons were provided orally or in writing;

(18) whether or not the bonding capacity (total dollar amount and number of bonds) for the firm changed in fiscal year 1990, 1991, or 1992;

(19) whether or not the source of surety bonds (a surety agent or company) provided reasons for any changes in bonding capacity and whether these reasons were provided orally or in writing;

(20) the services provided and advice given by the firm's source of corporate surety bonds in fiscal years 1990, 1991, and 1992;

(21) whether or not the firm obtained a corporate surety bond with the assistance of a Federal program (such as the surety bond guarantee program of the Small Business Administration and the bonding assistance program of the Department of Transportation) or a State or local program in fiscal year 1990, 1991, or 1992;

(22) whether or not the firm used any alternative to corporate surety bonds (such as individual surety bonds, letters of credit, certificates of deposit, and government securities) in fiscal year 1990, 1991, or 1992;

(23) if the firm has not provided any corporate surety bonds in fiscal year 1990, 1991, or 1992, the reasons the firm has not done so;

(24) the number of times the firm has had an application for a corporate surety bond denied in fiscal years 1990, 1991, and 1992, and the reason for any such denial, if known;

(25) whether or not the proposed source for the corporate surety bond (a surety agent or company) provided the reasons for its denial of that application and whether that explanation was provided orally or in writing;

(26) the length of time the firm has been in business;

(27) the number of years of construction experience of the firm's officers (if a corporation), partners, or owner (if a sole proprietorship), and those responsible for managing the execution of the firm's construction operations, and how many years of such experience is in the type of construction that provides the majority of the firm's annual sales volume;

(28) the approximate annual sales volume of the firm in fiscal years 1990, 1991, and 1992;

(29) the net worth (total assets less total liabilities) of the firm at the close of the firm's most recent fiscal year;

(30) the working capital (current assets less current liabilities) of the firm at the close of the firm's most recent fiscal year;

(31) the average age of the firm's accounts receivable (the average number of days required to collect payments due);

(32) whether the firm made a profit in fiscal year 1990, 1991, or 1992;

(33) the form and frequency of such firm's financial statements (statements audited and certified by an independent certified public accountant, statements reviewed by such a certified public accountant, compilation financial statements, or other forms of financial statements), and whether such statements were furnished with applications for bonding, if requested; and

(34) the 4-digit standard industrial classification code in which the firm performs the majority of its work.

(c) FIRMS TO BE SURVEYED.—The Comptroller General shall develop a statistically valid sample of business firms from the most recent list of construction firms maintained by the Dun and Bradstreet Company (identified as the "DUN Market Identifier" file) for which data regarding sales is available.

SEC. 303. REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General, in consultation with the Small Business Administration, shall conduct an assessment of the data obtained in the survey conducted pursuant to section 302 and submit to the Committees on Small Business of the Senate and the House of Representatives a report on the results of such assessment.

(b) CONTENTS OF THE REPORT.—

(1) IN GENERAL.—The report required by subsection (a) shall contain—

(A) a summary of responses of business firms to the survey conducted pursuant to section 302; and

(B) a description of any trends found by the Comptroller General in such responses.

(2) INFORMATION ON SMALL BUSINESS CONCERNS.—In presenting summaries of responses and descriptions of trends pursuant to paragraph (1), the Comptroller General shall provide specific information on the responses and trends of small business concerns, small business concerns owned and controlled by women, and small business

concerns owned and controlled by socially and economically disadvantaged individuals.

SEC. 304. DEFINITIONS.

For purposes of this subtitle—

(1) the term "fiscal year" means the fiscal year of the business firm being surveyed;

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(3) the term "small business concern owned and controlled by socially and economically disadvantaged individuals" has the same meaning as in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)) (as redesignated by section 232(a)(6) of this Act); and

(4) the term "small business concern owned and controlled by women" has the same meaning as in section 127(d) of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 637 note).

Subtitle B—Small Business Loan Secondary Market Study

SEC. 311. SECONDARY MARKET FOR LOANS TO SMALL BUSINESSES.

(a) STUDY.—The Secretary of the Treasury, the Director of the Congressional Budget Office, and the Chairman of the Securities and Exchange Commission, in consultation with the Administrator of the Small Business Administration, shall conduct a study of the potential benefits of, and legal, regulatory, and market-based barriers to, developing a secondary market for loans to small businesses. The study shall include consideration of—

(1) market perceptions and the reasons for the slow development of a secondary market for loans to small businesses;

(2) any means to standardize loan documents and underwriting for loans to small businesses relating to retail and office space;

(3) the probable effects of the development of a secondary market for loans to small businesses or financial institutions and intermediaries, borrowers, lenders, real estate markets, and the credit markets generally;

(4) legal and regulatory barriers that may be impeding the development of a secondary market for loans to small businesses; and

(5) the risks posed by investments in loans to small businesses.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury, the Director of the Congressional Budget Office, and the Chairman of the Securities and Exchange Commission shall transmit to the Congress a report on the results of the study under paragraph (1). The report shall include recommendations for legislation to facilitate the development of a secondary market for loans to small businesses.

Subtitle C—Contract Bundling Study

SEC. 321. CONTRACT BUNDLING STUDY.

(a) IN GENERAL.—The Administrator of the Small Business Administration, acting through the Associate Administrator for Procurement Assistance, shall conduct a study regarding the impact of the practice known as "contract bundling" on the participation of small business concerns in the Federal procurement process.

(b) PURPOSE.—In addition to such other matters as the Associate Administrator for Procurement Assistance deems appropriate to assure the conduct of a comprehensive study and the development of practical recommendations, the study required by subsection (a) shall—

(1) identify the benefits and adverse effects of contract bundling to the procuring agencies;

(2) identify the benefits and adverse effects of contract bundling on small business concerns;

(3) examine the adequacy of the policy direction to agency procurement officials regarding the bundling of contract requirements;

(4) examine the extent to which agencies have been combining their requirements for the procurement of goods and services (including construction) into solicitations requiring an offeror to be able to perform increasingly larger contracts covering multiple and diverse elements of performance;

(5) consider the appropriateness of the explanatory statements submitted by the procuring agencies pursuant to section 15(a) of the Small Business Act regarding bundling of contract requirements; and

(6) determine whether procurement center representatives, small business specialists, or other agency procurement officials can, under existing guidance and authority, have the necessary policy direction and effective authority to make an independent assessment regarding a proposed bundling of contract requirements.

(c) PARTICIPATION.—

(1) IN GENERAL.—In conducting the study described in subsection (b), the Associate Administrator for Procurement Assistance shall provide for participation by representatives of—

(A) the Office of the Chief Counsel for Advocacy;

(B) the Office of Federal Procurement Policy; and

(C) the 10 Federal departments or agencies having the greatest dollar value of procurement awards during fiscal year 1991.

(2) ADDITIONAL CONSULTATION.—In conducting the study, the Associate Administrator for Procurement Assistance shall consult with representatives of organizations representing small business government contractors and such other public and private entities as may be appropriate.

(d) SCHEDULE.—Not later than 90 days after the date of enactment of this Act, the Associate Administrator for Procurement Assistance shall publish in the Federal Register a plan for the study required by this section. The study shall be completed not later than March 31, 1993.

(e) REPORT.—Not later than May 15, 1993, the Administrator of the Small Business Administration shall submit a report to the Committees on Small Business of the Senate and the House of Representatives. The report shall contain the results of the study required by subsection (a), together with recommendations for legislative and regulatory changes to maintain small business participation in the Federal procurement process, as the Administrator deems appropriate.

(f) DEFINITION.—For purposes of this section, the term "contract bundling" or "bundling of contract requirements" refers to the practice of consolidating into a single large contract solicitation multiple procurement requirements that were previously solicited and awarded as separate smaller contracts, generally resulting in a contract opportunity unsuitable for award to a small business concern due to the diversity and size of the elements of performance specified and the aggregate dollar value of the anticipated award.

Subtitle D—Resolution Regarding Small Business Access to Capital

SEC. 331. SENSE OF THE CONGRESS.

(a) FINDINGS.—The Congress finds that—

(1) small business concerns remain a thriving and vital part of the economy, accounting for the majority of new jobs, new products, and new services created in the United States;

(2) adequate access to either debt or equity capital is a critical component of small business formation, expansion, and success;

(3) small business concerns, which represent higher degrees of risk in financial markets than do large businesses, are experiencing increased difficulties in obtaining credit;

(4) minority-owned business enterprises have found extraordinary difficulties in obtaining credit; and

(5) demand for credit under the loan guarantee program contained in section 7(a) of the Small Business Act is insufficient to meet current demands.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) financial institutions should expand their efforts to provide credit to small business concerns, with special emphasis on minority-owned small business concerns;

(2) legislation and regulations considered by the Congress should be carefully examined to ensure that small business concerns are not negatively impacted; and

(3) legislation and regulations that enhance the viability of small business concerns, including changes in tax and health care policy, should be given a priority for passage by the Congress.

Amend the title so as to read: "A bill to amend the Small Business Act and related Acts to provide loan assistance to small business concerns, to extend certain demonstration programs relating to small business participation in Federal procurement, to modify certain Small Business Administration programs, to assist small firms to adjust to reductions in Defense-related business, to improve the management of certain program activities of the Small Business Administration, to provide for the undertaking of certain studies, and for other purposes.".

FEDERAL EMPLOYEES PAY COMPARABILITY ACT AMENDMENTS

ROTH AMENDMENT NO. 2914

Mr. SIMPSON (for Mr. ROTH) proposed an amendment to the bill (H.R. 2850) to make technical and conforming changes in title 5, United States Code, and the Federal Employees Pay Comparability Act of 1990, and for other purposes, as follows:

On page 45, line 5, strike out "comparability payments." and insert in lieu thereof "comparability payments. No later than 30 days before an employee receives comparability payments under this subparagraph, the President or the President's designee shall submit a detailed report to the Congress justifying the reasons for the extension, including consideration of recruitment and retention rates and the expense of extending locality pay.".

On page 50, insert between lines 10 and 11 the following new subsection:

(d) SENSE OF THE CONGRESS RELATING TO LAW ENFORCEMENT OFFICER PROVISIONS.—It is the sense of the Congress that—

(1) the provisions of section 5541(3) of title 5, United States Code (as added by section 2(40)(c) of this Act)—

(A) are enacted only for the purposes of pay and not for the purposes of retirement;

(B) do not reflect any intent of the Congress to change retirement eligibility standards for law enforcement officers; and

(2) law enforcement officers in primary positions have different retirement eligibility standards than employees in supervisory or administrative positions because of the different requirements in their responsibilities.

BILINGUAL VOTING ACT

SIMPSON AMENDMENT NO. 2915

Mr. SIMPSON proposed an amendment to the bill H.R. 4312, supra; as follows:

At the end of the bill, add the following:

SEC. . FUNDING.

Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e)(1) The Attorney General may make grants to States and political subdivisions for the specified purpose of paying for the costs of compliance with this section.

"(2) The prohibitions of this section shall only apply to a State or political subdivision during any period for which the State or political subdivision receives such a grant for the full amount of such costs.

"(3) The Attorney General may make such grants only to such extent, or in such amounts, as are provided in advance in appropriations Acts, for the specified purpose described in paragraph (1).".—

NOTICES 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 hearing on "Corruption In Professional Boxing".

This hearing will take place on Tuesday, August 11 and Wednesday, August 12, 1992, at 9:30 a.m. each day, in room 216 of the Hart Senate Office Building. For further information, please contact Daniel F. Rinzel of the subcommittee's minority staff at 224-9157.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. SIMON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, August 6, at 9 a.m. to conduct a nomination hearing.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. SIMON. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on August 6, 1992, beginning at 9:30 a.m., in 485 Russell Senate Office Building, to consider for report to the Senate S. 2833, the Crow Settlement Act; S. 2836, to promote economic development on Indian reservations by making loans to States to assist States in constructing roads on Indian reservations; and S. 3118, the Indian Business Opportunities Enhancement Act, to be followed immediately by a joint hearing with the House Committee on Interior and Insular Affairs on H.R. 5735 and S. 3125, to amend the Southern Arizona Water Rights Settlement Act of 1962.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. SIMON. Mr. President, I ask unanimous consent that the Surface Transportation Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on August 6, 1992, at 9 a.m. on high speed ground transportation oversight.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

Mr. SIMON. 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, on August 6, 1992, at 2 p.m. to receive testimony on S. 2890, to provide for the establishment of the civil rights in education: Brown versus Board of Education National Historic Site in the State of Kansas, and for other purposes; H.R. 2109, to direct the Secretary of the Interior to conduct a study of the feasibility of including Revere Beach, located in the city of Revere, MA, in the National Park System; S. 2244, to require the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate U.S. participation in that conflict; H.R. 3665, to establish the Little River Canyon National Preserve in the State of Alabama; Senate Joint Resolution 161, to authorize the Go for Broke National Veterans Association to establish a memorial to Japanese-American war veterans in the District of Columbia of its environs, and for other purposes; and S. 2549, to establish the Hudson River Artists National Historical Park in the State of New York, and for other purposes.

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

COMMITTEE ON SMALL BUSINESS

Mr. SIMON. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, August 6, 1992, at 9:30 a.m. The committee will hold a full committee markup on H.R. 5191, the Small Business Equity Enhancement Act of 1992.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, August 6, at 9:30 a.m., to hold a hearing on oversight of the Defense Commissary Agency.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SIMON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, August 6, at 10 a.m. to hold a business meeting to consider and vote on pending business.

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

ADDITIONAL STATEMENTS

ABINGTON, MA, SENIOR LEAGUE ALL STARS LITTLE LEAGUE

• Mr. KERRY. Mr. President, today I would like to recognize the Abington, MA, Senior League All Stars Little League team for its outstanding accomplishments during this past year. Following an exceptional season of victories, Abington has become 1992 Massachusetts State champions. The team will represent our State in a division 3 championship elimination game against Arlington, VT, after which the winner of that game will advance to the Eastern Regional Championship.

Managers David Lindquist and Joseph Bognanno have led the Abington team to success, and I congratulate them as well as the players: Randy Baxter, Brian Bognanno, Robert Cummings, John Fava, Joshua La Pointe, Patrick Lydon, Ryan Marini, Brian McCormick, Kevin McGrath, Keith Sacchetti, Mark Spadorcia, Mike Spencer, Andrew Tuttle, and Todd Yazbeck. These young men have shown a dedication to sportsmanship and a spirit of athletic competition and I wish them the very best of luck in the games to come.•

INTIMIDATION IN PITTSBURGH

• Mr. BROWN. Mr. President, both newspapers in Pittsburgh, PA, have been closed since May 17 by a bitter strike, which recently has resulted in violence. Last Friday, July 31, 1992, the Miami Herald printed an editorial commenting on these disturbing developments in Pittsburgh, and I commend it to my colleagues:

If a mob sacked a newspaper office in Buenos Aires or Bogota, supporters of press freedom would be quick to protest not only the violence but also the authorities' failure to prevent it.

Similar denunciations would ring out if anti-abortion militants used violence and intimidation to disrupt an abortion clinic in the United States. Even in states where abortion is widely condemned and thus subject to efforts to outlaw it, the law doesn't countenance illegal tactics against it.

A clinic's would-be patients, after all, are merely trying to exercise a constitutional right. When government fails to protect those who would exercise their rights—even when their cause is unpopular—the result is an anarchy in which nobody is safe.

How sad, then, that so many usually loyal defenders of civil liberties have been silent about the disburbing events in Pittsburgh. A bitter labor-management dispute there has halted publication at both daily newspapers since May 17.

There are two sides in that dispute, and plenty of pain and blame for both. The disconcerting twist in this story, however, is that now violence and intimidation clearly have triumphed by effectively preventing an American newspaper from exercising its First Amendment right to publish.

Worse, some of the Pittsburgh area's leading public officials have seemed to be winking at the violence and doing little to protect the newspaper, its subscribers, its distributors, its advertisers, and those of its employees who choose to report to work. This is early reminiscent of the disappointing performance of several New York politicians during the strike at The Daily News.

Granted, the history of labor relations, especially prior to 1950, contains many egregious examples of violence by unions and management. Nobody should want a return to that shameful era. Ideally, collective bargaining in good faith would resolve issues long before economic disputes turn into physical confrontations.

When this process fails, however, both sides have a right to expect a vigorous and even-handed enforcement of laws against violence and intimidation. In Pittsburgh, that doesn't seem to be the case thus far. Where's the protest against this injustice?•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics received a request for a determination under rule 35 for David Cox, a member of the staff of Senator BOREN, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from August 17–29, 1992.

The committee determined that participation by Mr. Cox in this program, at the expense of the Chinese People's Institute of Foreign Affairs is in the interest of the Senate and the United States.

The Select Committee received a request for a determination under rule 35 for William M. Long, Jr., a member of the staff of Senator HEFLIN, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs and the Far East Studies Institute, from August 15–September 1, 1992.

The committee determined that participation by Mr. Long in this program, at the expense of the Chinese People's Institute of Foreign Affairs is in the interest of the Senate and the United States.•

REMARKS BY TAYLOR BRANCH BEFORE THE FEDERATION OF STATE HUMANITIES COUNCILS

• Mr. WOFFORD. Mr. President, I recently had the great pleasure of introducing Taylor Branch at the annual Humanities on the Hill Breakfast, sponsored by the Federation of State Humanities Councils. As my colleagues know, Taylor Branch is a journalist and author who has written extensively on one of the great successes of our democracy—the civil rights movement.

In his book "Parting the Waters," Taylor Branch dramatically and perceptively described the great meeting of popular protest and public power that enabled us to achieve the two main goals of the civil rights movement—securing the right to vote for black Americans and striking down the walls of legal segregation. Mr. Branch's remarks before the State Humanities Councils remind each of us of what we have achieved, and of what we have yet to achieve.

Mr. President, I ask that these remarks appear in the RECORD.

The remarks follow:

"DEMOCRACY IN AN AGE OF DENIAL"

(Taylor Branch, Pulitzer Prize Winner)

I'm happy to be here with you this morning. You're good people assembled here in war council in bad times. My work is in history, and I call upon you partly as witnesses to a dilemma that I fear I will have when the second part of my history of the civil rights movement appears—whenever that is. I fear that few readers will believe that I began working on the book's opening scene three years before the Rodney King case. It is a 1962 police action in Los Angeles in which the LAPD raided a house of worship, beat and shot thirteen people, one of whom died, three of whom were shot in the testicles—all black men. Afterwards the victims were arrested and charged with riot, mayhem, and resisting arrest. All were criminally convicted. In effect it was what would have happened in the Rodney King case had there been no videotape. That happened in 1962. I treat the episode as a turning point in the life of Malcolm X and the life of black America. Yet one of the reasons that I spend so much time trying to recover the event is that it passed almost completely without notice in the world at large. That a trauma of that size could occur in a city like Los Angeles in 1962 without public notice is part of the history of this time. It's sobering in the sense that we see the recycling of this violence not just in 1965 in the Watts riot and again last week in the Rodney King riots, but also in 1962. It's hopeful in another sense, that in 1962 you could have even worse outrages and miscarriages of justice and not even have them noticed by the world at large. At least we've come some way from there.

The riot and the racial upheavals of the 1960s generally marked the beginning of the end of a democratic renewal that was the hopeful upsurge of the early civil rights movement. We here have to ask the difficult question, if these riots of 1992 follow the path of history and mark another inward turning in our time, where was the renewal that should have gone before? We've already started the withdrawal before we had the great expansion of hope. That is indeed a sobering thought.

Twenty-five years ago, I was a kid at Princeton, at graduate school, with a bare inclination that we had passed through a period of democratic renewal in the civil rights movement, which had forced a change in my life's interest against my will. My father is in the dry cleaning business—he brought me up to believe that all people who are interested in politics, and especially politicians, are those who cannot find honest work. The 1960s forced me to change that. In graduate school at the Woodrow Wilson School at Princeton, I wanted one chance to experience the civil rights movement before it faded away, and I persuaded my faculty review board, much against its will, to allow me to go down and work for John Lewis' voter education project in southwest Georgia. The faculty committee did not want me to go because they said non-institutional work was not policy relevant experience; they wanted me to work for the Congressional Budget Office or preferably the Bureau of the Budget, which was and is considered the Taj Mahal of crisis management—that's what we called it back then. My proposal was considered an existential lark—I wanted to go down by myself, register these voters. The professors finally agreed that if I would agree to write a five-page memorandum on the policy implications of my existential experience for monopsony in the local labor markets of the agrarian counties in southwest Georgia. Back then, all freedom issues were considered a subsidiary of economic development. So I stepped off the end of the known world in going by myself into those rural counties. This is a personal story to tell you how my fascination with democratic history began only after I became a very disoriented young man.

In the summer of 1969, on the day men first landed on the moon, I was in a tiny little county, Schley County, in Georgia. After one month's work, I had given up on men. I decided that if there was any hope for voter registration in southwest Georgia, it was with the women. And in this tiny county I'd been told there was an old, old matriarch, 90 years old, and that if she could find it in her heart to say a kind word about voter registration in this county, where there were no black registered voters, that something might happen. So I was on her porch on July 20 [1969], the day that the news had come that Neil Armstrong had set foot on the moon. And I was trying to get her interested in voter registration, to receive a grant to register voters. She was in a rocking chair

and had a lip full of snuff, and all of a sudden she said to me, "Young man, do you really think we landed on the moon this morning?"

And I said, "Yes," and she said, "How do you know?"

I said, "Well, I saw it on Walter Cronkite back at the motel before I came over here this morning."

She just rocked and she didn't say anything—and the next thing she said was, "Have you seen the Simonize wax commercial?"

And I said, "What Simonize wax commercial?"

She said, "The one where the little children float across the kitchen on an invisible shield of Simonize wax and don't scuff the floor."

Actually, I remembered that—it was a very vivid commercial. I said "Yes, I've seen that."

She said, "Well, do you believe that?"

I realized she had an agenda going here, and I said, "Well, yes, I believe that they can make it look like that, but that's a commerical—I saw the moon landing on the news program. That's different than a commercial."

She didn't say anything, she kept rocking. The next thing she said was, "Have you ever been in a fist fight?"

Every time she threw me off balance I found myself talking more and more in the language of policy. I said, "Unfortunately, I have, I don't see it as a very good way of settling disputes," and so on and so forth.

She said, "I mean the kind of fist fight where more than one tooth gets knocked out at a time."

I said, "No, I've never been in one like that," and she said, "Well, I've been in some, and I've seen plenty of them, and people don't get up and talk again the way they do on 'Have Gun Will Travel.'"

She kept rocking for awhile, and I kept talking more and more about policy, getting more and more nervous, and finally she said, "Young man, I can prove to you that we didn't land on the moon this morning."

I said, "How can you do that?" She said, "Well, God wouldn't allow it." Now being in the depth of a heathen period at that time, I said, "What does God have to do with whether we landed on the moon?"

She said, "You have not thought about it. If we could land on the moon this morning, all we have to do is fill up our tank once on the moon and on the next jump we could probably make it into heaven without God's permission, without dying. And you know that could never happen."

By that time, she really had me. I didn't know what to say, but a number of lessons were dawning on me. One of them was that she was not interested in voter registration in Schley County. I perceived that. Another was that she was telling me in her own way a very profound lesson about what is fear, what is real, who can teach what to whom. Here was a lady almost 90 years old who literally went back to the end of slavery, lived in a county with no black registered voters and where her whole life has taught her that questions of voting and race go to the very nerve of survival and identity and being. And all of a sudden, here on her porch one morning comes a young white man talking about economic development and voter registration, telling her, encouraging her to do something that she knows might mean life or death in that county. At her age she was not ready for it. She was asking me questions about what is real, what is hope, what is dangerous, what you can perceive, what is fear.

I also sensed something else—there was absolutely no way that I could capture the reality of that moment or that conversation, or a thousand other things that happened to me that summer, in the language of a policy memorandum for the faculty review committee back at Princeton. The language of policy does not reach the wisdom and experience of the common people in a democracy like ours. The old lady's presence made me feel this lesson in my bones long before I could articulate it, which is the point. I kept a diary that summer, as never before or since, just trying to record the experiences that I had traveling around. That became the basis of the first article I ever had published, which occurred before it dawned on me that writing might be something for me to pursue as a career.

The old lady taught me a good deal about narrative, about democratic experience and where movements come from. "Movement" is a trivial word today. But a social movement is a fundamental faith in strangers and an encounter with new possibilities, always involving discovery and a step in the unknown. A fresh sense of democratic social movements led to my strong, strong belief in narrative history, particularly in cross-cultural affairs. We make discoveries at the human level and not at the analytic level, although many people fool themselves into thinking that they can cross barriers between cultures by analysis. It's an insight as old as the Book of Genesis that the truth of even the most complex abstractions is best communicated in stories about brothers quarreling with sisters or fathers quarreling with sons. We need narrative history—I think we especially need it in a democracy. We lose sight oftentimes of just how terrifying, how bold democracy really is. Democracy in its best form is a stark, public encounter with the inner nature of the human condition. It is by definition a faith in strangers—faith that the greatest issues of the day can turn on the vote of the last wino to come to the polls. We have more faith in strangers embedded in our tradition and in our fundamental philosophy than most of us care to contemplate. But this democracy, this vision, this movement, this opening of the public space, is basically what will save us and what will renew us if we hope to have another democratic renewal of the public faith in strangers will renew our democracy. spirit in our time.

I like to think of what I've learned in studying movement history, civil rights history, cross-racial history, religious history in the last ten years, as a fundamental primer in democracy. The democratic faith in strangers requires a disciplined vision. It is a faith balanced by the discipline of self-control. We lose sight of the elementary fact that the heart of it is self-government, to govern ourselves without benefit of external authority. So a basic definition is that democracy is where the discipline of faith in strangers meets the discipline of self-control. This is a sobering thought for these times, when we by and large have very little of either. In the generation since I met the lady rocking on her porch, white Americans have basically evacuated all large cities in the United States. We have turned inward. It is an era of white power, of suburban power, of Jewish power, black power, turning inward to tribal constituencies, rather than reaching out towards strangers. We have turned inward, we have very little faith in one another, and obviously, we have very little self-control. All we have to do is look at the budget, at schools and cities, at the environment, at some of the issues that make people concerned about the health of democracy today.

This is not the era for triumphalism, for crowing that democracy stands victorious at the end of history because the competing system have fallen, particularly communism. There are other forms of government that are much older and better established not only in history but in most parts of the world than democracy—and those forms are tyranny, and chaos. Democracy will not survive unless people give it renewals of spirit. When Ben Franklin came out of the Constitutional Convention, he was asked, "What form of government have you conceived?" He said, "A new one, a democracy, if you can keep it." It was considered a bold and risky venture to conceive of a government without some external authority treating citizens like children and telling them what to do.

The under side of modern progress is that we have lost many of the natural forms of discipline that once governed humankind. Famine, war, weather, crop failure, competition—many of these things checked our excesses through tragedy and hardship. We've triumphed over some of them, but we need to substitute a new source of discipline. The democratic belief is that it must come from within, sustained by our faith in one another and our belief in fundamental practices of citizenship. American history teaches us that whenever the meaning of our democratic intuition is tested, when it is expanded, when leaders perform like geniuses and people perform like citizens, the focus almost always has been over the race issue. The race issue tells us how democratic we are becoming, in the age of the abolitionists as well as the age of Martin Luther King. Unfortunately, in the past generation, race has driven presidential politics in this inward turning period. The unspoken, prevailing message has been that government is evil because government exists to help poor people, which mainly means black people, and therefore we want to avoid it altogether. That subliminal message in a sophisticated form has driven our presidential politics to the degree that we have made government the enemy in a country dedicated to the notion that the government is us. How can we live with this kind of contradiction? It faces the Congress, it faces the humanities councils, so that we see democracy nowadays in these riots and in the budget questions, we see it drift, lost from its fundamental principles.

I see this to some degree in my own research in the secrecy issue. Some of the most ridiculous classifications and secrets going back to the 1930s and 1940s are still maintained today. The real Berlin Wall crumbled, which is a great miracle, but the paper Berlin Wall that separates our government from our people still stands proud. If you don't believe me, go down to the FBI reading room, which has no windows and where you can't go to the bathroom without an escort, and see some of the documents that still remain classified three, four, five decades later.

Another area where there is very little thinking about the fundamentals of democracy is the telltale realm of private vices. We are all over the place on the conflict between democracy's desire to protect people, to protect their freedoms, against its equivalent, competing goal of protecting people from harm by others. Cigarettes are terrible; they kill 350,000 people a year. We say that it should be against the law for children to smoke, but we sell cigarettes in vending machines. We say that drugs are a terrible

thing, such that even a government premised on the notion that people can govern themselves also operates on the premise that those same people can't resist self-evidently self-destructive devices without police to tell them to do so. Vices are monarchical in the response that they call out of people. At the same time, we have state governments promoting lotteries, telling people that vice is not only something that they don't need to avoid, but that it is their civic duty to participate. The ethos of the lottery advertisement is very similar, almost identical, to the ethos of your street corner drug dealer, which is "forget reality, forget your obligation to society, forget your children and take a chance you might hit and get high." Evocations in those ads of what people should do and ought to do if they hit the lottery are so antisocial that it mocks reality that they exist in a democracy. The fantasies portrayed have to do with buying castles or your own personal moon rocket, escaping into material bliss, getting away from the futility of work and the wretchedness of your fellow creatures. Nothing that Donald Trump has ever thought of doing would embarrass the role models in lottery ads, who make robber barons look like models of civic virtue.

To recapture and renew the basics of democracy requires clear thought, faith, discipline, and to some degree an enlargement of the public space. As the world shrinks we have to face the fact that we Americans are rich, we have to speak plain, like the lady in the rocking chair, we have to understand that we can't all be middle class, that by world standards anybody who makes $10,000 or $15,000 is rich. We have a country that is paralyzed because we have a large number of people who are too puffed up to realize that the great challenge in the modern world is what sacrifices we are willing to make for our future, for our progeny, for our public space. Marginal private consumption of people even at the basic middle class level is not as important as whether we pass on the democratic experiment alive and well in spirit. To do so requires enormous discipline and connection with strangers.

In the period I'm writing about now, one of the most moving displays of such disciplined faith occurred in the final moments of Mickey Schwerner. I've spoken with several of the FBI agents who took the confessions of the Klansmen who killed Schwerner and two other civil rights workers in June '64. The agents were struck by something—that all the Klansmen remembered the same haunting words from their victim. When he was dragged out into the Mississippi night, knowing that he was about to be lynched, facing people full of hate, Schwerner's last words before he was shot were "Sir, I know just how you feel." The discipline of the movement was that even when confronting death itself and your worst enemies, you never broke hope of establishing human contact with your fellow citizens. Such incandescent faith cannot last long. Within two years of that remark by Schwerner, which was fully in keeping with the preaching and the discipline of the freedom riders, people who had built a movement by reaching out for common ground with their enemies were instead chopping off ground even among their own allies, saying "you're not militant enough for me," or "you're only a liberal, I'm a radical," and they started turning inward. People can't afford to do that. It is rejecting the discipline and the hope of the democratic spirit.

Looking back after ten years' research, I have a number of odd thoughts on the historic challenge of renewing the democratic experience. I'll mention just two. Number one, the last time the United States had a balanced budget was in 1968, the year of the Tet offensive, the Martin Luther King riots, the Robert Kennedy assassination, the King assassination, the peak year of the Vietnam war, and the only major year of the war on poverty. The President who introduced that budget and who got it through was Lyndon Johnson, the father of the Great Society. If we have accepted the political paradox that only a bedrock conservative can have the political capital to open the door to communist China, perhaps we need to begin to entertain the notion that only a social liberal who aches for the poor can have the discipline to regain our sense of budgetary discipline in our country. How many trillions of debt must we heap on our children before that possibility occurs?

The second odd thought has to do with women, like the old woman in the rocking chair. If the periods of renewal, of movement spirit, of expansion in the public consciousness occur most often in American history around the race issue, it also seems true that those movements have been built upon the sensibilities of women in alliance with the maverick clergy. When you're looking for people to go to jail, when you're looking for plaintiffs, they are more likely to be women. And when you need a public spokesman, that public spokesman is going to speak the language of Isaiah, the language of Amos and of the other justice prophets of Hebrew scripture. That's true of the age of Theodore Parker, and true in the age of Martin Luther King, who quoted Parker: "The arc of the moral universe is long, but it bends toward justice." That message, and the purity of the notion that democratic intuition is married to something that's very close to the heart both of our religious impulses and of our highest civic duty, seems to come through the sensibilities and the manpower, if you will, of women. From this perspective, it is a tragedy that the abortion issue in the last 25 years has to some degree divided women from the clergy. We need either more women clergy or more of the prophetic clergy in consultation with women, to restore a coalition that has wrested illumination and hope from eras far more gloomy than our own.

Finally, for your humanities councils and in the spirit of democratic renewal, I would like to recommend something that I have grown with in conviction ever since I met the woman in the rocking chair, which is the value of oral history. My interview with her was an oral history. I would not have found her lessons in a library. Cultures tend to preserve what they are comfortable with. Fifty years from now, if someone wants to write about the impact of Asian American immigration in the United States in the '80s and '90s, they probably will not find the documents to bring it alive in libraries. Oral history is important not just for the raw materials of living history but as an antidote to television and other forces in our modern age that shear us off from one another, generation from generation, grandparents from grandchildren, black from white, Asian from European, all these divides that are so crucial and so paralytic to democratic change and to understanding our history. I believe that oral history is a rectifying force not just in overcoming the great tragedy of vanished, unrecoverable history—if you go to Alabama today and ask for the oral histories of the bus boycott in Montgomery or the Selma march, they will look at you like you're nuts—but as teaching tool for the people, like myself, who go and do those oral histories. In your state humanities councils, I encourage you to explore the notion of having teenagers and little school children in American history courses do oral histories with their own grandparents or other relatives, to rekindle, to rediscover the human sinews of family, these differences within the generations. They may move on to do an oral history of a grandparent of somebody else's family, particularly from a different culture. Then you've got the beginnings of what a movement is—a discovery that the world is larger than its material boundaries, and that they themselves can make it larger. That sense of stepping into the unknown is the beginning of faith in strangers, and I hope that it will renew the democratic spirit as has constantly occurred when people really apply themselves to that central intuition of our American history.

If democracy is all that's left, we must try it. And never, never take it for granted.•

M-1A1 UPGRADES

• Mr. D'AMATO. Mr. President, I am deeply suspicious of a report in the trade press concerning M-1A1 upgrades. If accurate, we have come full circle in the struggle to preserve the tank industrial base.

Two years ago, when new tank production was slated for cancellation and upgrade proposals first began to surface, the tank building community found itself very much at cross purposes. Aware that the M-1A2, then in development, promised the greatest profit per tank, the prime contractor promoted a plan for upgrading M-1A1's to the M-1A2 configuration. This plan neatly eliminated the backbone of the tank industrial base from participation in the modification program, and pooled benefits in the hands of the prime and a few electronics manufacturers producing black boxes more commonly found in aircraft cockpits.

The rest of the tank industrial base, centered around the depots and arsenals, developed an M-1 to M-1A1 upgrade that had the virtue of addressing some of the known deficiencies of early M-1's, such as an inadequate main gun and insufficient armor protection, at considerably less cost than the M-1A1's to M-1A2 plan. In the eyes of many, it was a debate over gold-plating versus modernizing the force.

After a wrangle of rare intensity, advocates of maintaining the tank industrial base compromised. The M-1 was accepted as the starting point for any upgrade program; however, on the question of the end point, the authorizers and appropriators agreed to disagree. The authorizers supported an M-1 to M-1A2 modification plan. The appropriators, noting the rapidly declining Army procurement budget and the high price and uncertain benefits of the M-1A2, chose the significantly less costly M-1 to M-1A1 option.

The Department of Defense, taking advantage of the confusion, refused to spend the money.

In the interim, U.S. forces were sent to the Persian Gulf. It was not lost on congressional observers that the Army traded M-1 tanks for M-1A1's prior to the initiation of Desert Storm, and that Iraq's Soviet-built tanks were decisively outmatched by the M-1A1 in every important category. This, combined with the dissolution of the Soviet Union, eased pressure to pace what was revealed to be wildly exaggerated estimates of the capability of Soviet armor and the rate of its armor modernization program.

Desert Storm aside, the prime contractor, still seeking maximum profit, stepped up its efforts to ram a M-1A2 upgrade through Congress last year. The Army, of mixed mind on tanks, allowed the contractor to formulate policy on Capitol Hill. By year's end, to avoid Pentagon exploitation of congressional disagreement, M-1A1 champions bowed to those favoring M-1A2 to form a united front.

The cost of the M-1A2, by now exorbitant as compared to the Army's allocation of procurement dollars, provided a convenient excuse for the Pentagon to again refuse to spend the money.

This year, faced between the choice of upgrading tanks or funding the rest of the weapons and tracked combat vehicles account, the Army understandably chose not to pursue a tank upgrade program. A rescission was offered, but only partially accepted. The Pentagon was directed to spend $225 million in prior year appropriations to initiate a tank upgrade program.

Now I read that the Army had developed a two-part plan to convert M-1A1's to M-1A2's through 1995 and then upgrade M-1's to M-1A2's from 1996 to 2000. This is nothing more than a price bailout that fattens the prime contractor while allowing the core elements of the industrial base that has produced tanks in this country for most of this century to wither away. Why do we need to upgrade the M-1A1 when, in 100 hours of brutally one-sided combat, it proved its overwhelming superiority? Even if you accept the need to improve the M-1A1, does it make sense to upgrade your best tanks first and your worst tanks last? By structuring the upgrade this way, I have to believe that this is just an Army ploy to lull the tank industrial base into not objecting. Sometime in the future, when funds magically dry up for the M-1 to M-1A2 upgrade, it will be too late for the industrial base to respond. Meanwhile, thousands of older M-1's, most destined for National Guard units, will remain unable to match even the current threat, arguably, this is a subtle way of keeping Guard combat arms units out of any future frays.

Let me put the Army leadership on notice here and now: I will do everything I can to prevent this plan from ever seeing the light of day. See you in Appropriations.●

COMMENDING THE FUTURES OF AMERICA

● Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in paying tribute to a remarkable organization that has devoted years of service to 172 Veterans' Administration hospitals across the country. I am speaking of the Futures of America.

The Futures of America exemplified quality of voluntarism and dedication to our veterans and has made a difference in the lives of others. They have performed 12 free concerts for over 2,000 patients and have traveled over 5,000 miles to spread love and happiness to the veterans who fought for our freedom and democracy. As Governor of Missouri, I had the opportunity to hear their patriotic music in my office and was impressed with their spirit and enthusiasm.

These loyal members have not only devoted their time to our veterans, but have financed 60 percent of the expenses. Even though these young members have families, careers, and school, they still find time in their hearts to uplift our veterans' spirits with the sounds of peace and happiness. It is important that we remember to help those less fortunate than ourselves. The Futures of America have benefited literally thousands of veterans and, therefore, are deserving of special recognition. They are a true inspiration to others.

Mr. President, I would like to extend my sincere congratulations to the Futures of America for their service and commitment to our veterans. We salute those whose enthusiasm and deeds bring good to others in ever increasing measure. When we give of ourselves, we experience the renewing power of life.●

CENTURION ATTACK SUBMARINE AUGUST 6, 1992

● Mr. D'AMATO. Mr. President, the July 1992 issue of "Proceedings" includes two letters on *Centurion* in the "Comment and Discussion" section from Lt. Bart Vinskey and Harold Hemond. I believe Lieutenant Vinskey and Mr. Hemond have correctly divined the essential elements of the *Centurion*.

I ask that the text of both letters be printed in the RECORD immediately after my remarks.

The letters follow:

"CENTURION: THE CHANGING FUTURE OF THE FORCE"

Lieutenant Bart A. Vinskey, Supply Corps., U.S. Navy.—Commander Peppe brings up many valid points, but his belief in the submarine as a "do-all" platform is invalid. That is what killed the *Seawolf*. The Navy made it a large, do-everything submarine and eventually priced it out of existence. Face it, if the *Seawolf* and its BSY-2 combat system were not so complicated, they would not be so expensive—and would be under construction and in production.

The Navy needs to return to basics and build capable—and affordable—weapon systems. What the submarine force needs is a boat to go in harm's way: a small submarine with four torpedo tubes, space for 24 weapons (cruise missiles and torpedoes), a 30-knot top speed, and relatively simple communications, electronic-support-measures, and sonar equipment.

The submarine service doesn't need to invent new roles or cross over to other communities' roles. Ten years ago, after the Argentine Navy cruiser *General Belgrano* was sunk by a British submarine, the rest of the Argentine Navy stayed in port—while British amphibious forces re-took the Falkland Islands. That's the role for us—sinking enemy submarines and surface ships—and that's what we should be building submarines to do.

Harold C. Hemond.—Commander Peppe wrote very convincingly of the characteristics that must be incorporated into the next generation of nuclear-powered attack submarine, the *Centurion*.

However, except by implication, he overlooked probably the most important characteristic. If the *Centurion* is to avoid the fate of the *Seawolf*, it must be drastically less expensive. If the *Centurion* is half the price of the *Seawolf*, it may get favorable attention in the Congress. To ensure congressional support, the goal should be more like one-third the cost of the *Seawolf*.

The Navy and its suppliers are not accustomed to cost as a dominant characteristic in weapons procurement, but this is part of the changing future of the force. The *Centurion* must be everything Commander Peppe catalogues, but it must be affordable—or it will never exist.●

HELENE C. MONBERG RECEIVES INTERIOR PUBLIC SERVICE AWARD

● Mr. BROWN. Mr. President, Helene C. Monberg, a distinguished journalist and humanitarian who proudly points to her roots in Leadville, CO, recently received the U.S. Department of the Interior's Public Service Award from Interior Secretary Manuel Lujan, Jr.

Helene came to the Nation's Capital many years ago as one of the first women to be a Washington correspondent for United Press International. Since then, she was the Washington reporter for a number of Colorado newspapers, including the Pueblo Star Chieftain, the Leadville Herald Democrat and the Grand Junction Daily Sentinel. During the past several years, Helene has focused on issues vital to Colorado and other Western States, producing a weekly newsletter, Western Resources Wrap-up.

Despite a hectic journalism career, Helene has devoted herself toward improving the lives of the less fortunate. Her Achievement Scholarship program [ASP] has provided scholarships to more than 300 ex-offenders in the Washington area since she founded the program in 1973. A graduate of the University of Colorado, Helene plans to endow the university with scholarship funds for disadvantaged students who otherwise will never have a college education. Helene has been cited as Washingtonian of the Year by Washing-

tonian Magazine and Big Sister of the Year by the Big Sister Program.

Whether she is digging for a story or trying to help someone, Helene always approaches life with tenacity and boundless enthusiasm. In presenting Helene with the Interior Department's Public Service Award, Secretary Lujan noted her outstanding journalistic and humanitarian achievements. I join my colleagues in congratulating Helene on another recognition of her accomplishments and in wishing her continued success in her efforts to help others.

The text of the Memorandum of Nomination from Secretary Lujan follows:

MEMORANDUM OF NOMINATION, HELENE C. MONBERG, PUBLIC SERVICE AWARD, DEPARTMENT OF THE INTERIOR

As a veteran news reporter, Helene Monberg has made as great a contribution to natural resources work as many people directly involved in the field. Her weekly Western Resources Wrapup has presented inside information on Congressional activities, programs and actions of numerous agencies in resources fields, and headsup details on developing issues. Her newsletter has covered a great variety of topics in natural resources and has illustrated her indepth of subjects including water, forestry, mining, energy, public lands, and the environment. Her understanding of the interrelationship of Congress and the Executive Branch, coupled with her knowledge of natural resources as a native of the West, has given Ms. Monberg unparalleled ability to present issues in a way that clearly promotes public understanding and awareness of vital natural resources issues. The Western Resources Wrapup newsletter has contributed greatly to furthered understanding of Reclamation issues, in addition to other important natural resources topics and, therefore, has provided strong and continuing indirect assistance and support to the accomplishment of the agency's mission.

In addition to her outstanding professional career, Ms. Monberg has devoted a great deal of her personal time to volunteer service. She founded the Achievement Scholarship Program in 1973 to give ex-offenders a second chance to be successful and to discourage repeat offenses. Through private funding, the program has provided seed-money scholarships to individuals, primarily young black males on parole or probation in the Washington, D.C. area. Ms. Monberg's work has had a positive influence on the lives of 300 awardees who have maintained a completion rate consistently higher than the general population in colleges, trade schools, or special schools. On March 21, 1990, before the House of Representatives, the Honorable Dan Schaefer of Colorado presented a tribute to the Achievement Scholarship Program and stated that "a new milestone has been reached by a successful citizen program designed to slow down the revolving door for the ex-offender." In 1989, Ms. Monberg became semi-retired and turned the program over to the ARCH Training Center in Washington, D.C., to ensure that her efforts will continue into the future.•

THE SUPERCONDUCTING SUPER COLLIDER

• Mr. KERREY. Mr. President, on Monday the Senate considered an amendment to the Energy and Water appropriations bill regarding the superconducting super collider. I opposed the Bumpers amendment striking all funding for the superconducting super collider. I would like to discuss briefly my reasons for opposing the Bumpers amendment.

Last year, I voted with Senator BUMPERS on this issue principally because I feared cost overruns would produce a project cost beyond what I considered reasonable. However, since that vote the contractors have done an exceptional job of reducing the risk of massive increases in the cost of the project.

This is not the only change since last year. We have also witnessed significant changes in the world, particularly the collapse of communism. This change makes it clear it is time for the United States to shift its emphasis to priorities which have been underfunded throughout the 1980's.

One important priority that needs attention is the basic research in particle physics. This research forms the basis for many of our leading edge technologies. The application of these technologies—if we meet the challenge with improved training of our work force—will mean higher standards of living for the American people.

These technologies will affect how we organize our work places, how we manufacture products, and how we communicate and trade with others. Yet while the Japanese and Germans spent the last decade focusing on these technologies and investing in the industries that will profit from them, our economic resources have been spent elsewhere. As a result, the United States now spends less than 10 percent of GNP on plant and equipment, while Germans spend about 17 percent the Japanese 20 percent.

A large part of the problem is that we have been focusing our R&D dollars on military projects while our competitors have targeted theirs on civilian projects. We invented a rail system for MX missiles; they invented one for high-speed commuter trains. We perfected stealth technology that made bombers invisible to radar; they perfected microchip technology that made computer circuits invisible to the human eye.

The cold war is over and our technology must come home. The super collider, once completed, will be the world's largest scientific research facility. It will secure the United States' position at the forefront of particle physics. Particle physics and the capacity to develop a final answer for unified theory, is an extremely important piece of basic research that needs to be done if the United States is going to maintain its lead in a number of critical technologies that will develop new industries and employ thousands of Americans.

As in many other debates, deficit reduction is an important issue, but so are the priorities we use to assess our funding allocations. The super collider's fiscal year 1993 request is only 2 percent of the total civilian research budget and less than 1 percent of the Nation's total research and development budget. Programs such as the super collider are not threatening the economic future of America. In fact, it is important that we invest in programs such as these. The growth in health care entitlement programs is driving up the deficit and making it impossible for us to invest properly. This is the area to which we must look to reduce our enormous budget deficit.•

CONCLUSION OF MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the period for morning business be concluded.

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

VOTING RIGHTS LANGUAGE ASSISTANCE ACT

The PRESIDING OFFICER. The clerk will state the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 4312) to amend the Voting Rights Act of 1965 with respect to bilingual election requirements, the Senate continued with the consideration of the bill.

YEAS AND NAYS

Mr. SIMPSON. Mr. President, may I at this point—due to the early hour of voting in the morning—it might be appropriate to ask for the yeas and nays on the two amendments while our three good colleagues are here.

So I ask for the yeas and nays on the two amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2915

(Purpose: To require Federal funding)

Mr. SIMPSON. 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 Wyoming [Mr. SIMPSON] proposes an amendment numbered 2915.

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

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

The amendment is as follows:

At the end of the bill, add the following:

SEC. . FUNDING.

Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e)(1) The Attorney General may make grants to States and political subdivisions for the specified purpose of paying for the costs of compliance with this section.

"(2) The prohibitions of this section shall only apply to a State or political subdivision during any period for which the State or political subdivision receives such a grant for the full amount of such costs.

"(3) The Attorney General may make such grants only to such extent, or in such amounts, as are provided in advance in appropriations Acts, for the specified purpose described in paragraph (1).".

Mr. SIMPSON. Mr. President, this amendment simply provides that the Federal Government will pay for the federally mandated bilingual ballots and other bilingual voter assistance.

Not one of us visits our districts, those in the House or here in the Senate, without understanding very clearly that the States, counties, and local governments are struggling under fiscal restraints as serious, and in some cases even more serious—if that is possible—than the Federal Government.

This amendment is consistent with my position expressed recently at a refugee hearing that if the Federal Government decides in its wisdom to do things like admitting 130,000 refugees to the United States this year, it has a vivid responsibility to also provide the funding to reimburse the State and local governments for the costs of resettling these federally admitted refugees.

It is truly irresponsible to pass laws requiring State and local jurisdictions to carry out Federal programs, and then pass the buck to the State and local governments—perhaps I should say pass "spending the buck" to the State and local governments, and passing the unfunded Federal mandates to the State and local governments which have had to cut program after program is not right and not fair.

If Congress believes that requiring bilingual ballots is a good thing to do—I am sure they will, regardless of the evidence presented about the effectiveness for 17 years—or that it is the right thing to do—I can assure you that will be the case, at least in the value of political correctness—at least we should have the conviction to find the money to pay for it.

So I urge my colleagues to support the amendment. I might treat some of my colleagues with the amendment debate in the House. There was argument that this was a constitutional right. Therefore, this was really not a Federal mandate, but simply a law supporting and enforcing this constitutional right. I say to you that there is no constitutional right to have a ballot printed in a particular voter's language. Every citizen is given the right and the opportunity to vote.

As we explained earlier, there are many ways for voting-age citizens who are illiterate in English to exercise their precious right to vote without the Federal Government mandating bilingual ballots. If we are going to do it, then we ought to pay for it.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Sacramento Bee of February 26, 1992, talking about the extra cost in that jurisdiction, and that cash-strapped Sacramento County would jump $50,000 for each collection with regard to this measure.

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

[From the Sacramento Bee, Feb. 26, 1992]

$50,000 COST SEEN FOR SPANISH BALLOT

(By Ken Chavez)

The cost of democracy in cash-strapped Sacramento County could jump $50,000 for each election if a new bill designed to help voters with poor English skills is approved by Congress.

Unveiled by a group of Hispanic congressmen Tuesday as the Voting Rights Improvement Act of 1992, the proposed law would make Sacramento one of 10 California counties requiring Spanish-language ballots.

Ernest Hawkins, Sacramento's chief vote counter, said county officials who are already facing severe budget shortfalls would be forced to spend as much as $50,000 on extra printing costs to provide bilingual ballots for each election.

Currently, county election material is mailed to voters in English only. A Spanish-language translation is provided upon request, Hawkins said, adding that fewer than 100 of the county's 551,028 voters have asked for materials in Spanish.

If the law is approved, Hawkins said his staff would likely "go back and assess the need and find some way of not providing bilingual material, but providing it upon request or providing an enhanced version of what we're doing now."

Hawkins, who leaves for Washington today for a conference on proposed election law changes, said Sacramento groups like the local chapter of the Mexican-American Political Association have been more interested in having voter education material—not ballots—printed in Spanish.

Members of the group have also helped out with Spanish-speaking voters at polling booths, Hawkins said, "We've been working with these groups and we've come up with something everybody is happy with."

But backers of the proposals want to ensure that better provisions are made for voters who have trouble reading or speaking English.

Under federal voting-rights laws expiring in August, bilingual assistance must be provided in any county where 5 percent of the bilingual voters are poor English speakers.

The new bill would keep the 5 percent threshold intact, but also establish an alternative measure for reaching bilingual voters—one that requires any county with at least 10,000 voters who have limited proficiency in English to provide bilingual assistance. The bill's provisions would be extended to the year 2007.

"Non-English speaking voters need to be guaranteed the same assistance and explanatory material as English-speaking voters," said Rep. Esteban Torres, D-Los Angeles, a sponsor of the bill.

Mr. SIMPSON. Remember, this is a county that said, we have always mailed our material to the voters in English only. "A Spanish-speaking translation is provided upon request," said the clerk, adding that "fewer than 100 of the county's 551,028 voters have asked for materials in Spanish."

I know it makes everybody feel good, but it does not do a thing to increase voter participation.

Mr. SIMON. Mr. President, I hope this will be turned down decisively by this body, as it—this was not turned down in the committee, because it did not come up in the committee.

But this same amendment was decisively turned down on the motor-voter bill by this body.

The other problem, very practical problem, is that it holds up implementation of the bill. We want to move ahead on this thing. We are going to have to wait for appropriations and other things to move ahead. And we have been working with local jurisdictions, and the local jurisdiction that has the greatest impact is Los Angeles; and there, the total cost of this will be less than $200,000 for a very, very major jurisdiction.

In San Francisco, where roughly 21 percent of the population speaks Chinese, and 12 percent Spanish, there, the costs in terms of election costs is less than—in terms of total budget is four one-thousandths of 1 percent. There simply is not any necessity for this. If the Federal Government had a huge surplus and did not know what to do with it, and did not have a lot of good causes, then I think it makes sense. This is not something that is being demanded by local jurisdictions, because the costs are so minor. Again, I point out this sample ballot we have from San Francisco, adding this Spanish and Chinese on this ballot is a relatively simple thing. It is not a costly thing.

While I have this chance, Mr. President, I also want to thank my colleagues, and I thank Senator MITCHELL, the majority leader. I want to thank Senator KENNEDY, Senator BIDEN, Senator HATCH, who has been very helpful; Senator SIMPSON, who is an opponent on this matter, but one I have great respect for. And specifically, also, the members of our staff, John Trasvina and Jayne Jerkins of my staff. Dick Day, and Cordia Strom of Senator SIMPSON'S staff, Jeff Blattner from Senator KENNEDY's staff; Mark Disler from Senator HATCH'S staff, and Cynthia Hogan of Senator BIDEN's staff.

One of these products does not happen without a great deal of work from a great many people, and I am grateful to all of them. But again, Mr. President, I do not think I need to go into great detail. This is something that clearly ought to be rejected.

Mr. President, I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as the Senator from Illinois pointed out, on

May 19 this year, the Senate tabled, by a vote of 54-41, an amendment to the motor-voter bill that would have delayed the implementation of that legislation until 1 year after the Federal Government appropriated funds to pay for the changes in the voter registration required by that law. The Senate properly rejected that amendment and should reject this one as well.

I was just listening to my friend and colleague from Wyoming. This legislation has been in effect for 17 years. I have read the RECORD in the House of Representatives today and listened to the debate this evening. We do not have one single elected official who has written to the committee to complain about the cost of the law. That happens to be the fact.

It was never raised by those who offered a similar amendment over in the House of Representatives, and it has not been introduced into our RECORD by the minority, and it has not been referred to this evening. It is not a problem. Every local community would like additional funding. But as far as being a heavy burden on the communities, it just is not so.

Under the Constitution, a State has a solemn responsibility to provide a Republican form of government and to assure all persons of the equal protection of the law. The bilingual assistance provisions of the Voting Rights Act are necessary to assure all citizens have a meaningful opportunity to participate in the electoral process. To satisfy their constitutional responsibilities, States should bear the cost of providing bilingual assistance to voters who need it.

Requiring the Federal Government to bear the costs of assuring that States satisfy their constitutional responsibilities would set a terrible precedent. The Federal Government does not, and should not, bear the costs when a State must undertake reapportionment to comply with the Voting Rights Act or the Constitution. The Federal Government does not, and should not, bear the cost when a State must remove barriers to access to voting places for persons with disabilities to comply with the Voting Rights Act or the Constitution. It does not, and should not, bear the cost of assuring that voters get the bilingual assistance they need to vote.

So, Mr. President, I hope that our colleagues will oppose this amendment.

I yield the remainder of my time.

Mr. SIMPSON. Mr. President, let me say that this is not a killer amendment. I think, if you believe in something, as the proponents do here, you should have the courage to fund it. And the way they can do it is to have a motion to waive the Budget Act, and that must pass with 60 votes.

But I say to my friend from Illinois that indeed that is the case. It does not give the local jurisdictions any comfort for us to say to the local governments that we cannot provide Federal funding because it would slow down this bill.

It is not going to help them at all, and it is the kind of thing that leaves them limp.

This amendment, I can assure you, was not soundly rejected by the House. It failed in the House by a single vote, and I think that is the fear here. The amendment was defeated by two votes in the House of Representatives. The vote on the amendment in the House was 184 to 186. The amendment was offered there by Representative CONDIT, a Democrat from California, where his district really knows the fiscal reality of this bill.

Bad enough that it simply be extended for 15 years on a 17-year tour of duty that it has already had. But now, in these times—and I inserted in the RECORD the indication of what it was going to cost in a single county.

These are realities, and I think that these realities will be evident here tomorrow when we vote on this particular amendment.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4½ minutes remaining.

Mr. SIMPSON. I reserve the remainder of my time for the moment.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I think the point made by Senator KENNEDY on the Americans With Disabilities Act, and the attempt that we have had to encourage local jurisdictions to make polling places accessible to people with disabilities, we have to come up with funds for that. This is contrary to what we have done.

Local jurisdictions vote for President and Vice President of the United States. They have to print that on the ballot. There is a cost there. If we are going to be consistent with this amendment, we ought to provide some funding for local governments when they have to pay for voting, putting that Presidential name and Vice Presidential name on the ballot.

We have separation of responsibilities, and local governments take care of voting costs. And this is a very, very minor cost in terms of those totals. So my hope is that this will be rejected, as the motor-voter suggestion along the same line, was rejected by the Senate.

Mr. President, I am willing to yield back the remainder of my time if the Senator from Wyoming is.

Mr. SIMPSON. Mr. President, I am sure the Senator from Massachusetts is going to leave the Chamber before I close up the remainder of my time. I see that he is.

So I, reluctantly, waiting always for the final opportunity with him, reluctantly relinquish the remainder of my time.

Mr. SIMON. Mr. President, I yield back the remainder of my time.

Mr. DECONCINI. Mr. President, I want to express my strong support for the legislation before us today.

The reauthorization of the language assistance provisions of the Voting Rights Act is crucial to the empowerment of many Americans who are not English proficient.

The Voting Rights Act has been effective in providing voting assistance to thousands of citizens. This bill would further enable, as well as encourage, many segments of the population to exercise their rights to vote.

This bill ensures equal access to the electoral process by providing bilingual registration and voting assistance for Americans who are not proficient in English.

It benefits many Americans who are unable to fully exercise their rights as U.S. citizens due to an inability to fully understand a ballot or voter registration card.

Without the means to give voters the opportunity to make an independent and informed vote, government is hindered in its representative function.

Section 203 of the Voting Rights Act, which authorizes the language assistance provisions, has been in use for 17 years and is doing its job by providing language assistance to citizens in 68 counties across the United States.

More minorities are being elected, and voter registration among minorities is increasing. In Arizona, where Hispanics constitute nearly 20 percent of the population, the number of Hispanics and Native Americans registered to vote has more than doubled since 1976.

I would like to address the significant changes this bill makes to the coverage of native Americans.

Current law fails to adequately identify Native Americans needing language assistance because it does not take into account their unique history and demographics. Without an alternative standard for native Americans, the language assistance provision of section 203 will not serve those Congress intended to protect and will contravene the Federal policy of language protection established by the Native American Languages Act of 1990.

The language assistance provisions work. From 1972 to 1990, the number of precincts with predominately Navajo voters in Coconino County, AZ, quadrupled, while the numbers of registered Navajo voters increased by 164 percent and Navajo voter turnout increased by 120 percent.

In Apache County, AZ, the number of precincts with predominately Navajo voters tripled between 1972 and 1990. The number of registered Navajo voters in those precincts increased by 80 percent and the Navajo voter turnout increased by 88 percent.

Some express concern about the possible costs of expanding coverage for native Americans. I do not believe this

bill will unduly burden counties for a number of reasons. First, counties can target assistance to those who need it, rather than providing it to all citizens.

Second, the cost of oral assistance is minimal. Oral assistance is all that sec. 203 requires because native languages are traditionally unwritten.

Third, covered jurisdictions themselves determine what constitutes compliance with section 203, subject to review by the Department of Justice. Good faith efforts to comply usually suffice.

And finally, the bill only covers those reservations where 5 percent of the voting age Indian population require assistance because they are not proficient in English.

Although some may argue that the provision is overbroad, I strongly disagree. Native American languages should be preserved and native Americans should participate in our electorial system of government. It is just this type of language assistance that can satisfy both these goals.

Until every member of the Hispanic, Asian and American and native American communities can take advantage of their right to vote, they will not be able to fully address the needs of housing, economic development, employment, and education which are vital to their continued success as American citizens.

The passage of this legislation will directly result in greater participation by Hispanic and native American voters in county, State, and national elections.

In this election year, it is only fitting that we demonstrate this country's commitment to protecting the constitutional rights of all citizens by passing this legislation. Without it, many Hispanic and native Americans would be deprived of the most precious of these rights, the right to vote.

I would like to commend Senators SIMON and HATCH for their hard work in moving this bill forward. This is a bill of utmost importance to Hispanics, native Americans and Asian-Americans.

I urge my colleagues to support this bill and reject any amendments that dilute its effectiveness.

Mr. MCCAIN. Mr. President, I am pleased to support and be an original cosponsor of S. 2236, the Voting Rights Act Language Assistance Amendments of 1992. Section 203 of the Voting Rights Act is set to expire on August 7, 1992. I am extremely pleased that the Senate is acting on this issue at this time.

Mr. President, section 203, along with two other permanent language assistance provisions, was added to the Voting Rights Act in 1975 to address the exclusion of limited English proficient voting age, qualified American citizens from the electoral process. Section 203 was based on congressional findings that language minority American citizens had been systematically denied access to the voting franchise.

Mr. President, the voting franchise is one of the single greatest tools any American has to voice his or her opinion. I believe that the Congress has a duty to ensure that the sacred right to express one's opinion by voting is preserved, whether that individual is fluent in English or not.

Opponents of this legislation have stated that the need for bilingual ballots has not been established. This is simply not true. Many hard working Americans would be disenfranchised if bilingual ballots were not available, and that is not right. Many taxpaying Americans of Hispanic, Asian, and native American descent utilize bilingual ballots.

Arizona voting rates prove that bilingual ballots do in fact increase voter turnout. From 1972 to 1990, the number of precincts with predominantly Navajo voters in Coconino County, AZ, quadrupled, while the numbers of registered Navajo voters increased by a staggering 164 percent, and Navajo voter turnout increased a noticeable 120 percent. During the same time, in Apache County, AZ, the number of precincts with predominantly Navajo voters tripled. The number of registered Navajo voters in those precincts increased by 89 percent and the Navajo voter turnout increased by 88 percent. The Justice Department has testified that it is convinced that section 203 has had a significant effect among Native Americans.

Second, section 203 allows for flexibility. It is important to note that the regulations governing this issue place the responsibility for determining what constitutes compliance with section 203 on the covered counties. The Federal Government, correctly, I believe, does not seek to strictly dictate what local government can do much better.

Third, I have heard from some in Arizona who oppose the extension of section 203 on the ground that counties will be forced to produce ballots in countless languages—most notably Native American languages—at a huge cost to the counties.

Mr. President, this is simply not true. For Native American languages the bill only requires oral assistance. No written ballots or other written electoral material need to be provided because most Native American languages generally have no commonly used written form. Further, the General Accounting Office determined in 1986 that the cost of oral assistance is minimal.

Fourth, I have heard from many that we should pursue teaching non-English speaking Americans the English language instead of extending the bilingual ballot program. I support efforts to teach English to all non-English speaking individuals. However, I do not believe that the teaching of English should be done at the sacrifice of people's historic culture or their constitutional right to vote.

Fifth, I believe that bilingual ballots will serve as a unifying, not balkanizing force. For example, if S. 2236 were to pass, Los Angeles County would be covered for six written languages. The Los Angeles County Registrar and organizations representing Hispanic and Asian Americans have agreed to a program that establishes how the country would comply with section 203. This agreement shows a notable amount of cooperation and unification between local government officials and language minority communities.

Lastly, Mr. President, I refer back to my first reason for supporting this bill. The right to vote is fundamental, and should not ever be denied any qualified American voter. It is contrary to the principles of representative government to deny any American the right to vote simply due to a language barrier.

Mr. President, Susan Anthony, in 1873, spoke eloquently on the subject of the integral and important link between voting and representative government:

> Here, in the first paragraph of the Declaration [of Independence], is the assertion of the natural right of all to the ballot; for how can the "consent to be governed" be given, if the right to vote be denied?

Mr. President, I strongly urge my colleagues to support S. 2236 and oppose any weakening amendments. I yield the floor.

Mr. DODD. Mr. President, I rise in support of the Voting Rights Language Assistance Amendments of 1992. This legislation will reauthorize and further strengthen section 203 of the Voting Rights Act, to ensure that language-minority voters can effectively exercise their right to vote.

At the outset, I would like to commend the chairman of the Subcommittee on the Constitution, Senator SIMON, and the distinguished Senator from Utah [Senator HATCH] on their bipartisan effort to bring this legislation to the floor.

This measure reauthorizes provisions that were first enacted in response to widespread discrimination against language-minority citizens. That discrimination took the form of unequal educational opportunities and exclusionary voting procedures such as literacy tests.

Recognizing those problems, Congress enacted measures to ensure that voters needing language assistance would not be denied their right to vote. Section 203 of the Voting Rights Act prohibits any State, county, or parish with significant numbers of limited English-proficient voters and a high-illiteracy rate from conducting english-only elections. The law also requires that covered jurisdictions provide reg-

istration and voting materials and ballots in the language of the applicable minority.

These measures have been very successful. They have helped to remove barriers to participation in the electoral process encountered by Hispanic Americans, Asian Americans and American Indians.

For example, in Texas, where the entire State is subject to Spanish language-assistance requirements, Hispanic registration rates jumped 125 percent from 1976 to 1988. In Arizona, in countries where there are large numbers of Navajo voters, voter registration has increased as much as 164 percent and voter turnout by 120 percent.

In my home State of Connecticut, the provisions of section 203 have helped numerous Hispanic voters in Hartford, Bridgeport, and Fairfield County exercise their right to vote.

Despite the effectiveness of the language assistance requirements, there is still much work to be done. The lasting effects of discriminatory practices and the increasing number of bilingual citizens indicate that we need to continue such measures. For example, the U.S. Commission on Civil Rights recently reported that one of the most significant factors limiting Asian-American political participation is the widespread unavailability of Asian language ballots and other election materials.

Furthermore, the current law only applies to certain jurisdictions, and there are many other jurisdictions where voters need assistance. This measure will expand the coverage of the bilingual voting provisions and further increase the number of citizens who register and vote.

Mr. President, our Nation has made great strides in the ongoing battle against discrimination. Unfortunately, there are still many forces which threaten to divide the citizens of this country. But we cannot afford to be divided. There are too many important issues facing this Nation—poverty, crime, and health care to name a few. These vital problems require that all our citizens work together to find solutions.

By expanding the democratic process, this legislation will help us find common solutions. This measure will ensure that language-minority citizens have equal access to the ballot box. With that access, these citizens can add their voices to, and secure the benefits of, our political system. Mr. President, I urge my colleagues to support this vital measure.

Mr. AKAKA. Mr. President, I rise today to join my colleague from Illinois, Senator SIMON, as a cosponsor of S. 2236. This bill, with 29 cosponsors, would extend provisions of the Voting Rights Act to ensure language assistance to citizens who would otherwise be prevented from voting by their limited proficiency in English.

S. 2236 would extend the expiration date of section 203 of the act through the year 2007. It would also extend coverage to jurisdictions with over 10,000 language minority citizens of voting age. This change will provide bilingual voting assistance to Americans of limited English proficiency who presently are not covered under the current 5-percent standard.

During markup of S. 2236, the Judiciary Committee adopted the 10,000-citizen benchmark. The committee concurred that the 5-percent standard failed to fulfill the goal of the Voting Rights Act. According to the committee report, which used 1990 census data, "a 20,000-citizen benchmark would fail to provide over 355,000 minority language citizens the language assistance they need for a meaningful exercise of the franchise."

Furthermore, the report states that the addition of a 10,000-citizen benchmark will make the right to vote a reality for over 860,000 language-minority citizens in the United States in 34 counties.

Although the Justice Department suggested using a 20,000 benchmark, the committee rejected that figure. Moreover, Mr. President, the 20,000 benchmark would also exclude every Asian group that would be covered under the 10,000 benchmark, with the exception of Chinese-Americans in Los Angeles.

In Hawaii, the higher benchmark would deny assistance to citizens of Japanese- and Filipino-speaking communities. In fact, Japanese, Filipino, and Vietnamese communities would not be covered anywhere in the United States under a benchmark of 20,000. Spanish-speaking citizens would also be excluded in some ares that would be covered under the 10,000 standard.

The purpose of adopting a numerical standard is to better promote the goal of section 203: To provide language assistance to large concentrations of language-minority voters who currently are unable to exercise their right to vote because of their limited proficiency in English.

Any barrier which prevents American citizens from exercising their right to vote must be eliminated. The bilingual amendments to the Voting Rights Act have assisted thousands of minority Americans to become enfranchised, and I wholeheartedly support extending the language-minority provisions. This bill enjoys bipartisan support in the Senate and has been passed by the House. In this, a Presidential election year, we should make every effort to assist our citizens to exercise their constitutional right to vote.

Raising the benchmark from 10,000 to 20,000 would significantly limit the effectiveness of this measure, and for this reason, I strongly support the Judiciary Committee's 10,000 benchmark and urge my colleagues to retain this figure.

Mr. INOUYE. Mr. President, I rise today in strong support of H.R. 4312, the Voting Rights Improvement Act of 1992. This bill reauthorizes one bilingual provision of the Voting Rights Act of 1965, section 203, and amends that section to better identify native Americans, Hispanics, and Asian-Americans whose limited English proficiency presents a barrier to meaningful participation in the electoral process. Section 203 expires by its own terms today. Accordingly, it is critical that the Senate take favorable action today. I am a proud cosponsor of the Senate companion measure and I urge my colleagues to vote in favor of H.R. 4312 and oppose any weakening amendments.

As chairman of the Select Committee on Indian Affairs, I would like to share with my colleagues my understanding of how this legislative initiative will greatly benefit descendants of the first Americans—American Indians, Alaska Natives, and native Hawaiians. Their languages were spoken on this continent for thousands of years before the English language ever arrived to these shores. Native American words have been incorporated into our political speech, such as the word "caucus." Native American political concepts, such as freedom of speech and the separation of powers, have become cornerstones of our democratic government. Nevertheless, native Americans remain under represented in local, State, and Federal Government.

Mr. President, many native Americans, particularly elders, cannot read the English language. They live on relatively isolated reservations with high rates of poverty and unemployment. Without language assistance these citizens cannot exercise their fundamental voting rights. They cannot take part in representative government. In the absence of our action, they will remain locked out of our political process.

Where language assistance has been provided under section 203 of the Voting Rights Act of 1965, native American registration and participation rates have skyrocketed. For example, on the Navajo Nation in Coconino County, AR, the number of registered Navajos increased by 164 percent and Navajo voter turnout increased by 120 percent between 1972 and 1990, in precincts where Navajo voters constitute the majority. Mr. President, I have not cited an isolated example—section 203 has clearly helped many native Americans gain access to the political process.

H.R. 4312 has special significance for native Americans because it improves section 203 coverage for those living on Indian reservations who have limited English skills. The current standard in section 203 inadvertently includes many reservations with significant populations of limited English-proficient native Americans. Elsewhere, only parts of reservations are covered. This occurs because the current cov-

erage standard does not consider the unique history and demography of native Americans. Native Americans living on reservations and other Indian lands comprise less than one-third of 1 percent of the total population of the United States. These relatively small populations are split by State and county lines, which were often drawn without regard for reservation boundaries when States entered the Union. As a result, most limited English-proficient native Americans do not exceed 5 percent of a county's voting age population.

H.R. 4312 provides an alternative coverage standard for native Americans which better identifies those needing language assistance: Where more than 5 percent of the native American voting age population of a reservation requires language assistance, the counties on that reservation will be covered pursuant to section 203. This alternative standard is necessary in order for section 203 to have real meaning for native Americans. Without it, only 4 of the more than 500 Indian tribal governments in the United States would receive assistance under section 203 alone.

The Tohono O'odham Nation of Arizona provides a good example of why an alternative standard is needed. They are the fifth largest tribe in the United States. Their reservation spans three counties in southern Arizona. According to the Census Bureau, several thousand voting age Tohono O'odham Indians cannot speak English well enough to participate in the electoral process. Nevertheless, none of the three counties on the Tohono O'odham reservation provide language assistance under the current section 203 standard. The reason for this is that most Tohono O'odham Indians live in the same county as the large, off-reservation city of Tucson, AZ, which has more than half a million residents. Even thought the Tohono O'odham speakers number in the thousands, they do not exceed 5 percent of the county's total voting age population. Under H.R. 4312, the Tohono O'odham Nation would receive language assistance under section 203, according to preliminary Census Bureau estimates.

Inevitably, some newly covered counties will have few native Americans who need assistance, simply because the incidence of native Americans in the population overall is low in comparison to other language-minority groups covered pursuant to section 203. I do not believe this will burden covered counties because only oral assistance is required for native American languages—no written ballots are needed. Indeed, the minimal cost of oral assistance was confirmed in a 1986 GAO report. Also, the Department of Justice regulations which implement section 203 permit counties to target assistance to those who need it. Counties need not provide language assistance in precincts where no native American language speakers vote.

Mr. President, limited English proficiency skills have not prevented our Government from asking native Americans to defend our county. Indeed, native Americans have served our Nation in the Armed Forces of the United States in numbers far exceeding their representation in the population. In Operation Desert Storm, for instance, Indian participation was seven times the national average—the largest percentage of any ethnic or racial group in the United States. So many Indians volunteered to fight in World War I—a time when Indians were not even allowed to be citizens of the United States—that the Congress was shamed into granting Indians national citizenship in 1924.

Mr. President, the Congress and President recently joined to proclaim 1992 the Year of the American Indian in recognition of the many outstanding and too often unacknowledged contributions native Americans have made to American history, culture, government, art, and language. Without reauthorization of section 203 of the Voting Rights Act, however, many native Americans with limited English proficiency will remain disenfranchised—they will remain unable to cast informed votes and make their voices heard at the polls.

Mr. President, I urge my colleagues to vote in favor of H.R. 4312 to ensure that every citizen of this Nation will be able to exercise their fundamental voting rights.

Mr. CRANSTON. Mr. President, the right to vote is the most fundamental and important right of citizens of a democracy. It is through the electoral process in a democracy that the people express their will. Democratic institutions cannot function effectively without an accurate understanding of that will.

We have all heard the statistics about the declining rate of voter participation in this Nation. Barely 50 percent of the eligible voting age population voted in the last Presidential election in 1988. Barely one-third of the eligible voter participated in the 1986 congressional election.

Yet what we often forget is that there are still thousands of American citizens who want to exercise their right to vote, but cannot because of their limited proficiency of the English language. In many counties across the country, being a language-minority citizen means you don't vote—even if you want to—because there is no bilingual assistance at the polls. Language-minority citizens in Los Angeles County in California, for example, receive no bilingual assistance even though there are hundreds of thousands of Asian Americans and Hispanic Americans residing there.

Unless we act to remove this barrier to voter participation, we run the risk of destroying the legitimacy of our democratic institution. For this reason, I wholeheartedly support the measure now before us, the Voting Rights Act language assistance amendments of 1992, S. 2236, and urge my colleagues to join me in supporting this bill.

This legislation would reauthorize section 203 of the Voting Rights Act of 1965 for 15 years and would amend the section's coverage formula to better identify language-minority communities in need of assistance. The bill would require that counties provide bilingual voting assistance if 5 percent or more than 10,000 of its voting age citizens are members of a single language minority and cannot speak or understand English well enough to participate in the electoral process.

The addition of the numerical benchmark of 10,000 is crucial in correcting the enormous loophole that currently exists in section 203. With this benchmark, several thousand language-minority citizens in Los Angeles County, Orange County, San Diego County, as well as several other counties that include cities like New York, Boston, and Philadelphia, would be assisted at the voting booth.

Some opponents of the legislation argue that the cost is too prohibitive. However, the use of bilingual ballots in the 1990 election in San Francisco only consisted of 5 percent of total election costs—or thirty eight ten-thousandths of 1 percent of the total city and county budget.

The important changes required by this bill will result in an increased opportunity for citizens to vote on election day.

Today we have the chance to reinvigorate our democracy by opening it more fully to citizen participation. Let us make the most of this opportunity.

Mr. BINGAMAN. Mr. President, I rise today to express my support for H.R. 4312, the Voting Rights Language Assistance Act. I urge my colleagues to join me and the bill's authors, Senators SIMON, HATCH, and KENNEDY, in swiftly approving this legislation, which will ensure millions of Americans continued access to the most basic of all American rights: the right to vote.

I am fortunate, Mr. President, to represent the State of New Mexico, a State rich in cultural and ethnic diversity. I am particularly proud that our state has, since its inception, recognized and protected the right of each and every citizen to vote. Since becoming a state, New Mexico has required, by constitutional provision, that all constitutional amendments be printed on ballots in English and Spanish. In fact, by tradition and statute, New Mexico has always printed its entire ballot in English and Spanish and has provided oral and written assistance, in

any language, to any voter who requests it.

Mr. President, every state should practice the traditions of New Mexico. As a Nation, we should feel a strong obligation to ensure that the unique needs of our diverse population are met, and we should work to preserve and promote the heritage of all our citizens. The legislation before us today will help us meet part of that obligation.

In New Mexico, from San Juan, Rio Arriba, and Colfax counties in the north; to Cibola and Grant Counties in the west; Quay and San Miguel counties in the east; and Hidago, Luna, Dona Ana, and Eddy Counties in the south, 26 of our 32 counties fall within the bill's provisions. Thousands of New Mexicans of Hispanic, Navajo, Pueblo, and Apache descent will benefit from this legislation. Across the Nation, this bill will provide American Indians, Hispanics, Asian American, and Alaska Natives with critically needed language assistance so that they can play a role in the electoral process. We should approve this legislation without delay and affirm the right to vote for all Americans.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate reconvenes tomorrow at 9 a.m., that immediately following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day, and that the Senate vote on or in relation to the Simpson 5-year extension amendment, to be followed immediately without any intervening action or debate by a vote on or in relation to the Simpson Federal funding cost to local jurisdictions amendment; that if the remaining amendments on a previous list governing consideration of this bill are offered, they be limited to 10 minutes each, equally divided in the usual form; and that no motions to recommit be in order.

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

RECESS UNTIL 9 A.M. TOMORROW

Mr. SIMON. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate stand in recess until 9 a.m., Friday, August 7.

There being no objection, the Senate, at 10:41 p.m., recessed until Friday, August 7, 1992, at 9 a.m.

EXTENSIONS OF REMARKS

CHILDREN'S PLATFORM

HON. NANCY PELOSI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Ms. PELOSI. Mr. Speaker, I am pleased to include a copy of the youth agenda, adopted by the 1992 Scholastic Kids Caucus, for the RECORD. The platform was created to present a children's agenda of issues of concern for elected officials and to begin a dialog on the future of health care, our environment, education, and the economy. As the platform shows, concerns of children are far-reaching, complex and thoughtful. I commend their tremendous efforts to address and propose solutions to our country's problems. Enclosed is the platform which addresses the issues of education, health, economy, and environment.

CHILDREN'S PLATFORM

THE EDUCATION PLANK

We, the youth of America, have gone through experiences that kids our age should never even hear about. We walk into bathrooms where the stench of marijuana permeates the air. We watch our school buildings crumble around us. We see violence in the hallways. We see kids from broken families with more pressing concerns than school. We see teachers, administrators, and school boards who don't know how to communicate with students. We see teachers who love to be there, and those who would rather stay home. School has become a war zone—a war of funding, bureaucracy, and apathy. We want to think, discuss, cooperate, and learn how to learn. We want change . . . and we want it soon.

We, the youth of America, dream that one day the teaching environment will extend beyond the school walls: The world should be our classroom, and the different and unique people who inhabit it should be the teachers. In and out of the classroom, learning should be full of excitement rather than drooping eyes and loud snores. We dream of an America with an educational system that doesn't limit students because it is too impersonal and boring. We want a system that will produce well-educated students without turning them into computers in T-shirts and jeans. We think students should be given the chance to be more than they ever dreamed they could be. If we can—and we believe we will—reach this dream, we will make the United States a much better place to live. It is better to build schoolrooms now than prisons in the future.

We, the youth of America, believe that all students who don't go to college deserve access to a successful school-to-work apprenticeship program, giving untrained workers the skills they need.

We, the youth of America, believe that every child has the right to higher education. We need a National Trust Fund to help all students pay for tuition.

We, the youth of America, believe that more bright young students need to be attracted to teaching. Teachers deserve more pay and smaller classes. Nothing can replace a good teacher.

We, the youth of America, believe we need national standards. We need to learn real skills in communications, politics, economics, technology, and useful math. We need to be exposed to cultures and societies different from our own. We want an education that is truly multicultural. Each school should be able to reach these goals by its own means, with rewards for improvements and good performance.

We, the youth of America, believe that students, rich or poor, deserve the same quality of education. Money for schooling should be provided through a state income tax, not a local property tax, with our federal government helping to spread funding evenly between rich and poor districts. Also, the government should fully fund such special programs as Head Start.

We, the youth of America, believe we need to provide a competitive education system with incentives to perform well. We believe the road to take is to allow choice in public schools. In order to insure that this plan works, we recommend an outreach program that would inform parents and students of the benefits of different schools, and transportation services for easy access to those schools.

We, the youth of America, believe we can make a difference—we can change the world and make it better. But first we need the tools to do so, the knowledge and skills that can only come from a quality education.

THE HEALTH PLANK

We, the youth of America, have seen our generation grow up without understanding what health really means. We have seen our parents come home, worn down by work, and go straight to bed while we watch TV. We have seen kids grow up on fast food and junk food. We have seen kids seek relief from the stress in their lives by smoking cigarettes and drinking alcohol, without realizing that these crutches are eating away at them inside.

We have seen our friends, our brothers and sisters, use drugs for ridiculous reasons: to rebel against their parents or sometimes just to look cool. We have seen kids injure themselves permanently by trying to solve a temporary problem. We have seen drugs ruin our cities. We have seen drug dealers come into our neighborhoods and take over our pizza shops, our playgrounds, and our apartment buildings. We have heard gunfire in our streets and we know that children get caught in the crossfire.

We have seen the AIDS epidemic creep across this nation. Our neighbors and our friends may have the HIV virus; we may even be infected ourselves. We have seen the virus infect our heroes, like Magic Johnson and Ryan White, and we have heard that 100,000 people already have died from this plague.

We, the youth of America, dream of a country where young people are healthy enough to do everything they want to do, and can feel really good about themselves. We know that when kids feel good about themselves, when they have energy and good health, they can reach any goal they want.

We, the youth of America, believe that this government should communicate with people in healthy language—on the radio, in newspapers, and on TV. We believe in a world of healthy communication, where parents hug their children, where teachers praise their students, where we all work together to grow up in a healthy way.

We dream of a nation that works together as a team, where each of us plays an important role. We dream that someday this whole world will be part of the same team, together, working for a common goal. We believe the future is near, and we know that now is the time to start working toward a healthier world.

We believe the government should help people with their health expenses, so that no one has to go without food and shelter just because they have big doctor bills. We believe that there should be more money put into drug rehabilitation—to help people who are addicted to drugs improve their lives and return to the world. And we believe that government should spend more time and money on preventive care for everyone, so that kids start off their lives on the right foot.

But we also feel that all of us are responsible for keeping ourselves healthy. We feel that if the government is going to protect us from medical expenses, we also have a responsibility to protect ourselves from medical risks. We believe we are responsible for leading a health lifestyle, and that the nation's health, like everything, is a team effort.

Most importantly, we believe that young people have something to teach as well as something to learn. We know that health is a lot more than just eating right, or running a few miles a day. We know that people rub off on each other, that we all affect each other by what we say and what we do. We know that positive communication is an important part of health. If we can create that kind of communication, we can be the world's healthiest nation, which is what we want to be.

THE ECONOMY PLANK

We, the youth of America, believe our disease-stricken economy needs to be cured. We have seen many of our parents lose their jobs. We have seen other countries grow richer as America has become less competitive. We've seen people on the streets with signs saying, "Will work for food." Many kids can't afford college, while more and more families can't even clothe or feed themselves. We have seen hard-working people who aren't able to afford the things they have strived for because of high taxes and rising prices. Young people do not want to be the ones faced with the burden of reducing the huge national debt.

We, the youth of America, want a secure future. We need to be assured that there will be decent jobs for us when we graduate from high school or college. We want to live in a world where there are unlimited opportunities. Our dream is the American dream—for everyone to be able to work at a good job that pays well, and to own their own home. All Americans should have the opportunity to provide for their families. For us to have that future, unemployment must go down. People must have incentives to start their own businesses, which would create more

jobs and lead to a stronger, more competitive economy.

We, the youth of America, believe that the government has the responsibility to balance the budget and stop adding to the national debt.

We, the youth of America, believe corporations and government have a responsibility to young people. They should provide job training and work experience for us because we are the workforce of the future.

We believe that older Americans are a great resource for young people. Government and industry should create partnerships between these two generations. Older Americans can teach us job skills and how to be good, reliable workers. By employing older people to help younger people, we give the two groups of Americans who are most hurt by unemployment a chance for productive careers.

We, the youth of America, believe Americans would rather work than be on welfare, which brings down the morale of the whole country. Both the government and the private sector have a responsibility to provide job training and incentives to help people get off welfare and become self-supporting. Abandoned buildings should be given back to the communities and turned into shelters for the homeless.

Like adult Americans, the youth of America have many different ideas about solving our nation's economic problems. Some of us feel that government should play a larger role in helping the economy grow and in making sure that everyone has equal opportunity. Others feel that the government should take a back seat and let the private sector drive the economy. But all of us believe that unless something is done now, the youth of today and tomorrow face a depressing future.

THE ENVIRONMENT PLANK

We, the youth of America, are deeply concerned about the state of the world's environment. We've seen refineries dumping waste into our rivers. We's seen yellow, gaseous clouds from big chemical plants hanging over our towns. This pollution not only affects the health of people living today; it will harm future generations of unborn children.

We've also witnessed people's ignorance as they litter our earth with bags, cups, paper, and other trash. Millions of young people have witnessed these things, not just in the United States but around the world.

We, the youth of America, believe that in order to ensure a cleaner, safer earth, action must be taken immediately. Toxic wastes and pollution must be controlled. Endangered species must be protected from extinction. Global warming must be stopped, and new energy sources discovered. Recycling must be enforced. Action, not just words, is the main answer to all these problems. To give future generations a safe, clean earth is, in our opinion, the best gift of all.

We, the youth of America, believe global warming and ozone depletion are the biggest environmental problems facing the world today. A one-degree rise in global temperatures could destroy entire coastlines. And ultraviolet rays can ruin the health of millions. We believe the following must be done: Research must be spurred to discover alternatives to chlorofluorocarbons (CFCs), which cause ozone depletion. The United States should share any new technology with developing countries so that they can end their dependency on CFCs. At the same time, America needs to cooperate with other industrial countries to stop ozone depletion and global warming.

We, the youth of America, believe that the U.S. is too dependent on polluting fuels such as oil, gas, and coal. To break this dependency, the U.S. should research alternative energy sources, such as soy oil and ethanol. These not only help the environment, but the economy as well. They give off less smog and provide corn and soybean growers with a larger market for their products. The U.S. should also look into solar power and other non-polluting energy sources such as gasohol.

We also need to stop the pollution of rivers, lakes, and oceans by big business. The government should fund research to develop better methods of waste disposal.

We also are aware that forests and the animals that live in them are threatened when land is taken for timber and grazing. The cutting of acres of trees should be controlled and trees replanted, because forests, especially rain forests, are the lungs of the earth. To save endangered species we must work with other countries to create stricter poaching laws and more wildlife preserves and national parks.

We, the youth of America, believe that recycling is central to solving our environmental problems. Our nation alone produces millions of tons of waste each year. Added to what the rest of the world produces, this creates a huge number of landfills which poison our water and our air. The government should make sure that recycling programs are set up all over the country. However, there is still a huge amount of waste that can't be recycled, including diapers and most plastics. The only way to make progress in this area is to spend more time, effort, and capital on the research and development of alternative solutions.

We, the youth of America, believe that the government must take the environment more seriously. We must face the fact that we are destroying our planet.

We the undersigned submit this platform:
Van Trinh, 16 yrs, San Diego, CA.
Patrick Gray, 13 yrs, Dunn, NC.
Ashley Adams, 12 yrs, Sunnyvale, TX.
Dinah Albert, 16 yrs, New York, NY.
Jennifer Carpenter, 17 yrs, Fairfield, CT.
Kelly Aldrich, 15 yrs, Marysville, WA.
Erik Elsea, 14 yrs, Waterloo, IL.
Kimberly Anthony, 15 yrs, Russell, PA.
Chad Duncan, 18 yrs, Wenatchee, WA.
Rosie Escagedo, 16 yrs, Miami, FL.
TouSaint Walker, 16 yrs, Brooklyn Center, MN.
Shane Hilyard, 16 yrs, Rochester NY.

WAYNE T. ALDERSON RECOGNIZED FOR EXEMPLARY SERVICE TO HIS COUNTRY DURING WORLD WAR II

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. SANTORUM. Mr. Speaker, I want to take this occasion to recognize the outstanding service of Pfc. Wayne T. Alderson, retired, in recognition of acts performed at the risk of his life and beyond the call of duty while serving in the U.S. Army during World War II.

Fifty years ago, during his enlistment and concurrent duty in World War II, Wayne voluntarily engaged in singlehanded assaults of enemy soldiers as the first American soldier to cross into Germany, and subsequently opened the way for our troops into German territory across the Siegfried Line. Wayne suffered a traumatic wound to the head. Although most of his fellow soldiers were killed during the offensive, his valorous actions did not go unrecognized by his commanders, who promised to nominate him for the Medal of Honor.

It is for his brave actions that I have introduced House Concurrent Resolution 351, which recommends Wayne for the Congressional Medal of Honor. His story is contained in the resolution. Unfortunately, all of Private First Class Alderson's military records, including these documented heroic acts, were destroyed at the National Personnel Records Center by a major fire in 1973. Wayne Alderson has been waiting for over 47 years to receive the Congressional Medal of Honor which he so richly deserves.

Wayne is the president of Value of the Person consultants, which advises management and labor toward better relations based on the principles of love, dignity and respect. Wayne is active organizing the annual Labor-Management Prayer Breakfast in Pittsburgh, which draws upward of 2,000 participants.

Let me conclude by urging my colleagues to cosponsor House Concurrent Resolution 351. There are many men and women living today who need to be recognized for their courage and sacrifices during World War II, and Wayne is one such man.

SUPPORT FOR H.R. 4961

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. THOMAS of California. Mr. Speaker, I hope you and our House colleagues will join me in supporting H.R. 4961, a bill which I introduced to end the current restrictions on the export of Alaskan North Slope [ANS] oil. These restrictions, while well intended, were not very well thought out. Initially, their proponents believed that by withholding this oil from export, the United States could remove itself from dependence upon foreign oil. Unfortunately, this has not occurred, and instead these restrictions have increased our dependence upon foreign oil.

Alaskan oil is very expensive to move through the Panama Canal. As a result, about 75 percent of this oil will end up in California. Once in California, however, ANS crude competes with oil produced locally, and with California producing over 1.2 million barrels a day, there is often a considerable glut on the market. Gluts force prices to be artificially low, and therefore make California oil producers subject to extreme market pressures. A Government policy, not the market, has caused producers to cap wells—thereby ruining them for future use.

There is an alternative. Alaskan crude could be sold at world market prices to Pacific rim countries, such as Japan. This policy would help to reduce our trade deficit with these nations, while at the same time stimulating our own economy at home, with increased profits and jobs. The increased oil production in California could create employment for producers

throughout the State, and at the same time provide relief to California's sagging economy.

The simple fact is that the legalization of ANS exports makes sense. That is why the Interstate Oil and Gas Compact Commission has chosen to support exporting this crude. They realize it will create jobs, it will stimulate the economy, it will reduce our trade deficit, and most importantly, it will reduce our dependence upon foreign oil. Experience has shown that today's export restrictions have not increased our energy security. It is time to install an intelligent oil production policy by passing H.R. 4961.

RESOLUTION CONCERNING EXPORT OF CRUDE OIL TRANSPORTED THROUGH THE TRANS-ALASKA PIPELINE SYSTEM

Whereas, the U.S. Congress, as a condition of its approval for the Trans-Alaska Pipeline System (TAPS) in 1973, severely restricted the export of crude oil transported through TAPS and totally prohibited such export in the Export Administration Act (EAA) of 1979; and

Whereas, every day over 1.7 million barrels of TAPS crude oil and natural gas liquids are transported to domestic markets in the lower 48, with almost 85 percent landed on the U.S. West Coast and about 15 percent on the U.S. Gulf Coast; and

Whereas, excessive TAPS crude supplies on the West Coast have caused a persistent artificial West coast crude surplus, together with forced, high transportation costs, has significantly depreciated the reserve of oil in Alaska and California, making it less attractive to explore for and develop new sources of oil or to invest in expensive enhanced recovery processes to improve recovery from existing fields; and

Whereas, the nation's domestic oil and gas industry is struggling to survive as shown by the lowest rig counts in decades, the dramatic overseas flight of capital by major producers, and the continuing decline in production by independent producers; and

Whereas, export of appropriate portions of TAPS crude would boost production and encourage additional exploration in both Alaska and California, which taken together currently account for nearly 40 percent of the U.S. total output; and

Whereas, additional exploration and development in California and Alaska will contribute significantly to the nation's economy by adding thousands of petroleum related jobs throughout the country, improving capital investment in the domestic industry and increasing national energy production; and

Whereas, simple distillation of TAPS crude yields only eight percent gasoline, California refineries must employ elaborate, high cost processing systems to upgrade TAPS crude using fluid catalytic crackers, hydrocrackers and cokers to meet California market requirements of Pacific Rim refineries; and

Whereas, export of TAPS crude to Pacific Rim markets would reduce the nation's trade deficit; and

Whereas, the U.S. has strongly urged an open trading system between nations in which market force determine the movement of goods internationally, as witnessed by pursuit of the Free Trade Agreements with Canada and Mexico, and the gradual elimination of restrictions on the export of refined domestic crude oil products; and

Whereas, the export of TAPS crude would remove U.S. Government caused economic distortions and inefficiencies in the world's energy market and result in general U.S. public gains, especially with regard to reducing the nation's balance of trade deficit with Pacific Rim countries.

Now, therefore, be it resolved, that the Interstate Oil and Gas Compact Commission strongly urges both the Congress of the United States and the President to lift the ban on the export of crude oil transported through the Trans-Alaska Pipeline System and revise the Export Administration Act to provide free market to opportunities for domestically produced crude oil, subject only to restrictions during a national security event.

U.S. MILITARY MANEUVERS IN THE GULF: JUST MORE FITS AND STARTS?

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. ASPIN. Mr. Speaker, as part of a continuing series of statements about U.S. policy toward Iraq, today I would like to discuss whether recent United States military deployments to the gulf will help achieve our policy objectives toward Iraq.

In recent days the Bush administration has made a visible show of United States military might in the gulf in hopes of discouraging further Iraqi adventurism. I support these measures because they will reassure the Kuwaitis of the United States commitment to their security. These military gestures, however, will not bring Saddam to heel unless they are part of a comprehensive policy to make Iraq comply with all the United Nations resolutions.

THE SEQUENCE OF EVENTS

To begin, let's review the major announcements and events since the standoff at the Agricultural Ministry:

July 26: Iraq ends the most recent standoff by agreeing to allow a neutral inspection team to enter the Agricultural Ministry, but without addressing any of the other outstanding areas on Iraqi noncompliance.

July 27: To send a strong signal of United States resolve to the Iraqis, the Bush administration dispatches the aircraft carrier U.S.S. *Kennedy* to the Persian Gulf and sends additional Patriot missile batteries to Kuwait and Bahrain. In addition, the Pentagon draws attention to two joint military exercises with the Kuwaitis that had already been scheduled for August. Meanwhile, several press articles quote unnamed administration officials who express unhappiness with the United Nation's acceptance of the neutral inspection deal and maintain that the United States would press for an acceleration of U.N. inspections to test Saddam's intentions.

July 28: Declaring the immediate crisis diffused, the administration reverses its decision to send the U.S.S. *Kennedy* and calls it back.

July 29: United States Ambassador to the United Nations Edward Perkins tells a congressional committee that the United States intends to ask the Security Council to authorize military action to halt Iraqi attacks on the Shi's in the south of Iraq within the next week.

July 30: Rolf Ekeus, head of the United Nations Special Commission on Iraq [UNSCOM], indicates, however, that UNSCOM does not intend to accelerate the Iraqi inspections and implies that the United States request is politically motivated. At a New York City press conference, Ekeus comments that:

> It's a hot situation in the (U.S.) presidential campaign * * * but for us, we go a steady course and therefore we are not bothered by the campaign.

Meanwhile in Washington, unnamed administration officials tell reporters that Ambassador Perkins had been mistaken when he asserted that the United States would seek authority to use force to protect the Shi'a. Similarly unnamed sources at the United Nations report that initial soundings of the Security Council indicated that such a resolution would not be supported.

July 31: The administration announces that the United States-Kuwaiti joint exercise "Intrinsic Action" originally scheduled for September would now take place in August. With this change, approximately 5,000 United States troops will participate in three exercises this month in Kuwait. Department of Defense spokesman Pete Williams states that the accelerated pattern of joint exercises should be viewed "as an expression of our support for stability in the region and the security of our allies."

August 2: On the second anniversary of Iraq's invasion of Kuwait, Iraqi officials ominously insist that "Kuwait is part of Iraq" and that Iraq will "never renounce" its claim to Kuwait. Meanwhile, at Iraqi insistence, 100 United Nations guards leave Iraq, reducing their total numbers to 320 out of a total of 500. An unidentified gunman also shoots at a United Nations guard in Baghdad.

August 3–4: Operation "Eager Mace" begins with an amphibious landing of 1,900 United States Marines in Kuwait.

This series of events paints a confusing picture of how the United States is responding to Saddam Hussein's broad challenge to the authority of the United Nations. In one week the administration backtracked three different times.

First, the Administration orders the dispatch of the aircraft carrier *Kennedy* and then recalls it the next day.

Second, they demand accelerated inspections in Iraq, but back off when UNSCOM head Rolf Ekeus describes the request as politically motivated.

Finally, Ambassador Perkins asserts in congressional testimony that the United States will seek United Nation authority to protect the Shi'a—only to be rebuked the next day by unnamed administration officials for not understanding the question.

Unfortunately, the United States is still sending mixed signals to Saddam, often threatening to take steps 1 day only to backtrack the next. If we are confused by the President's intentions, is it any surprise that Saddam might be.

SHOWING OUR MILITARY MUSCLE

Let's be clear. I support our recent military actions in Kuwait. These moves should reassure the Kuwaitis, who have been shaken by the increasingly bellicose statements coming out of Baghdad.

But reassuring Kuwait, however, is not our biggest concern. Stopping Saddam Hussein's growing pattern of defiance and noncompliance is. The critical test of our recent actions is their impact on Saddam Hussein.

Unfortunately, Iraqi defiance has continued unabated, despite these military gestures. Even as United States troops were arriving in Kuwait, Saddam Hussein was reassuring his claim to Kuwait as Iraq's 19th province, harassing United Nation personnel, evicting over 100 United Nation guards and attacking Shi'a strongholds in the South.

As I have stated earlier, Saddam Hussein has embarked on an unparalleled challenge to the United Nation authority in Iraq. Since June, Iraq has:

Rejected the border demarcation recommended by the U.N. Boundary Commission and stopped attending meetings of the Commission;

Impaired U.N. relief efforts by blocking visas and transportation and refused to sign an extension of the Memorandum of Understanding [MOU], which expired June 30, for U.N. and relief personnel in Iraq;

Engaged in a growing terrorist campaign against U.N. personnel in the Kurdish enclave;

Launched a new military offensive against the Shi'a in the South, including attacks with fixed-wing aircraft; and

Impeded U.N. weapons inspectors' access to the Ministry of Agriculture.

Such a sustained challenge can only be defeated by a sustained response. Instead, the Bush administration has responded in fits and starts—announcing new initiatives one day and backtracking the next.

I must stress that military posturing—while a useful tool when used properly—cannot substitute for an effective and comprehensive policy to deal with Iraq. Accelerated military exercises in Kuwait are no substitute for accelerated United Nation inspections in Iraq. We still need a coherent and consistent campaign to make Iraq comply with the United Nation resolutions.

INTRODUCTION OF CHRISTIANITY TO AMERICAN INDIANS

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues a sworn statement of Pedro Naranjo, a member of the San Felipe Pueblo, as published in a book entitled "Native America Testimony." The editorial comment which precedes the article is provided also.

BURN THE TEMPLES, BREAK UP THE BELLS

(The Pueblo Rebellion of 1680, incited by eighty years of especially harsh treatment of Native Americans in the Southwest, caught the Spanish off guard. Within a matter of weeks, over four hundred of them were massacred. Priests were slain before their altars; the mission churches and livestock were put to the torch; and twenty-five hundred soldiers were driven south to Mexico.

In an effort to discover how such an attack could possibly have been planned under their noses, Spanish inquisitors interrogated Indian prisoners, among them Pedro Naranjo of the San Felipe Pueblo. This excerpt from Naranjo's replies to his questioners describes how Popé, a San Juan medicine man and the leader of the "Indian sorcerers" mentioned in Naranjo's statement, received spiritual guidance for the rebellion. As its main strategist, he prepared the secret timing by which all nineteen of the Rio Grande Pueblos rose up in arms simultaneously. Until the Spanish "reconquest" in 1692, the Southwest was Indian country once more.)

[Under oath, Pedro Narnajo declared that the Indians] have planned to rebel on various occasions through conspiracies of the Indian sorcerers, and that although in some pueblos the messages were accepted, in other parts they would not agree to it, and that it is true that during the government of the said señor general seven or eight Indians were hanged for this same cause, whereupon the unrest subsided. . . .

Finally, in the past years, at the summons of an Indian named Popé who is said to have communication with the devil, it happened that in an estufa [sacred meeting place of kiva] of the pueblo of Los Taos there appeared to the said Popé three figures of Indians who never came out of the estufa. They gave the said Popé to understand that they were going underground to the lake of Copala. He saw these figures emit fire from all the extremities of their bodies, and that one of them was called Caudi, another Tilini, and the other Tleume; and these three beings spoke to the said Popé, who was in hiding from the secretary, Francisco Xavier, who wished to punish him as a sorcerer.

They told him to make a cord of maguey fiber and tie some knots in it which would signify the number of days that they must wait for the rebellion. He said that the cord was passed through all the pueblos of the kingdoms that those which agreed to it [the rebellion] might unite one knot in sign of obedience. . . . As a sign of agreement and notice of having concurred in the treason and perfidy they were to send up smoke signals to that effect in each one of the pueblos singly. The said cord was taken from pueblo to pueblo by the swiftest youths under the penalty of death if they revealed the secret.

Everything being thus arranged, two days before the time set for its execution, because his lordship had learned of it and had imprisoned two Indian accomplices from the pueblo of Tesuque, it was carried out prematurely that night, because it seemed to them that they were now discovered; and they killed religious, Spaniards, women, and children. . . .

Finally the señor governor and those who were with him escaped from the siege, and later this declarant saw that as soon as the Spaniards had left the kingdom an order came from the said Indian, Popé, in which he commanded all the Indians to break the lands and enlarge their cultivated fields, saying that now they were as they had been in ancient times, free from the labor they had performed for the religious and the Spaniards, who could not now be alive. . . .

Asked for what reason they so blindly burned the images, temples, crosses, and other things of divine worship, he [Pedro Naranjo] stated that the said Indian, Popé, came down in person, and with him El Saca and El Chata from the pueblo of Los Taos, and other captains and leaders and many people who were in his train, and he ordered in all the pueblos through which he passed that they instantly break up and burn the images of the holy Christ, the Virgin Mary and the other saints, the crosses, and everything pertaining to Christianity, and that they burn the temples, break up the bells, and separate from the wives whom God had given them in marriage and take those whom they desired.

In order to take away their baptismal names, the water, and the holy oils, they were to plunge into the rivers and wash themselves with amole, which is a root native to the country, washing even their clothing, with the understanding that there would thus be taken from them the character of the holy sacraments. . . . He saw to it that they at once erected and rebuilt their houses of idolatry which they call estufas, and made very ugly masks in imitation of the devil in order to dance the dance of the cacina [kachina]; and he said likewise that the devil had given them to understand that living thus in accordance with the law of their ancestors, they would harvest a great deal of maize, many beans, a great abundance of cotton, calabashes, and very large watermelons and cantaloupes; and that they could erect their houses and enjoy abundant health and leisure. . . .

PEDRO NARANJO,
San Felipe Pueblo.

HEATHER C. BOYD WINS WRITING CONTEST

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. HOLLOWAY. Mr. Speaker, I am pleased to advise this House that my constituent, Heather C. Boyd, of Eunice, LA, has won the Louisiana competition in the VFW's 45th annual Voice of Democracy Broadcast Scriptwriting Program. This year's contest theme was "Meeting America's Challenge." There were over 147,000 students nationwide entered in the contest.

Heather, a member of the National Honor Roll and National Honor Society, graduated this year from Saint Edmund High School. This most deserving young woman is the daughter of Joe and Paula Jacobi.

So you will be as inspired as I was I am including for insertion in the RECORD a copy of the speech Heather wrote. I am very proud of my constituent. She is a credit to her family, her school, her community, her great State and our Nation. There is no question that Heather Boyd is an individual of skill, maturity, and unlimited potential. I am proud to represent her in the U.S. Congress. Mr. Speaker, I am certain that Heather Boyd is not simply an outstanding student today—she will certainly be among our Nation's leaders of tomorrow. It is my honor and privilege, Mr. Speaker to submit to my colleagues and this great institution her words of challenge to us all.

MEETING AMERICA'S CHALLENGE

Welcome to America! It's the land of opportunity, the home of the free, a melting

pot of cultures from all over the world. It's a place where you can travel through beautiful grasslands and forests, up majestic mountains, or across vast desert plains. In America you can do anything and be anyone. This is the place where dreams come true. The only catch is you have to make those dreams come true. Are you someone who will make America proud? Will you be an asset to America? Are you ready to meet America's challenge?

Yes, America is a land of opportunity, but She challenges us to take advantage of all she offers. In order to do this three elements are necessary; awareness, education, and action.

The first step is awareness. We must look around us and learn what is going on today. We can pay attention to the news and keep up on both community and worldwide events. We have to know what opportunities are available in order to set goals. Then we must find out what is needed to achieve those goals.

The next step is education. This means not only learning in the classrooms of schools, but also in the classrooms of life. It is essential that our minds remain open to the continuous learning experiences in our world. We need more than the basic survival skills, we need those skills necessary to truly make something special of our lives.

The third step is one that cannot be overlooked! It is to take action. We must make our own opportunities, using the skills we've learned to begin a career, a family, or both. It's no longer enough to say we can do anything, now we have to go out and do it. Each individual has to create the life he or she wants to live. Meet America's challenge!

But we can't lose sight of America's core, Her very heart. It's a challenge within a challenge. We must maintain the moral backbone of our country while living the life we've created. Once again, it's a matter of awareness, education, and action.

This time it's social awareness. We need to know that is happening to the environment and what affect today's waste will have on tomorrow's world. The lonely, the disadvantaged, and the abused must be acknowledged before it is too late.

We have to educate ourselves as to what is needed and what can be done to improve the environment, to comfort the lonely, to help the disadvantaged, and to heal the abused.

Once we know what to do, then we must act. Don't shed tears for those who are already crying, instead, be the one who dries their tears. We can give assistance in rectifying the problems in our country and world today. Becoming a part of the solution is as easy as lending a helping hand to someone in need, giving food to those who are hungry, offering shelter to those without, spending time with those who have been pushed aside, and most importantly, sharing love with one another. We can work to make others aware of the opportunities available to them, help to educate them, so that they too can plan a course of action to make their dreams a reality.

Meeting America's challenge is not a simple little issue to look at for a day. Rather, it is a complex issue we face every day. It involves a lifetime of awareness, education, and action. It is the fabric of our country. America gives us everything needed to make a difference in the world around us and determine what the future will hold. We must take advantage of the opportunities this great nation offers without taking advantage of Her people or Her resources. I ask you again * * * Are you ready to meet America's challenge?

CONSIDER THIS AS THE NAFTA LOOMS

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. PEASE. Mr. Speaker, it appears as if the President and his Mexican and Canadian counterparts are very near to having a deal on the North American Free Trade Agreement [NAFTA]. In view of the impending conclusion of the NAFTA talks, I would like to submit for the RECORD the attached editorial, which appeared in the Cleveland Plain Dealer on Sunday, August 2. This piece does a brilliant job of articulating Ohio's point of view on the NAFTA, a point of view, I might add, which is shared by House Majority Leader GEPHARDT as well as a great number of other Members of Congress and their constituents.

[From the Cleveland Plain Dealer, Aug. 2, 1992]

CAUTION, CANDOR ON MEXICO TRADE

Trade policy should be as free as economic realism allows, opening foreign markets to U.S. export industries and giving the benefit of low-cost imports to U.S. consumers. But the ideal of free trade must be balanced with the realities of fair trade: Washington should maintain its tilt toward open commerce, but it must insist on rigorous terms.

There is no need to rush a treaty that may have a severe economic impact on industrial regions like Northeast Ohio: the still-unfinished North American Free Trade Agreement, adding Mexico to the existing U.S.-Canada tariff-free zone. The White House has a license to drive a hard bargain with Mexico, thanks to Congress' 1991 authorization of "fast track" negotiations. But President George Bush—who has calculated that free trade may be a vote-winning issue for his reelection campaign—must not assume that Congress will give rubber-stamp approval to the treaty's eventual wording.

Trade negotiators must reach the right deal, not just any deal, to win Ohioans' support. If it lacks adequate social safeguards—in particular, if it omits generous trade-adjustment aid for U.S. workers hurt by sudden foreign competition—Ohioans should be ready to oppose the flaws in the pact with Mexico.

Judging by preliminary drafts of the treaty, industrialized areas like Ohio may be in for a disappointment. Congress' most influential trade-policy activist, House Majority Leader Richard Gephardt—who supported the Bush administration's fast-track initiative—last week pointed to potential flaws in the pact.

Trade-adjustment aid is vital for areas such as Northeast Ohio. At least in the short run, a deal with Mexico could clobber industries like automobile, steel and glass manufacturing that are mainstays of the Great Lakes economy. Industries might have a new incentive to eliminate high-wage U.S. jobs, taking advantage of lower-wage labor in Mexico. Unless the Bush administration provides job-skill retraining, education aid and extended unemployment benefits to those who lost their jobs, many Great Lakes communities might endure a crushing blow.

The flip-side of generous aid at home is a set of rigorous requirements for Mexico. Canada and the United States could use the trade pact as an opportunity to lift some Mexican standards up to the northern nations' levels. Assurances within the treaty could raise Mexico's workplace-safety standards, could require enforcement of fair wage-and-hour laws and could encourage Canadian- and U.S.-style safeguards for labor-union organizing.

The most complex issue may be improving Mexican environmental standards. Any anti-pollution effort will be expensive—and White House cost-cutters will surely balk at new spending for any ill-defined environmental goals. Gephardt's suggestion of a cross-border transaction fee, raising money for a cleanup of the border zone, is intriguing (and seems similar to a border-adjustment fee suggested last year by Ohio's top trade-policy watchdog, Rep. Donald J. Pease of Oberlin).

Bush is bound to be disappointed if, during the campaign season, he tries to portray the debate over the Mexican trade pact as a classic confrontation between hard-headed free traders and soft-hearted protectionists. Driving the hardest possible bargain with Mexico is only common sense: Those who seek modest safeguards do not deserve the epithet "protectionist." If Bush hopes to persuade Ohioans of the wisdom of a U.S.-Mexico free-trade deal, he must offer realistic answers to skeptics' doubts.

ANDY STASIUK RETIRES FROM THE STAR LEDGER

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. RINALDO. Mr. Speaker, one of the finest and most respected newspaper editors in New Jersey, Andy Stasiuk, is retiring from the Star Ledger of Newark, NJ, after a distinguished newspaper career covering a half century. He was one of the major figures in building the Ledger's circulation into the largest daily in the State and giving it a reputation as New Jersey's newspaper of record.

There are hundreds of thousands of loyal Ledger readers who have great faith in what they read in the Ledger. They believe it is fair and thorough and keeps them well informed by separating fact from opinion. As its managing editor, Andy Stasiuk insisted on good reporting, crisp writing, eye-catching layout, and accuracy in everything it covered, from government to sports and entertainment.

In all the years I have known Andy Stasiuk, he never called himself a journalist. That was too high-falutin a term. He preferred to be call a newspaperman. He became a first-class newspaper reporter and editor who never missed a deadline or a good story. Andy Stasiuk learned his craft in the real world covering politics, courthouses, crime beats, and the human drama of life. He succeeded largely because people trusted him. They trusted his judgment, his honesty, his fairness, and that special quality of really trying to understand people. He had an uncanny ability to make people open up and tell their side of the story.

He took enormous pride in being known as a newspaperman who never once betrayed a source or carelessly or needlessly damaged anyone's reputation. Andy Stasiuk was not a scalphunter seeking to exploit the worst vices

in people but very often he brought out the best qualities in people and in their institutions and traditions.

When he started at the old Newark Ledger, it was on the brink of bankruptcy. In those days, it had a reputation for reporting murder, mayhem, and high school sports. It was barely hanging on against competition from the Newark Evening News, the New York newspapers, and smaller city dailies in New Jersey. Under the new ownership of that publishing genius, the late Sam Newhouse, Mort Pye, who became the editor, and Andy Stasiuk resurrected, rebuilt, and saved the Ledger. They changed its focus to statewide and regional coverage, and the Ledger became the best read, best written, best edited, and most respected newspaper in New Jersey. With a daily circulation of 488,000 and 707,000 on Sunday, the Ledger now ranks with many of the biggest and most important dailies in the country.

In order to reach that ambitious goal, Andy Stasiuk built a staff of news reporters, feature writers, columnists, and bureau chiefs who are a blend of the old values and the new; college educated young reporters eager to cover a good story, and seasoned veterans who could tell fact from fiction. They have made the Ledger a newspaper that respects the truth and refuses to pander to the new hard copy style of supermarket tabloid sensationalism in order to boost circulation and improve the bottom line. Under Mort Pye and Andy Stasiuk, the Ledger neither panders to nor patronizes its readers, but respects their intelligence. Its reporters and editors take genuine pride in saying, "I'm with the Ledger."

The fact that Andy Stasiuk hired, inspired and in some cases, fired a few of the new breed of journalists, means that his imprint will be on the Ledger for a long time to come. Like a brother devoted to his family, he leaves his beloved newspaper in very good hands.

He will be missed for his judgment, experience, toughness under pressure, and for his vast knowledge of the people, places, and events that have made New Jersey history over the last half century.

This World War II Navy fight pilot who earned the Silver Star and other medals for bravery in combat, has served his country, his State, and his profession as well as any man I know. I join my colleagues from New Jersey in saluting Andy Stasiuk for his many contributions to our State and Nation and for his commitment to the truth and to plain old-fashioned honesty and fairness.

FARMER'S HELPER W.F. "BILL" JAMES

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. EMERSON. Mr. Speaker, I rise to recognize a distinguished friend in my congressional district. W.F. "Bill" James has been a resident of southeast Missouri since his birth, 87 short years ago on January 26, 1905.

Bill James was raised in the city of Clarkton, MI. While growing up in the Bootheel, he attended the Dunklin County public school system and then continued his education at Harris Teachers College in St. Louis. Shortly after he graduated, he returned to southeast Missouri and called home to Poplar Bluff, Caruthersville, and various other communities in between.

Bill James is a devoted family man, having married the former Mildred Phoebe, more than 57 years ago. He and his beloved wife had four children—Cynthia Null, Curtis James, Marshall James, and the late David James—and raised them all in southeast Missouri.

Our friend Bill James made a successful career out of what he loves to do—serve his fellow man. As a dedicated employee of the University of Missouri extension service, he was a county agent who serviced his neighbors from 1934 to 1971. He even split his duty between Butler County for the first 15 years and then moved to Pemiscot County where he lived, worked, and eventually retired for the final 21 years of official service. In his capacities as county agent and chief of staff for the Pemiscot County office, Bill James worked with folks involved with agriculture, home economies, and youth. In fact, his leadership abilities were recognized by his election to offices in the State County Agents Association, including that of president in 1959; and just as important, his leadership qualities were well recognized by his friends in the county and he became known as the farmer's helper.

Mr. Speaker, Bill James is known not only as a devoted family man and a dedicated employee, he is also known as a faithful Christian. He has been an active member of the Presbyterian Church throughout his entire life. At the age of 18 years, he served as Sunday school superintendent at the Presbyterian Church in Clarkton, MO, later in life as an elder, Sunday schoolteacher, Sunday school superintendent, and choir member in the First Presbyterian Church of Caruthersville; a charter member of the Caruthersville Interdenominational Laymen's prayer group; a founder in establishing the McCarty Chapel; and a lay preacher in a number of Presbyterian Churches throughout the Eighth District of Missouri. Through these endeavors—plus some—Bill James has become a well recognized servant of people. In addition, he still remains active in his congregational activities today.

As far as civic organizations are concerned, Bill James has been continually and loyally committed to the southeast Missouri community he calls home. As an active member of the Caruthersville Rotary Club since 1950, he has achieved the status of being named a Paul Harris Fellow. His leadership in these activities helped him organize the Poverty Program in Pemiscot County as well as the Senior Citizens Center and Nutrition Center there. Bill James has also served as chairman of the Bootheel Council on Aging, the Southeast Missouri Area Agency on Aging, as well as a weekly volunteer at local nursing homes, the Meals on Wheels Program, and at the local Red Cross. He is also a friend of education throughout southeast Missouri by his ardent support of Caruthersville High School and all of its academic and athletic activities.

In closing, Mr. Speaker, I would like to say that Pemiscot County, the Missouri Bootheel, the State of Missouri, and America are better places today because of people like W.F. "Bill" James. He deserves this recognition for his devotion to his family, church, and community. His loyalty to this friends, his unselfish love for community, and his untiring desire and effort in attempting to be a servant of and to all people, this gentleman of southern Missouri is outstanding, should be commended for his wonderful lifes' works, and I am proud to bring his accomplishments to the attention of the House of Representatives.

AIRLINES IN PARTNERSHIP

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. SHUSTER. Mr. Speaker, the following article may be of interest to my colleagues:

[From the Washington Post, Aug. 6, 1992]

AIRLINES IN PARTNERSHIP

Travelers around the globe should welcome an agreement between British Airways and USAir to establish the world's largest airline partnership. But the move stirs no cheer from two competing American carriers, which up until now have enjoyed domestic domination. Both Delta and American have asked the Department of Transportation to reject the deal unless the U.S. government uses the proposal as leverage to increase access by this country's airlines to passengers in Britain. The effort of U.S. carriers and the federal government to secure more rights in Britain deserves help. But this is no reason to block important foreign investment in domestic airlines—which is an important route to improved prospects for a competitive U.S. airline industry.

British Airways proposes to invest $750 million in USAir in exchange for 44 percent ownership and 21 percent of the voting rights in the carrier. If approved, the arrangement would create an airline alliance flying to 339 destinations in 71 countries. U.S. law allows foreign nationals to acquire up to 49 percent of the equity and 25 percent of the voting stock but under no circumstance to "control" a carrier. Delta Chairman Ronald W. Allen contends that British Airways would be able to exercise control through its membership on USAir's board of directors, because the vote of at least one of those directors would be required for big policy decisions, such as financing and top executive appointments.

USAir Vice President Patricia Goldman says the airline is within the law. American Chairman Robert L. Crandall acknowledges that the agreement "seems consistent with American's advocacy of greater liberalization of opportunities for international carriers" but should be blocked unless U.S. carriers are allowed larger opportunities in Britian.

The United States in general and U.S. airlines in particular need foreign investments. Carriers from everywhere need more loosening of restrictions as a way to nourish competition. The USAir-British Airways partnership serves this end.

NATIONAL ORGAN DONOR AWARENESS CAMPAIGN ACT OF 1992

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. ROYBAL. Mr. Speaker, yesterday I introduced H.R. 5785, the National Organ Donor Awareness Campaign Act of 1992, to address the severe organ shortage and improve the organ procurement and transplantation process. The accompanying statement appeared in the Wednesday, August 5, 1992, CONGRESSIONAL RECORD, on page E2390 and I insert a copy of this bill be included for the RECORD.

H.R. 5785

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Organ Donor Awareness Campaign Act of 1992".

SEC. 2. NATIONAL ORGAN TRANSPLANT CAMPAIGN.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a national campaign to increase public awareness of organ transplantation. Such campaign shall include—

(1) the development and dissemination of information—

(A) on the need for organ donations from the public, including information specifically designed for language and minority populations,

(B) on how the organ procurement and transplantation system operates, and

(C) for use in educational programs, including the education of health care professionals;

(2) the development of a national clearinghouse to disseminate information related to organ procurement and donation; and

(3) educational, outreach, and research programs (including educational and outreach efforts through medical and health professionals, schools, attorneys, and State departments of motor vehicles) to encourage the donation of organs by all segments of the population.

(b) REPRESENTATION.—In conducting the campaign, the Secretary shall include representatives from all areas of the transplant community, including medical and health professionals, minorities, women, family members of transplant recipients and organ donors, transplant recipients, emergency room and hospital support staff, educational institutions, and State departments of motor vehicles.

(c) RESEARCH.—The Secretary shall conduct research in the following areas:

(1) The process by which individuals listed in the Organ Procurement and Transplantation Network are selected and the effect of the race and economic status of an individual on the selection of the individual.

(2) The role religious and other institutions play in encouraging or discouraging organ donation and the potential role they could play in educating their members and increasing organ donation, especially among youth and minorities.

(3) Incentives to encourage hospitals to identify potential donors and take a more active role in the campaign to improve organ donation rates.

(4) Developing and identifying model educational programs for the general public to increase donor awareness, specifically among groups with low rates of organ donation.

(5) Improving and promoting the use of organ donor cards.

SEC. 3. ADVISORY COMMITTEE ON ORGAN TRANSPLANTS.

(a) IN GENERAL.—Section 372 of the Public Health Service Act (42 U.S.C. 274) is amended by adding at the end the following new subsection:

"(d)(1) The Secretary shall provide for appointment of an advisory committee with respect to the Organ Procurement and Transplantation Network. The committee shall include individuals who participate in organ procurement and transplantation, including representatives of transplant teams (including neurologists and neurosurgeons), emergency room personnel, transplant hospitals and center, the Network, transplant recipients, clergy, and attorneys, as well as representatives of advocacy organizations on behalf of women, on behalf of minorities, and on behalf of underserved populations. The committee shall meet not less often than twice each year.

"(2) The advisory committee shall research the following:

"(A) The process by which individuals who need organs are listed with the Network.

"(B) The process by which individuals so listed are selected to be given a transplant.

"(C) Whether the processes referred to in subparagraphs (A) and (B) are applied consistently and equitably without regard to race or financial or insured status.

"(D) The appropriateness of restoring the authority and funding of the Organ Procurement and Transplantation Network to oversee and coordinate the work of organ procurement organizations.

"(E) The dissemination of educational materials (in appropriate languages and publications) concerning organ donation and procurement to—

"(i) the public, including minority populations and including dissemination through the departments of motor vehicles in each State,

"(ii) medical and legal professionals, and

"(iii) administrators, faculty, and students at educational institutions.

"(F) The adequacy of quality controls in the organ procurement and transplant process, including the (i) training required of transplantation teams, (ii) consistent application of standards for the selection of organs suitable for transplant, and (iii) implementation of required request or routine inquiry laws, and the relation of such controls to standards for qualification of organ transplant programs under the medicare program.

"(G) The appropriateness of alternative approaches, such as presumed consent, to increase the supply of organs.

"(H) Such other aspects of the organ procurement and transplant processes as the Secretary may specify.

"(3) By not later than 2 years after the date of appointment of members to the committee, the advisory committee shall submit to the Secretary and to the Network a report on its research under paragraph (2) and recommendations relating to the organ procurement and transplantation process. In making such recommendations the committee shall consider feasibility of incorporating the authorization of organ donation as part of advanced directives and as part of an individual's medical record.

"(4) The Secretary shall transmit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives, the Committees on Finance and on Labor and Human Resources of the Senate, the Select Committee on Aging of the House of Representatives, and the Special Committee on Aging of the Senate the recommendations of the advisory committee and shall include in such transmittal such recommendations for changes in legislation as the Secretary deems to be necessary to assure the consistent and equitable allocation of organs procured through the Network.

"(5) The advisory committee shall terminate 90 days after the date of submission of the report under paragraph (3), except that the Secretary may continue the operation of the advisory committee for such period as the Secretary deems appropriate in order to monitor the implementation of any of the committee's recommendations.".

(b) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.—Subsection (a) of such section is amended by striking "$2,000,000" and inserting "$2,500,000".

(c) NETWORK REQUIREMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1)(B)(i), by inserting "women, minorities," after "associations,"; and

(2) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (J),

(B) by striking the period at the end of subparagraph (K) and inserting a comma,

(C) by redesignating subparagraph (L) as subparagraph (M), and

(D) by inserting after subparagraph (K) the following new subparagraph:

"(L) assure in its bylaws that the process of procuring and transplanting organs is consistent and equitable and does not discriminate on the grounds of race or financial or insured status, and".

(d) EXPANSION OF RECIPIENTS OF BIANNUAL REPORT.—Section 376 of the Public Health Service Act (42 U.S.C. 274d) is amended by striking "to the Committee" and all that follows through "Human Resources" and inserting "to the Committees on Ways and Means and Energy and Commerce of the House of Representatives, the Committees on Finance and on Labor and Human Resources of the Senate, the Select Committee on Aging of the House of Representatives, and the Special Committee on Aging of the Senate".

SEC. 4. EXPANDING ACCESS TO IMMUNOSUPPRESSIVE DRUGS.

(a) ESTABLISHMENT OF IMMUNOSUPPRESSIVE DRUG GRANT PROGRAM.—Title XIX of the Public Health Service Act is amended by adding at the end the following new part:

"PART C—GRANTS FOR IMMUNOSUPPRESSIVE DRUGS "GRANTS FOR IMMUNOSUPPRESSIVE DRUGS

"SEC. 1931. (a) IN GENERAL.—The Secretary shall make payments to health care facilities for the dispensing of immunosuppressive drugs to eligible patients.

"(b) DEFINITIONS.—In this section:

"(1) The term 'health care facility' means a hospital, pharmacy, or other facility authorized or licensed under State or Federal law to dispense and distribute prescription drugs.

"(2) the term 'immunosuppressive drug' means any drugs or biologicals that are to be used for the purpose of preventing the rejection of transplanted organs and tissues.

"(3) The term 'eligible patient' means an organ transplant recipient—

"(A) who is not eligible to receive reimbursement for the cost of immunosuppressive drugs under title XVIII of the Socialy Security Act, under a State plan

under title XIX of such Act, or under private insurance, and

"(B) whose transplant was performed at a facility which meets standards established under title XVIII of such Act for such transplantation.

"(c) APPLICATION.—No payment may be made under this section unless an application for such payment has been submitted to, and approved by, the Secretary. Such an application shall be in such form, and submitted in such manner, as the Secretary shall by regulation prescribe.

"(d) AMOUNT OF PAYMENT.—The payment under this section shall be in such amount and on such terms as the Secretary finds appropriate; except that—

"(1) in the case of a drug described in section 1861(s)(2)(J) of the Social Security Act, the payment amount with respect to the drug shall be based on the amount of payment permitted for such drug under title XVIII of such Act to the extent of available appropriations, and

"(2) no payment shall be made to satisfy any deductible, copayment, or coinsurance amount required of an individual who is otherwise not an eligible patient.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated $7,000,000 for each of fiscal years 1993 and 1994.".

"(b) ELIMINATION OF 1-YEAR LIMITATION ON MEDICARE COVERAGE OF OUTPATIENT IMMUNOSUPPRESSIVE DRUGS.—

"(1) IN GENERAL.—Section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J)) is amended by striking ", within 1 year after the date of the transplant procedure".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to drugs furnished on or after October 1, 1992.

SEC. 5. INFORMATION ON ORGAN DONATION IN CONNECTION WITH ADVANCED DIRECTIVES.

(a) IN GENERAL.—Section 1866(f)(1) of the Social Security Act (42 U.S.C. 1395cc(f)(1)) is amended by adding at the end the following:

"To the extent practicable, the provision of information under this subsection shall be coordinated with the provision of organ donation information pursuant to section 1138(a)(1)(A)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1992.

SEC. 6. SPECIAL PROJECT GRANTS FOR MINORITY ORGAN PROCUREMENT.

(a) IN GENERAL.—Section 371(a)(3) of the Public Health Service Act (42 U.S.C. 273(a)(3)) is amended by adding at the end the following: "In making grants and entering into contracts for projects under this paragraph, the Secretary shall include projects which encourage procurement of organs from minority communities (including cultural, racial, and language minorities) and from other population groups with below average donation rates through outreach and educational services, including the employment of translators at hospitals.".

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount otherwise authorized to be appropriated to carrying out section 371(a)(3) of the Public Health Service Act, there are authorized to be appropriated for special projects described in the second sentence of section 371 of the Public Health Service Act (as added by subsection (a)) such sums as may be necessary.

CHANGE ADVOCATED IN CHANGE OF COMMAND

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. BENNETT. Mr. Speaker, I was at the recent Change of Command Ceremony in which Rear Adm. Frank M. Dirren, Jr., became the new commanding officer of Helicopter Wings Atlantic. In his acceptance of this responsibility, Admiral Dirren made some remarks about the changes taking place these days. I specifically include at this point some of his comments, which I think are worthy of being put in the CONGRESSIONAL RECORD because they speak eloquently of changes in the Navy and in the national defense of our country.

SPEECH BY REAR ADM. FRANK M. DIRREN, JR.

Change-change-change. What an incredible world we live in. So many changes, it's hard to keep up with them. Who would have ever dreamed just a few years ago the changes that have occurred just in the past 4 years: the Berlin Wall, the resurgence of democracy in Latin and South America, the reshaping of eastern Europe into struggling new nations, the reunification of Germany, the collapse of Soviet Union, a coalition of disparate nations winning a quick and merciful war in Kuwait, an almost bloodless victory in a 45-year Cold War—we as Americans have every reason to celebrate these revolutionary changes during a period that futurist Alvin Toffler calls the "the hinge of history".

The world has changed and we must, too. But as we all know, with the growth that comes with change also comes some pain, some uncertainty, some risks, and some instability. The so-called world order necessitates changes within our society and our armed forces—some changes I think will be fundamental and significant. This is not a simple military drawdown—challenging as that might be to an all volunteer force for the first time. The restructuring of the armed forces of our nation, its manpower, procurement, technological development, service roles and missions are substantive and rival the forced restructure of the U.S. Navy after Pearl Harbor. This is a "sea change" of the first magnitude.

To meet these challenges, we will have to be innovative, creative, cooperative: But no matter what the changes—the one constant is the quality of the men and women of our Navy. Their quality is founded on a system of values that are the core of what makes the Navy great. Despite the very few who ignored what values are the bedrocks of our nation and armed forces, the vast majority of our sailors and their leaders possess the courage, moral integrity, loyalty, honesty, and genuine concern for the dignity of the individual to face the challenge of change. I am proud to be part of a Navy that cares, and honored to share the challenges that lie ahead.

FUTURE OF U.S. ARMS CONTROL POLICY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. FASCELL. Mr. Speaker, The world has changed dramatically in the past few years. We have seen the fall of the Berlin Wall, the breakup of the Warsaw Pact, the collapse of the Soviet Union, the emergence of ethnic strife in Eastern Europe, and political and economic breakdown in the new Republics of the Commonwealth of Independent States.

These changes have effected new and significant developments in our arms control relationship with the former Soviet Union, in particular, and with the world, in general.

To meet these changes, a comprehensive arms control policy is sorely needed, not only to manage the emerging new world order, but to prevent it from turning into disorder and disarray.

During my tenure in Congress—particularly over the last 10 years—I have attempted to shape this country's approach to arms control by participating in, and in many cases, leading the fight to implement a comprehensive arms control policy.

This comprehensive arms control policy has many elements—some have been implemented by the current President, some were a long time in coming, and still some await implementation.

These elements include:

Deep reductions in strategic arsenals;

An end to fissile material production and safe disposal of fissile material;

A comprehensive nuclear test ban;

A worldwide ban on chemical weapons;

Conventional arms control;

Controls on strategic defense systems;

Enhanced nonproliferation regimes; and

Concrete implementation of disarmament activities.

STRATEGIC REDUCTIONS

Over the years, many in the Congress have been urging the administration to negotiate deeper reductions in strategic nuclear weapons at the Strategic Arms Reduction Talks [START] in Geneva—deeper than the administration was prepared to discuss. Given the changing situation in the former Soviet Union—namely the dissolution of our former enemy and main reason for U.S. production of nuclear weapons in such vast numbers—the House passed the fiscal year 1993 defense authorization bill in early June, which called for phased reductions in nuclear arsenals worldwide.

Specifically, the House language called for: First, United States-Russian reductions in their strategic nuclear arsenals down to a level between 2,500 to 4,700; second, further United States-Russian reductions down to a level between 1,000 to 2,000, with lower levels negotiated for the United Kingdom, France and China; and third, stage-by-stage reductions in the number of nuclear weapons in all countries.

Following the House action, Presidents Bush and Yeltsin finally agreed at the June summit to deeper cuts in their strategic nu-

clear arsenals that went well beyond the START Treaty signed last year and the Bush and Yeltsin proposals of earlier this year. From the current level of roughly 10,000 strategic nuclear weapons on both sides, the United States will reduce down to a level of 4,250 strategic nuclear weapons by the year 1999 and to 3,500 by the year 2003. Under this agreement, the Russians will reduce down to a level of 3,800 by the year 1999 and to 3,000 by the year 2003.

From 10,000 nuclear weapons to 3,500 is no small feat. Such reductions are a recognition by the two countries with the world's largest nuclear arsenals, that nuclear weapons are ceasing to have so much value. The ability to destroy the world 10 times over is just that—overkill. There are many who argue that reducing our nuclear arsenal even further, to below 3,000, makes sound arms control sense. I hope we move in this direction. The recent Bush-Yeltsin agreement moves us in the right direction.

FISSILE MATERIAL PRODUCTION BAN AND ULTIMATE DISPOSAL

As we implement reductions in our nuclear arsenals and are faced with disposing of the fissile material from destroyed weapons, it makes eminent sense that we not produce more fissile material for new nuclear weapons.

Even without weapons reductions and eliminations, it made no sense to continue producing plutonium because the United States and the former Soviet Union have had a burgeoning stockpile of plutonium, about 100,000 kilograms each, with a half-life of 24,000 years.

Production of fissile material or access to such nuclear material is an integral part of making nuclear weapons. Without the fissile material, there can be no nuclear explosion. Therefore, it is incumbent on us to eliminate the production of this material in all countries, especially the emergency nuclear states.

A United States-Russian production ban would increase the political pressure on nuclear weapons states to half their production and put their facilities under safeguards and on nonweapons states to forgo the nuclear option.

For the past several years, the Congress has urged the President to enter into negotiations with the former Soviet Union to ban the production of fissile material for weapons purposes. The United States has not produced highly enriched uranium for nuclear weapons since 1964 and we have not produced plutonium for weapons purposes since 1988 because of the arms control, environmental and cost concerns of the Congress and the American people—and because we have so much plutonium. But the administration did not see the opportunity in our pause in production to negotiate with the former Soviet Union an end of their fissile material production for weapons purposes. But the Congress did.

As recently as last month, the House once again called on the President to engage the member states of the Commonwealth of Independent States in negotiations to end their fissile material production for weapons purposes, and to extend this ban to a worldwide ban on the production of fissile material for weapons purposes. The fiscal year 1993 defense authorization bill also requires the President to report to the Congress on the progress of the negotiations and technical working groups established with other countries to examine and demonstrate cooperative technical monitoring and inspection arrangements for verifying the dismantlement of nuclear warheads and a ban on fissile material production.

Yet it was only a few weeks ago that this administration finally saw one of its points of light when the President announced that the United States would not produce plutonium or highly enriched uranium for weapons purposes. However, the President has yet to make this a truly meaningful act by: First, calling on and negotiating with the Russians a verifiable end to their fissile material production for weapons purposes; and second, seeking a negotiated, verifiable worldwide ban on such production. The latter are two significant elements of a comprehensive arms control policy in the new world order.

One aspect of a comprehensive arms control policy in which the administration is taking some action is in the area of nuclear weapons dismantlement. As we dismantle nuclear weapons, either unilaterally or pursuant to arms control agreements, the fissile material needs to be disposed of in a safe manner. The Congress established several criteria to govern the transfer of aid to the former Soviet Union for the dismantlement of their nuclear and chemical weapons. Before aid can be transferred, the President has to certify to the Congress that the states of the former Soviet Union are committed to foregoing the use of fissile material from destroyed nuclear weapons in new nuclear weapons. However, the administration has yet to explain to the Congress how it plans to ensure and verify that the fissile material removed from such weapons is not used in new weapons.

Some arms control experts have asserted that this administration has missed an opportunity to ensure the safe transport, storage, and dismantlement of weapons from the Republics to Russia and to lay the groundwork for future deep cuts in nuclear arsenals and for a fissile material production ban, by not agreeing to an accounting and verification system for the disposition of the fissile material from destroyed weapons. The reason for this is said to be opposition on the part of the administration for reciprocal inspection and inventory of U.S. weapons and materials.

In my judgment, we must get a handle on the fissile material in the Russian inventory so that we can better track and account for the fissile material that is removed from destroyed weapons and so that we can ensure that it is not used in new weapons. Therefore, we must establish an appropriate verification regime to monitor the storage and disposition of this fissile material. This matter is undergoing serious discussion in the U.S. Government and will be a matter for congressional input in the coming months.

COMPREHENSIVE NUCLEAR TEST BAN (CTB)

For the past several years, the House has stood firm in its support for a comprehensive test ban. Recognizing that the achievement of a CTB would be preceded by step-by-step negotiations with the Russians, the House again, just this past month, approved language in the fiscal year 1993 defense authorization bill calling for a 1-year moratorium on U.S. nuclear testing for as long as the former Soviet Union does not test. Our hope was that such action would encourage the administration to move forward on nuclear testing limits, including negotiations with the Russians for a CTB. Moreover, just this week, the Senate took an unprecedented stand, by passing a moratorium on testing until July 1, imposing future limits on testing, and calling for the achievement of a multilateral comprehensive ban on testing by 1996.

Such an end to United States-Russian testing would highlight a recognition that the United States and Russia should not only seek quantitative constraints on their respective nuclear arsenals, but qualitative constraints as well. In this way, the development and deployment of new generations of nuclear weapons would be constrained.

Furthermore, a United States-Russian CTB would demonstrate a commitment on their part to ending the nuclear arms race. This would signal to the world community that the United States and Russia are taking concrete steps to implement Article 6 of the NPT, which calls for signatories to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to end the nuclear arms race and to disarm.

Many countries have made implementation of Article 6 of the NPT the litmus test for extending the Treaty at its Review Conference in 1995. The goal of the NPT—to curb and control weapons activities around the world—is a key element of the world's nuclear non-proliferation regime. This regime and the integrity of the NPT must be preserved and strengthened.

Russia has not conducted a nuclear test since October 1990 and has extended its moratorium on nuclear testing through the end of the year. France has announced a suspension of their nuclear testing for the rest of the year and has called on all nuclear powers to end nuclear testing. While many threshold nuclear states are reluctant to participate in regional nuclear test bans, they may be more readily willing to participate in a worldwide ban.

In spite of these developments and continued congressional pressure, the President is missing another opportunity to take the lead in ending nuclear testing around the world. This administration continues to be intransigent in this area. While the President has recently acknowledged that less tests may be required per year and that we no longer need to test to develop new warheads—only for safety and reliability—he refuses to give up the ghost. There has been no effort on the part of this administration to seek a bilateral ban with the Russians, let alone a worldwide ban on nuclear testing. Nothing makes better arms control, nonproliferation, economic and environmental sense. In fact, every President since Eisenhower, with the exception of Presidents Reagan and Bush, have supported a CTB. Maybe it is time for new thinking in the White House.

CHEMICAL WEAPONS BAN

The United States and Russia have agreed to utilize $25 million of the $400 million authorized for Russian weapons disarmament purposes, for activities necessary to begin Russian destruction of their chemical weapons. This represents a continuation of my longstanding effort to bring about a verifiable pro-

gram to eliminate chemical weapons—a key element of a comprehensive arms control policy.

The multilateral talks in Geneva will conclude a worldwide chemical weapons ban to be initiated in August. Then, we will look forward to a worldwide program to eliminate all chemical weapons and I envision a multilateral fund to support all chemical weapons destruction efforts.

CONVENTIONAL ARMS CONTROL

In May of last year, the House Foreign Affairs Committee adopted a conventional arms transfer restraint policy, calling for U.S. leadership in replacing the conventional arms race with arms restraint. The President's Middle East Arms Control Initiative was announced several days after the committee action.

Congressional efforts in this area culminated in the October 1991 enactment into law of a temporary moratorium on all arms sales to the Middle East unless the President undertakes good faith efforts in pursuit of negotiations among the permanent five members of the U.N. Security Council, aimed at establishing a multilateral supplier restraint regime. This congressional effort was meant to jump start the process toward restraint, to challenge ourselves and the world community to work together to stem the flow of arms and promote lasting peace in the region. The President's May 1991 Middle East arms control initiative, aimed at establishing a restraint policy among the other four major suppliers of arms, has seen only modest progress during its first three rounds of talks and appears to be losing momentum.

As proliferation of conventional arms continues to be a major concern, conventional arms control remains an important element of comprehensive approach to arms control.

CONTROLS ON STRATEGIC DEFENSE

Support for strategic defense research consistent with our treaty obligations and national security requirements, has been a longstanding element of a comprehensive arms control policy advocated by the Congress.

As far back as 1984, when President Reagan's strategic defense initiative [SDI] was getting underway, I issued a report on the adverse arms control and cost implications of SDI. These concerns remain today and if anything have intensified.

Support for SDI was initially touted as a necessary hedge against Soviet breakout of the ABM Treaty. The ABM Treaty has been an effective inhibitor of an arms race in defensive systems between the United States and the former Soviet Union. With the dissolution of our former adversary, the original purpose of a multilayered SDI has also dissolved. Now the administration has found a new mission for SDI: to protect the United States against ballistic missile threats from other countries. The problem with this new mission is that there are currently no countries—other than the former Soviet Union—with the capability of attacking the United States with ballistic missiles. Such a threat is at least 10 years away according to administration testimony. A far better hedge against this kind of threat is to strengthen the nonproliferation regime.

NONPROLIFERATION AND DISARMAMENT

Increasing proliferation risks in the nuclear, chemical and conventional areas are a major threat to stability in this new era. The emerging new world order demands a strong nonproliferation policy.

Through export controls, supplier guidelines, a strengthened NPT, a worldwide end to nuclear testing, a worldwide end to fissile material production for weapons purposes and the safe disposal of this fissile material, we can better reduce and then subsequently manage the serious proliferation risks we are facing.

We are entering a period of general disarmament, disarmament manifested in bilateral and multilateral arms control agreements and unilateral action.

Last year, the Congress initiated this move toward disarmament by authorizing $400 million to destroy nuclear and chemical weapons of the former Soviet Union. We were all pleased that the executive branch overcame its initial opposition and is now an enthusiastic supporter of this effort.

This year, in approving its new aid bill for the former Soviet Union, the House Foreign Affairs Committee authorized a total of $790 million in nonproliferation and disarmament funding.

This nonproliferation and disarmament fund begins real disarmament of thousands of weapons of mass destruction and provides support for international nonproliferation activities such as the International Atomic Energy Agency and the United Nations Special Commission on Iraq [UNSCOM].

During this process of disarmament, it is clear that the United Nations and the International Atomic Energy Agency have and will continue to play a crucial role.

In assessing the Iraqi nuclear and chemical weapons situation in particular, Rolf Ekeus, Director of the United Nations Weapons Commission, highlights the importance of disarmament and arms control in general. He states that:

> The large amount of chemical weapons were not destroyed through bombing. Nothing of the research activities were really destroyed in the nuclear area. What has been destroyed is through the peaceful means of inspection. I would like to say that arms control has demonstrated that it is the way to destroy weapons and not through bombing and attacks.

In this regard, it is imperative that we support the United Nations and the International Atomic Energy Agency in their efforts to meet their responsibilities and the challenges of their charters, and most immediately to complete the task of disarming Iraq.

Moreover, it is imperative that we actively support the U.S. Arms Control and Disarmament Agency [ACDA] in its efforts to implement its mission and the challenges of its charter.

ACDA was created by the Congress in 1961 as a new agency of peace to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament. According to the statute:

> Arms Control and disarmament policy, being an important aspect of foreign policy, must be consistent with national security policy as a whole. The formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security can best be insured by a central organization charged by statute with primary responsibility for this field.
>
> ACDA must have the authority, under the direction of the President and the Secretary of State, to carry out the following primary functions:
>
> (a) The conduct, support, and coordination of research for arms control and disarmament policy formulation;
>
> (b) The preparation for and management of United States participation in international negotiations in the arms control and disarmament field;
>
> (c) The dissemination and coordination of public information concerning arms control and disarmament; and
>
> (d) The preparation for, operation of, or as appropriate, direction of United States participation in such control systems as may become a part of United States arms control and disarmament activities."
>
> (The terms "arms control" and "disarmament" mean the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement including the necessary steps taken under such an agreement to establish an effective system of international control, or to create and strengthen international organizations for the maintenance of peace.)

In the emerging world order, nonproliferation and disarmament concerns will be primary. The management and implementation of these and the other elements of a comprehensive arms control policy will be enhanced by a strong bipartisan working relationship between the Congress and the executive branch.

ACDA has the mandate and an opportunity to play a leading role in this endeavor. The committee looks forward to supporting and working with ACDA in the months and years ahead to achieve a coordinated arms control, disarmament, and national security policy that enhances our security at a lower cost and a lower risk to human survival.

INTRODUCTION OF LEGISLATION TO ESTABLISH A COMMISSION ON RETIREMENT INCOME POLICY

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. CHANDLER. Mr. Speaker, there are a number of measures pending before Congress aimed at simplifying pension plans and preserving benefits for future retirees. These measures, many of which reflect my legislative proposals, will help expand pension coverage and retirement savings. Despite these efforts, however, I believe that more comprehensive measures are needed in order to ensure the retirement security of American workers.

Current statistics relating to our private pension system are alarming, to say the least. Over 50 percent of the Nation's private sector work force is not covered by a pension plan. Contributions for those who are covered, measured in inflation-adjusted dollars, declined steadily in the 1980's. In 1989 and 1990, more pension plans were terminated than were started. These are just some of the trends which suggest trouble on the horizon, even as medical expenses for retirees con-

tinue to grow. It is vital that Congress better understand these retirement savings trends and their importance to the economy and to future retirees.

Last year, Milliman & Robertson, a nationwide actuarial and benefits consulting firm, conducted research with corporate chief executive officers which indicated that CEO's are concerned with the complexities of pension laws, inadequacies of retirement policies, and uncertainty over the future course of pension laws. Milliman & Robertson queried CEO's representing companies of all sizes. Responses from 262 CEO's, including 73 Fortune 500 companies, show that more than 90 percent of the CEO's:

Think our country's retirement savings policies are not effective at encouraging the level of saving that future retirees will need.

Think the country's overall personal savings trends present problems for current capital needs and future retiree needs.

Support the idea of a high-level panel of public and private sector leaders to search for ways to simplify and enhance the country's retirement policies.

These responses, from an informal questionnaire, are similar to the results from a survey of small- and medium-sized companies CEO's sponsored by Milliman & Robertson and conducted by the Wirthlin Group. The findings suggest that CEO's would prefer fewer laws and regulations affecting private pension plans; and, at a minimum, existing laws should be simplified in order to reduce administrative burdens and cost. In addition, they would also like a reexamination of basic pension policies to help foster better coverage and savings.

There are several standing committees of the House and Senate which take an active interest in retirement policy issues. In the House alone, the list includes the Committee on Ways and Means, Education and Labor, Aging, and Small Business. These committees periodically examine various problems associated with current pension policies. Because of busy schedules and other priorities, however, these committees have not examined all of the basic trends I have mentioned above. Too often, this has resulted in a piecemeal approach to retirement policy changes that has attempted to fix some current problems but has neglected the bigger picture.

To help correct this situation, Mr. Speaker, I am introducing legislation today to establish a national commission to examine retirement savings trends in the United States and to make recommendations for comprehensive reforms. I am joined in this effort by the two ranking members of the House Select Committee on Aging's Retirement Income and Employment Subcommittee, Representatives HUGHES and BOEHLERT.

The commission will be bipartisan and bicameral. It will consist of seven appointees each from the House and the Senate, plus four appointees by the President.

The commission should seek input from companies sponsoring pension plans, their advisers, and representatives of labor and retiree groups. To assist the commission, I am also requesting that the Congressional Research Service conduct a study on retirement income trends and the importance of retirement savings to the economy. The study should examine and report on:

First, the amount and sources of public funds, whether through direct spending or tax expenditure, and private funds necessary to finance existing and contemplated programs, and incentives for retirement savings;

Second, the most efficient and effective manner to ensure adequate retirement savings for most Americans, keeping in mind the need plan sponsors have for simplicity, reasonable costs, and appropriate incentives;

Third, the amounts future retirees at various income levels will need for replacement of preretirement income, including amounts necessary to pay for medical care and long-term care;

Fourth, the changing work force and demographic trends which affect the pensions of future retirees;

Fifth, the roles of retirement savings in the U.S. economy;

Sixth, sources of retirement income other than private pensions; and

Seventh, the shift away from insured and qualified pension benefits.

The commission will issue a report to Congress by December 31, 1993, which includes recommended measures designed to address the need for future retirees of first, appropriate pension plan coverage and other savings mechanisms, second, adequacy of retirement income, third, preservation of benefits accumulated by pension plan participants, and fourth, appropriate access to information concerning benefits and remedies for disputes as to the benefits they expect to receive. In the final report, any recommendations for new incentives or programs which would result in an increase in the federal deficit must include recommendations for offsetting any such increase.

Mr. Speaker, I am also pleased to note that similar legislation has recently been introduced in the other body by Senator BENTSEN of Texas. Senator BENTSEN's leadership on issues affecting retirement income policy is well known and I commend him for his continuing efforts.

In closing, Mr. Speaker, I would ask my colleagues to consider the importance of the issues this legislation seeks to address. As the American work force continues to age, the integrity of our private pension system will grow critical. This bill will enable policymakers and citizens alike to better understand the problems and issues at hand. And, more importantly, the best ways to address them.

I urge my colleagues to support this effort to improve the retirement security of American workers.

SALUTE TO DENVER'S COLE COALITION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mrs. SCHROEDER. Mr. Speaker, as crime and other urban problems rear their ugly heads in cities all across our Nation, citizens can run or fight. Those that choose to fight to preserve their community should be commended for their bravery and faith. Denver's Cole coalition is just such a group. The Cole coalition, an organization dedicated to the revitalization of the Cole neighborhood, has not turned away from the infiltration of gangs and drugs and has not looked the other way when their neighborhood falls into disrepair and neglect. The Cole coalition has stood its ground.

Through faith in themselves and concern for their neighborhood, the coalition has utilized scarce resources in their community to achieve exemplary results. Even though the Cole coalition was founded only a few years ago, the members have already made encouraging improvements in the neighborhood. They have cleaned up yards, repaired houses, and adopted a park for children. Cole neighborhood looks like a place where the residents care about their homes and community.

The Cole strategy does not stop there, though. They have an improvement plan that ranges in focus from housing to economic and community development. The coalition tries to increase ownership opportunities for renters and to offer loan programs for property improvement. In addition, this group razes condemned homes and turns the remaining lots into parks. The Cole coalition offers job training programs and acts as a resource for possible job opportunities. They improve the community's awareness of health issues and offer alternatives to drugs. The Cole coalition organizes AIDS awareness programs and teen advisory groups.

Mr. Speaker, it is with respect and enthusiasm that I recognize and thank the Cole coalition for their efforts. They are a model for all of America's neighborhoods.

SUPPORT FOR THE TRAXLER AMENDMENT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. HOYER. Mr. Speaker, I want to take this opportunity to explain my support of the amendment offered by Chairman TRAXLER, deleting funds from H.R. 5679 for continuing development of the space station.

Mr. Speaker, I am a strong proponent of space exploration. And it is important to note that the longterm economic benefits of space exploration and research are not what this debate is about.

This debate is about how much we can afford to spend, and how we will arrange our priorities—getting the most bang for the American taxpayers buck.

The intangible benefits of space exploration, including manned exploration, of the final frontier are meaningful and important.

International leadership, international cooperation, the research data, and the challenge itself are all reasons offered for supporting continued development of the space station.

Those are also good, rational and compelling reasons for supporting and protecting the other ongoing and projected programs administered by the National Aeronautics and Space

Administration to which $12 billion of NASA's $14 billion budget is devoted.

I, for example, have a particular interest in EOS, the Earth Observing System currently under development at NASA.

EOS involves a network of unmanned satellites intended to provide critically important data about the Earth—data that is increasingly important as we become more aware of humanity's impact on our environment.

EOS will help us understand the consequences, both intended and unintended, of daily living which may determine the health of the planet that must sustain us and future generations.

The real issue before us is the question of priorities.

Space Station Freedom is, at this point, only a fraction of the NASA budget. But at $1.73 billion, that fraction is approximately one-seventh of the total, and I've seen estimates that it will consume as much as $40 billion to develop and cost $120 billion over its lifetime to operate.

NASA's entire budget is just over $14 billion today.

As noted in the report accompanying H.R. 5679, veterans medical care required at least an additional $1.119 billion for fiscal year 1993.

Veterans medical care is the most important priority within this bill, and the committee deserves praise for making the tough decisions required to meet our commitment to our nation's veterans.

Even though funding for the VA has increased by 10 percent in constant dollars during the last decade, medical costs increased 117 percent during the same period.

There are those who argue that Chairman TRAXLER, Mr. GREEN, Mr. STOKES and the other members of the subcommittee have solved this problem; that since they have increased funding for some of the veterans programs while maintaining funding for the station, this massive project somehow does not impact other funding priorities.

The American Public, not versed in budget arcana, knows better.

Yes, the space station is "in"; community development block grants are "in", and; the shelter plus care homeless initiative is "in", as well. But, as the gentleman from Arizona, Mr. KOLBE has pointed out, the home ownership and opportunity program is funded at $649 million below the President's request; the home investment partnership program for acquiring, rehabilitating, and constructing affordable housing is $900 million below the level provided in fiscal year 1992; the emergency shelter grants program is $55 million below the level provided in fiscal year 1992; and the EPA is $388 million below the request in the President's budget. NASA, itself, is $278 billion below the level provided in fiscal year 1992.

There is no doubt that more than $1 billion in this bill for the space station may have otherwise been allocated to other pressing priorities, including some within NASA.

Mr. Speaker, the House approved the Labor, Health and Human Services and Education Appropriations bill yesterday afternoon. That bill provided important increases for head start, job corps and foster care services, but at the expense of energy assistance for poor people, community and maternal and child health care services, and other programs.

Those were the choices we made yesterday, Mr. Speaker.

We must make a similar choice today, as well.

In January, I hope that a new administration and a new Congress can re-evaluate Federal priorities outside the straight jacket of the budget agreement that makes deficit reduction the peculiar burden of domestic discretionary spending—the 15 percent of the Federal Budget that has actually decreased in size.

We must have a serious effort to evaluate the entire budget because that is the only deficit reduction effort that can realistically succeed.

Until we reach that level of crisis or leadership, we must husband our resources, investing in our Human Capital while maintaining leadership in space exploration at the least cost.

I urge my colleagues to support the chairman's amendment.

ENTERPRISE ZONES APPROPRIATE FOR LOS ANGELES

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. DORGAN of North Dakota. Mr. Speaker, the Los Angeles riots reminded us once again of the very thin line that exists between order and disorder; between civilized behavior and rioting in the streets.

We here in America routinely read of riots and killings in other countries, and we chalk it up to countries with less sophistication than ours—countries that are not as civilized as ours.

Yet, now we see again that conditions exist here in America that can persuade people to become part of a mob capable of killing and stealing and burning indiscriminately.

The Rodney King verdict in Los Angeles was simply the spark that lit the fuse. The powder keg that exploded was a festering condition in our country that includes poverty, helplessness, hopelessness, and it includes the breakdown in the family. Children are being raised without parents, without guidance, without the establishment of a set of values that respects life, property and order. We have known for a long while that all of these conditions exist. We have also watched in the past decade an economic system in which the top 1 percent have gathered much more of the Nation's income and the bottom 40 percent much less. We have known that in a recession, if jobs are the alternative to poverty, then there is no alternative because there aren't enough jobs.

The riots are front page headlines, and trumpeted over every special news program with endless evaluations of what happened and why it happened. What the press and so many in our country miss is that these riots are not an out-of-the-ordinary occurrence.

The Los Angeles riot is being played out in slow motion right now on the streets of Washington, DC. Over 600 people will be murdered in our Nation's Capital this year. That is a slow motion riot that is happening all year long. It keeps people locked in their homes behind barred windows.

This same slow motion riot in our Nation's Capital is occurring right now in New York, Detroit, Chicago, and other major cities as well. It is not on the front page and it is not the subject of television specials, because we have grown accustomed to it. We accept it. We go to work, do business, and come home around it, and try to continue to believe that it won't affect us. But it does, and it will.

These Los Angeles riots represent the sounding of one more urgent alarm that our country take stock and take action. We need broad-based economic opportunity in America and we need to find ways to mend the social fabric which has been torn.

The President's call for enterprise zones is appropriate. Congress has already enacted them once in a bill which the President subsequently vetoed. We should do it again. However, it is only one small step among a large number of actions that must be taken to respond if we are going to fix the conditions that helped cause not only the Los Angeles riots but the slow motion riots that are playing out all year in nearly all of our major cities.

A TRIBUTE TO THE QUEENS HISTORICAL SOCIETY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the Queens Historical Society on the occasion of its 25th anniversary.

Within the past quarter century, the Queens Historical Society has been serving the communities of Queens County in invaluable ways. From publishing and distributing numerous books on local history, to organizing tours, the Queens Historical Society has been instrumental in providing access to the history of Queens.

Through the society's newsletter the people of Queens are kept up to date on historical community events. Through 17 historic houses auctions, the society has raised funds to preserve and renovate Queen's landmarks. This fine organization has also been dedicated to the growth and development of Flushing's Freedom Mile, a collection of historical landmarks in Flushing which have been organized as a tribute to freedom.

Currently, the Queens Historical Society is in the process of raising money in order to renovate Flushing's second oldest home, the Kingsland Homestead. Built in 1785, this 207-year-old historical landmark originally was built at 155th Street and Northern Boulevard but was moved to Weeping Beech Park in 1968. The Kingsland Homestead has become an important historical resource. It now houses a library containing information on the history of Queens and a genealogist who traces the ancestry of the borough's residents. On the grounds of the Kingsland Homestead, one can see New York City's only living landmark, the

weeping beech tree, ancestor to all of the weeping beeches in North America.

In addition, tours of the Kingsland Homestead are given by the Queens Historical Society three times a week, where visitors can see historical exhibits that are changed periodically. At present, the exhibit is Landmarks of Queens: The First 350 Years. Beginning on August 8, a new exhibit will be displayed; Native Americans at the Time of Columbus: A Discovery of Two Worlds. This exhibit will focus upon the original occupants of Long Island during the time of Columbus.

The Queens Historical Society is planning to celebrate its silver anniversary with a gala reception and dinner at the Poppenhusen Institute, itself a historic landmark, on September 24.

Mr. Speaker, I call on all my colleagues in the House of Representatives to join me in congratulating the Queens Historical Society and its officers: Stanley Cogan, president; Connie Demartino, vice president; Vincent Seyfried, vice president; RoseMarie Aridas, treasurer; Winifred Gwaltney, recording secretary, and Catherine Williams, membership secretary, on their 25 years of dedication to promoting and preserving the history of Queens County.

THE BOSNIAN TRAGEDY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. PORTER. Mr. Speaker, no one who has read the newspaper or watched the television news recently can fail to have been appalled by the horrors taking place in Bosnia. We have seen pictures of children killed by mortar fire while playing in front of their homes, grandmothers seriously wounded by shrapnel while attending their grandchildrens' funeral, and now reports from many sources are alleging the existence of a system of concentration camps where thousands of innocent civilians are being systematically starved, tortured, and killed.

The grisly goal of the Serbian forces in Bosnia has finally become clear. It is the same goal as that of the Nazis and their death camps—the ethnic purification of an entire region, and the displacement or eradication—call it a holocaust—of an entire people. We simply cannot ignore this situation.

As cochairman of the Congressional Human Rights Caucus, I deplore the violence and call on the President to make the tragedy in Bosnia the highest possible priority and to take the steps necessary to bring an end to the bloodshed. I support the actions that the President has taken in cooperation with the United Nations so far.

I believe that the economic embargo—which has caused astronomical inflation in Serbia—is having some effect and that the 15,600 U.N. peacekeeping troops now deployed in Bosnia are that country's best hope for peace.

But the President must keep all options on the table and not preclude any response necessary to bring safety to the people of Bosnia.

History will judge us on our commitment here—as everywhere—to the survival and basic rights of our fellow human beings, but here our action is most compelled because here another holocaust may be in the making.

PLEDGE TO SLASH FEDERAL DEFICIT

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. MARLENEE. Mr. Speaker, today I am proud to announce that I have taken a pledge promising to do all I can to slash the Federal deficit. I believe that there is no greater issue today facing our Nation, and our children's future. I urge my colleagues, on both sides of the aisle, to listen to the voice of America, do what you know is right, and join me in signing this pledge.

THE PLEDGE

Whereas, years of hollow promises and quick fixes now threaten the well-being of future generations of Americans;

Whereas, collective political accountability is needed to break our nation's political stalemate and restore the public trust;

Whereas, significant reduction of the federal budget deficit would symbolize a new national commitment to solving the pressing problems that threaten our common future;

Whereas, the unchecked growth of the budget deficit—nearly $350 billion in 1992—and the more than $200 billion in annual interest payments on our national debt unjustly burden future generations; and,

Whereas, the U.S. Government's own accountants call for dramatic reduction of the budget deficit to avoid economic and fiscal catastrophe;

I, Rep. Ron Marlenee, do hereby pledge that unless the FY 1996 federal budget deficit is 50% lower than the FY 1992 budget deficit,[1] I will not seek re-election when my term expires.

RON MARLENEE.

August 6, 1992.

ANNIVERSARY OF THE TESTING OF THE ATOM BOMB

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. WEISS. Mr. Speaker, at a remote site in the desert of New Mexico 47 years ago, the United States tested its first atomic bomb. Within a month, nuclear explosions would level the Japanese cities of Nagasaki and Hiroshima, and shortly thereafter the war with Japan would end. We will never know whether the decision to use those weapons saved lives or cost more in the process. But what we did learn from the entire experience was that, in any light, war was a terrible event that must never occur again.

In the five decades since that time, however, mankind has known many wars and many atrocities that rival the worst of World War II. From Cambodia to Angola to El Salvador, conflict has taken its pound of flesh, and added nothing to our ability to prevent the next war. Sadly, we are witnessing new human tragedies in Yugoslavia and Somalia that again test our determination to get beyond the revolving door of conventional warfare.

Unlike past experiences, however, we may now have an unprecedented chance to build the brave new world that was hoped for following Hiroshima and Nagasaki. Nuclear weapons remain a frightening reality, but the world is no longer paralyzed or polarized by superpower rivalry and the threat of nuclear annihilation. The cold war is over and the ground is fertile for growth and prosperity, for peace and stability.

But it will take leadership from those who wield power, and commitment from those that follow if we are to be mutually successful. It will take understanding and compassion, sacrifice and generosity to convince all nations this new order is to their benefit. And it will take many small steps before we can walk proudly into the future as one.

Such steps can begin by resolving critical situations in Yugoslavia and Somalia before they reach the regional or global level. Critical initiatives, such as these, are necessary before we can open a window that takes us beyond the terror of conventional warfare and toward a door that presents innovative ways to deal with many other global problems like the eroding environment, exploding population and the burdening nuclear albatross.

Mr. Speaker, the United States is the most obvious country to lead the world into this next area. But unlike Harry Truman, the President has yet recognized the importance of the surrounding events. His hesitation and caution to effectively engage the parties in these conflicts serves no current purpose and may in fact be detrimental to our long term goals.

Therefore, as the Nation stops today to reflect on the lessons that Hiroshima offers 47 years later, I hope that the President reconsiders his position on the critical issues of our time and takes effective and decisive action before we lose this historic opportunity.

THE NORTH PACIFIC ANADROMOUS STOCKS ACT OF 1992

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation to implement the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean. This bill, which is identical to S. 2894, which was introduced by my colleagues Senators STEVENS and MURKOWSKI, will bring into force for the United States the convention that was signed in Moscow in February 1992.

My colleagues have frequently seen me come to the floor and describe the importance of the salmon industry to the State of Alaska. Some of my colleagues have even had the opportunity to sample this fine fish. However, few people are aware of the intricacies of international fisheries management, especially

[1] The unified budget deficit, including social security, measured by the U.S. Treasury.

when dealing with a fish that is born in the United States; travels through both international waters and the waters of other nations; is harvested directly or incidentally by fishermen from many countries; and then must return to the United States to spawn. Ensuring a sustainable yield of salmon requires international cooperation.

For many years, international salmon management was conducted through several treaties among different nations. Because not all nations were party to all treaties, cooperation was difficult. We have now reached the point where all major parties concerned—the United States, Canada, Russia, and Japan—have agreed to a single salmon conservation treaty. I hope that this foreshadows a new era of cooperation in international fisheries conservation.

H.R. 5100 SENDS WRONG MESSAGE

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. THOMAS of California. Mr. Speaker, on July 8, the House passed H.R. 5100, the Trade Expansion Act of 1992. Passing this kind of legislation makes it appear as though the United States is willing to abandon the effort that has been made in foreign trade through the Uruguay round and the North American Free Trade Agreement [NAFTA] negotiations.

The Uruguay round negotiations have gone on for years, and in the past year tremendous work has been done to negotiate a North American Free Trade Agreement. These two major trade negotiations, if successful, could provide U.S. industries with the foreign market access that they deserve. With both sets of talks in what appears to be their final stages, we should give them a full opportunity to accomplish their goals. Only after the NAFTA and Uruguay round agreements have been successfully negotiated, and their effects evaluated, should we consider moving our trade policy in another direction.

The bill itself sends the wrong message to those with whom we are negotiating. It imposes new restrictions on auto imports even though such measures have often proved to be beneficial mainly to the Japanese, and usually unfair to the American consumer. Shortly after very similar trade restrictions were enacted in 1981, a study revealed, the average price of the Japanese car rose by $1,700 and American cars by $1,200. Another result was that Nissan and Toyota were driven to enter the luxury automobile market—and did so very successfully.

In addition, H.R. 5100 would require special trade actions on auto parts and rice to try to get access to the Japanese market. I fully agree all United States farmers and industries deserve full access to Japanese and other markets, but I fail to see why we should give other countries another excuse to delay serious trade talks. At best, these kinds of provisions suggest the United States has not learned anything from past experience. At worst, other negotiators may get the idea that the Congress is only serious about a few trade problems when our negotiators have been asking for far more.

As a member of the House Ways and Means Trade Subcommittee, I am always willing to work for market access. This bill focuses too much on too few markets; trade legislation, ideally, should comprehensively address a cornucopia of industries and markets in such a way that they become more competitive with one another, not protected from one another. H.R. 5100 is a bill that was conceived for completely political reasons, not to improve foreign trade for American firms. This bill, by undermining the current negotiations, could actually hurt our efforts to achieve free trade.

A TRIBUTE TO RALPH COOPER: MR. AMATEUR NIGHT AT THE APOLLO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to my good friend Ralph Cooper, who passed away this week after a short illness. Mr. Cooper was well into his eighties and for more than 50 years, as the emcee of amateur nights at the Apollo Theater, was a Harlem landmark.

Mr. Cooper was viewed by many people as the heart and soul of the Apollo. He created amateur night in 1934, luring talent by offering a $15 prize and a week's work at the theater to anyone good enough to win the loudest applause from the critical Harlem audience.

In his dual role as emcee and star attraction, Mr. Cooper helped launch the careers of some of Black America's biggest stars including Ella Fitzgerald, Sarah Vaughan, Billie Holiday, James Brown, Gladys Knight, and Michael Jackson, who first appeared at the Apollo when he was nine years old.

While the audience paid their money to see up-and-coming performers, they also paid to see Cooper, who began each show by prancing onto the stage to the beat of the house band. He would then greet the audience in a sort of 23-skidoo-Daddy-O high-five-disc jockey patter, incorporating popular phrases of the last five decades.

Mr. Cooper dearly loved both the performers and the audiences of amateur night. In his years as producer and host, he discovered Frankie Lymon and the Teenagers, the Orioles, Louis Jordan, whom he brought from a basement cafe in Philadelphia, and Pigmeat Markham. In fact, it was Cooper who wrote the comedy skit for which Pigmeat was best known, "Here Come De Judge."

Mr. Speaker, with the loss of Ralph Cooper, Harlem has lost one of its biggest boosters, and many of us have lost a great friend. In tribute, I commend to the attention of my colleagues the following article by Keith Moore of the New York Daily News.

MR. AMATEUR NIGHT TALENT SHOW CREATOR COOPER DIES

(By Keith Moore)

"Goodbye, Ralph Cooper," the marquee at the Apollo Theater read yesterday. "We will miss you."

"Coop," Ralph Jr. told the crowd, speaking of his father, "would have wanted the show to go on."

BROKE PROGRAMING

"He was a very, very special person, and when we say goodbye to him we say goodbye to a good friend," said Percy Sutton, an owner of the Apollo.

Sutton, who owns WLIB, had programing interrupted to carry a live news conference devoted to Cooper's death and to take calls from listeners.

Of Cooper at Amateur Night, Mayor Dinkins said in a statement: "He was a vigorous presence from the dropping of the house lights till the final curtain . . . He would be a performer, a ringmaster, a booster, a judge and a consoler of those who did not win the occasionally difficult fight for the audience's approval.

"Ralph was a real personality and a real presence in the Harlem community. He will be sorely missed."

Cooper, who grew up in Harlem, invented Amateur Night to boost attendance. His showbiz career spanned more than 70 years.

He was once dubbed the "dark (Clark) Gable" of the movies; he was a bandleader, a TV and radio host and a Hollywood star of mostly gangster and cowboy movies, some of which he wrote and directed.

CO-STARRED WITH HORNE

He is credited with discovering Lena Horne after co-starring with her in a movie called "The Duke Is Tops."

But most of his discoveries were showcased on the stage of the venerable Apollo: Gladys Knight and the Pips, the Shirelles, Leslie Uggams, Ruth Brown, Gloria Lynne.

In Hollywood, Cooper made such movies as "Dark Manhattan," "Harlem on the Range," "Bargain with Bullets" and "Gang War."

But he soured on Hollywood, saying in his 1990 book, "Amateur Night at the Apollo": "I hoped for acting work, but all the parts they offered me were Uncle Tom parts. Yassuh and nosuh dummy parts were all that was available for a young black actor in those days."

Along with his son, survivors include his wife, Elizabeth, daughter Lisa Cooper Turner and two grandchildren.

SPECIAL TRIBUTE TO ARTIST ROBERT BIRMELIN, CREATOR OF THE AERIALIST

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. ROE. Mr. Speaker, on Friday, June 26, I attended the dedication on the new Federal office building located at 200 Federal Plaza, in Paterson, NJ. As we officially dedicated the new Federal building, which will serve the people of our entire region, we also celebrated the people of northern New Jersey who were of tremendous help to make this building a reality. Without them, it would not have happened. Included in the extensive list is Robert Birmelin, a commissioned artist by the U.S. General Services Administration through its Art-in-Architecture Program.

Robert Birmelin's reputation is international and his works are in public collections across the United States and abroad. A visitor coming in the main entrance of the new Paterson Fed-

eral building, faces a striking scene on the opposite lobby wall: River cliffs and a man high over the water on a slender rope. The viewer also seems suspended over the river, while both the perspective and strong diagonals guide the viewer's eyes across the visual expanse of the painting entitled "Paterson: The Aerialist, August 5, 1879."

In his own words the painting "depicts an event, that occurred toward the end of the last century. It was a period of prosperity for Paterson's mills and factories that were made possible by the water power of the Great Falls and the labor of recently arrived immigrants. In those days, it was not uncommon on a fine Sunday for crowds to be drawn to the Falls to watch aerialists cross over the span of the gorge. Such a feat of daring occurred in 1879, commemorated only by a blurred and faded photograph, when one Harry Leslie undertook to walk across the gorge on a tightrope; and it is this occasion that I chose to imaginatively represent."

Robert Birmelin is a native of northern New Jersey and continues to have close ties to the region's people, places, economics, social, and industrial history. Birmelin's best known paintings are of people in interaction with each other and their surroundings on New York City streets. Born in Newark in 1933, Birmelin completed Cooper Union in Manhattan in 1954, earned a bachelor of fine arts in 1956, and master of fine arts in 1960 from Yale University School of Art in Connecticut, and attended the University of London on Fulbright Fellowship. Today Birmelin lives in Leonia, NJ, near Hackensack and teaches at Queens College, New York City.

Birmelin's talents won him early recognition and continued support in the form of grants from the American Academy in Rome, 1961–64; National Institute of Arts & Letters, 1968; Louis Comfort Tiffany Foundation, 1973; New Jersey Council for the Arts, 1980 and 1988; and National Endowment of the Arts, 1976, 1982, and 1989. Birmelin's works are now in many public collections including the Museum of Modern Art and Metropolitan Museum of Art in New York City; the Library of Congress, the Smithsonian Institution, National Museum of American Arts, and Hirshorn Museum and Sculpture Garden, in Washington, DC; the Museum of Contemporary Art in Nagaoka, Japan; the San Francisco Museum of Art; and the Montclair Art Museum in Montclair, NJ.

Mr. Speaker, I appreciate this opportunity to present a brief profile of this great artist, Robert Birmelin, and his outstanding work, "Paterson: The Aerialist, August 5, 1879," which is indeed, an integral part of 200 Federal Plaza in Paterson, NJ, as well as a wonderful piece of history depicting our great State, and our Nation.

U.S.S. "THEODORE ROOSEVELT"—THE BIG STICK OF THE U.S. NAVY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. DORNAN of California. Mr. Speaker, President Theodore "Teddy" Roosevelt pioneered the strategy of deterrence by speaking softly and carrying a big stick. He used a strong, blue water Navy to deter aggressors from attacking the United States and U.S. interests abroad, a strategy we still successfully use today. One of the major components of this strategy is the aircraft carrier, including the President's namesake, the U.S.S. *Theodore Roosevelt*. The *Roosevelt*, which carries nearly 100 combat aircraft and more than 5,000 sailors, can deploy anywhere in the world to deter and, if necessary, destroy an enemy.

During normal voyages, these brave sailors, marines, and airmen may be at sea, away from their families, for as long as 6 months at a time. As we continue to reduce defense spending, let us not forget the sacrifice and dedication of these courageous guardians of freedom. We must do everything within our power to ensure that they receive all the quality training and personal benefits, including benefits for their families, that they deserve. Although the technology of a carrier and its aircraft are very important to the Navy's mission, it is ultimately the people aboard the carrier who guarantee us victory in battle.

I, for one, commend these brave warriors of the air and sea, and promise to dedicate myself to preserving the quality of life for those aboard the U.S.S. *Theodore Roosevelt* and all those who serve in the greatest blue water fleet in the history of naval warfare.

A CONGRESSIONAL SALUTE TO DANA STRAND VILLAGE AND THE HOUSING AUTHORITY OF THE CITY OF LOS ANGELES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. ANDERSON. Mr. Speaker, on Saturday, August 22, 1992, the community of Dana Strand will celebrate its Golden Anniversary. On behalf of the residents of Dana Strand Village and the Housing Authority of the city of Los Angeles, I would like to share with you the roots of this novel and very special community.

One year after President Roosevelt signed the Housing Act of 1937, the Housing Authority of the city of Los Angeles was created. Dana Strand Village was one of the first public housing communities owned and operated by this newly established commission. Originally intended as temporary housing for war workers, Dana Strand opened on July 1, 1942. Since its inception, this community has been home to scores of low-income families and continues to provide housing for hundreds of people.

Throughout the years, the residents of Dana Strand Village have demonstrated exceptional pride in their community. They have organized a resident advisory council and elected council officers to oversee community projects and activities. Recently, Dana Strand Village was named a recipient of a HOPE I planning grant by the U.S. Department of Housing and Urban Development and is entering into the initial phase of an ambitious planning and training program. This program will empower the community's low-income tenants to take an active role in the control of their environment and will assist in the area of homeownership.

Mr. Speaker, on this momentous occasion I congratulate the Housing Authority of the city of Los Angeles on 50 years of providing quality housing for the residents of Dana Strand Village. In addition, I congratulate the residents and resident advisory council of Dana Strand Village on the 50th anniversary of their community. My wife, Lee, joins me in extending our best wishes to them for continued years of growth, development, and success in their ventures.

STATES TO ADOPT STAFFORD'S LANDMARK ORDINANCE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. SAXTON. Mr. Speaker, back in my congressional district, Stafford Township has distinguished itself as a national leader in the battle to end combined sewer overflows during storms.

The inventiveness of the township's stormwater management system—which I had the pleasure of demonstrating to Environmental Protection Agency Administrator Reilly last year—has led to a $275,000 EPA grant and nationwide attention.

The system is a major step in protecting the environment, as it will keep sewer waste from spoiling the many waterways surrounding the township.

It now appears that 11 States across the Nation are considering using Stafford Township as a model.

The township's story is well explained by the hometown newspaper, the Beacon. It is a story of amazing innovation and a source of great pride for everyone involved.

[From the Beacon, July 30, 1992]

ELEVEN STATES TO ADOPT STAFFORD'S LANDMARK ORDINANCE

(By Darcie Borden)

STAFFORD.—The township's stormwater management ordinance has gained such recognition that 11 states along the Eastern Seaboard will soon adopt it and the Environmental Protection Agency wants to convert it into a national ordinance, according to Councilman John Spodofora.

In fact, the EPA has given the township a $275,000 initial payment to study the system further.

Spodofora, who is also an environmental engineer for the Naval Air Station at Lakehurst, presented the idea to the township several years ago and wrote the ordinance for it in 1987.

The township has won various awards for the system and it has ignited interest on a federal level. The EPA and the Department of Environmental Protection and Energy have inspected the system, and President George Bush has seen the township's design.

The township will supply the technology, the ordinance, and sites, such as the county library, that have the storm drain systems. It will provide the opportunity to study the effect time has had on these systems, Spodofora said.

Monitoring will also be done on rainfall, siltation, and storms, and he said instrumentation may be installed into the systems to see how well contaminants are filtered out.

Vegetative filtration will be another part of the study. Grass will be placed in front of storm drain inlets so that water will flow over the grass, allowing nutrients to be pulled along with any metals and heavy contaminants, Spodofora said.

"Trees pull 100 percent of phosphorous out of water and have a major cleansing impact, and so does grass," he said.

Southern Regional's ecology club may participate in the studies as a school project. The club has previously helped in the township with lake cleanup and some other things, Spodofora said. The University of Alabama will administer the grant. The university already had a process in place for EPA grants and has helped Stafford Township acquire the grant, he said.

The system designed by Spodofora uses a large diameter pipe with little holes all around it. The method is called sub-surface infiltration, and the township is succeeding where others have failed.

Other communities tried for the same result, but they were using the wrong pipe materials, Engineer Keith Henderson has reported.

With the large, perforated pipe, the filtration step is added, allowing pollutants to seep into the soil rather than into the bay. The old storm drain system sent the water with pollutants directly into the bay, according to Henderson.

The system controls nonpoint source pollution, which is pollution that ends up in storm drains but cannot be pinpointed exactly where it came from. It could be fertilizer, animal feces, etc., that ends up in the storm drains after it rains. The rainwater washes the pollutants downland into the drains and then into lakes, streams, bay or ocean.

"The EPA sees this as a way for solving major problems with the major pollution sites, Spodofora said.

"We're the first ones to come up with a way of recharging water underground where it belongs," he said.

The township will also monitor how different soils from different areas in the nation will react to the system, he said.

Florida, Maryland, Virginia, Delaware, Pennsylvania, New York, New Jersey, and Massachusetts are among the states adopting the ordinance so far, Spodofora said.

He said the EPA is also currently studying a system in Europe. The system uses a basket that fits into storm drains and filters out siltation. The EPA will bring them here and install them and see how well they work, he said.

A TRIBUTE TO THOMAS A. DUCKENFIELD, COMMUNITY SERVANT AND ADVOCATE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Ms. NORTON. Mr. Speaker, it is with deep regret that I say farewell to a dear friend and accomplished attorney, Thomas A. Duckenfield. Tom Duckenfield, a native of Richmond, VA, graduated from Hampton University with a B.S. in mathematics in 1957. In 1970 Thomas Duckenfield graduated from Georgetown University Law Center and later attended Southern Illinois University, Edwardsville where he earned an M.B.A. in 1977.

Tom's background reflects a wealth of accomplishments. He joined Washington Gas in June 1985 as assistant general counsel. Later that year, he was elected vice president and general manager of District of Columbia Natural Gas. Tom also formerly served as clerk of the Superior Court of the District of Columbia. Prior to that, he was deputy Register of Wills for the United States District Court for the District of Columbia.

Thomas Duckenfield embraced the needs of the local community with his time and his heart. Here in the District of Columbia, he was active in an extraordinary array of organizations that serve the people of the District of Columbia. Tom served on the board of directors of the Washington Urban League, Combined Health Appeal, Neighborhood Economic Development Corp., Education in Partnership with Technology Corp., Council for Court Excellence, National Bar Institute, Junior Achievement of Metro Washington, Bar Association of the District of Columbia, National Institute for Consumer Education in Law, and D.C. Law Students in Court.

Tom Duckenfield made a special contribution to the African American legal community. He worked tirelessly to organize black lawyers to serve the public, to shape the development of law and public policy, and to overcome the vestiges of discrimination in the profession. Tom served as president of both the National Bar Association and the Washington Bar Association and was constantly active on their various committees.

Adding to these remarkable accomplishments, Tom was appointed to the District of Columbia Judicial Nomination Commission and the District of Columbia School of Law Board of Directors.

Thomas Duckenfield was a model family man as well. The only individuals who will miss him more than his many friends are his wife Evelyn; his three sons, Thomas, David and Pace; his mother, Florence Duckenfield of Richmond; his three brothers, Benjamin, Hartwell and Lloyd, all of Richmond; and a sister, Carrie Ampey of Sharon, MA.

Tom's commitment and his service will be missed. Most of all we will miss him.

CONGRESSIONAL TRIBUTE FOR SUPERIOR-BAIKAL CONNECT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. OBERSTAR. Mr. Speaker, today, Members of Congress who represent States and districts along Lake Superior's shores congratulate and encourage the efforts of the Russian, Canadian, and American team members from the Superior-Baikal Connect on their recently completed kayaking expedition through the waters of Lake Superior. The Superior-Baikal Connect kayak team, which circumnavigated Lake Baikal last summer, visited local communities to express concern for the ecological health of the world's two largest lakes and to encourage continued cultural exchange.

Lake Superior, which contains 10 percent of the world's water resources, is a major recreation center. The region's abundant natural resources make possible both recreational opportunities and much of the area's industry. Because of the complex, conflicting demands placed on the natural resource base, the region may seem at odds with itself. But with a vision for sustainable resource use, sensitivity to historic and cultural values, and wise environmental policy, the conflict need not exist. Halfway around the world, Lake Baikal presents similar opportunities and challenges to the citizens of the Commonwealth of Independent States. Lake Superior and Russia's Lake Baikal are the world's largest freshwater systems in surface area and volume, respectively. Together, they contain 30 percent of the world's freshwater reserve and are of global environmental significance.

The Superior-Baikal Connect expedition paddled along the Lake Superior Water Trail, which links Lake Superior's 3,000 miles of shoreline bordering on Minnesota, Wisconsin, and Michigan in the United States and the province of Ontario in Canada. The Lake Superior Water Trail is designed to provide an ongoing education about Lake Superior and its global significance as a unique freshwater environment. We endorse further development of this recreational and educational Lake Superior Water Trail, because it has promoted, and will, in the future promote a multinational model of cooperation.

The Superior-Baikal Connect is a successful show of international regard for the protection of our global resources. We are pleased to host our Russian and Canadian guests and encourage this cultural exchange to continue into the future. We congratulate the successful Superior-Baikal Connect expedition and its organizers, John Anderson of the Lake Superior Center and Alexander Tenyakshev of the Moscow Adventure Club. We also applaud the outstanding efforts to develop the Lake Superior Water Trail. We hope that these displays of international goodwill will encourage greater environmental protection and act as a lasting global model.

CONGRATULATING SCOTT STRAUSBAUGH AND JOE JACOBI FOR WINNING A GOLD MEDAL IN THE TWO-MAN CANOE IN THE 25TH OLYMPIAD

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. TAYLOR of North Carolina. Mr. Speaker, the rivers of western North Carolina offer some of the finest and most challenging whitewater conditions in the world. Whitewater enthusiasts from around the world come to paddle rivers such as the Nantahala, the Ocoee, the Chattooga, and the Nolichucky. In fact, some find the paddling so good in western North Carolina that they move to our area.

Recently, two young men left the mountains of western North Carolina and traveled to the Pyrenees, between France and Spain, to match the whitewater expertise they gained in North Carolina against the best paddlers from around the world. These two men, Scott Strausbaugh of Almond, NC, and Joe Jacobi of Whittier, NC, proved themselves to be the best in the world by winning gold medals in this 25th Olympiad in the two-man canoe.

Scott and Joe have become the first Americans ever to win a gold medal in whitewater canoeing or kayaking. Their hard work and dedication has put them at the very pinnacle of the international paddling world in their event. I want to extend our heartfelt congratulations to Scott and Joe from myself and all the people of western North Carolina. We're extremely proud of you both and hope to see you back home soon. In addition, I know Scott and Joe would want me to thank the Nantahala Racing Club, headquartered at the Nantahala Outdoor Center, for their support and training help.

Joe and Scott went all out on both of their perfect runs through the 25-gate course to win by 6 seconds. In doing so they signaled a new era in international whitewater competition for the United States. I hope that their success, and the interest it has generated in this infrequent Olympic event, will ensure its inclusion in the 1996 games in Atlanta. I look forward to more medals for Olympic paddlers from all over the country, and would encourage them to follow Scott and Joe's example by training in western North Carolina. The water is cold, but the people are warm, and the competition is hot. This combination made Scott Strausbaugh and Joe Jacobi winners in Barcelona.

Again, congratulations, Scott and Joe.

THE SITUATION IN BOSNIA AND HERCEGOVINA IS INTOLERABLE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. ACKERMAN. Mr. Speaker, I rise today to express my horror and dismay regarding the current situation in Bosnia and Hercegovina. The chilling stories of violence, brutality, and human rights violations call for immediate action by the international community.

Mr. Speaker, the administration's retreat yesterday from its earlier assertion that Serbian forces were torturing and killing Croats and Muslims at detention centers in Bosnia is disturbing indeed. What does that mean when our Government says that there is little it can do to immediately investigate reports of atrocities? I find it unconscionable that the Department of State would issue such a statement. I would think the Bush administration would have learned from history. These reports of "ethnic cleansing" and concentration camps are especially horrifying and evoke memories of unspeakable crimes committed during the Holocaust.

Mr. Speaker, the United States, the European Community, the United Nations and other relevant international organizations must work together immediately to reach a unified position on what further action should be taken against the Communist Serbian regime. The International Red Cross and other neutral agencies must be granted immediate access to camps, prisons, and detention centers throughout these areas to determine exactly what is happening. The world community has been aware of this situation for over a year now and the brutal fighting continues. It is not enough any longer to simply issue official statements and condemn the violence—concerted action is critical to curtail the spiral of violence.

Mr. Speaker, the situation in Bosnia and Hercegovina is intolerable. Our Government and the rest of the international community cannot allow this to continue. By permitting Mr. Milosevic—the Saddam Hussein of Central Europe—to carry out his torturous and murderous acts, President Bush is sending a signal that the United States will ignore aggression. I urge the administration to aggressively pursue this matter with our allies in order to avoid any further humanitarian disaster of enormous dimensions.

CONGRATULATIONS TO TRENTON STATE COLLEGE'S WOMEN'S SPORTS TEAM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. SMITH of New Jersey. Mr. Speaker, I would like to take this opportunity to congratulate the women's sports teams of my alma mater, Trenton State College, for completing an incredible feat during the past school year. Three separate teams, the field hockey, softball, and women's lacrosse teams, all won NCAA Division III titles.

On November 16, the field hockey team won its fourth consecutive NCAA Division III title by upending Bloomsburg, PA University 1 to 0. The victory capped an unbeaten 19–0–1 record for the Lions and their coach, Sharon Goldbrenner, a TSC graduate as well, and raised their overall record to 143–11–4 during Coach Goldbrenner's tenure.

Mr. Speaker, on May 17, the softball team beat Buena Vista College, IA, 4 to 0 for the NCAA Division III title, finishing at 48 to 2. Dr. June Walker has led the team to 11 consecutive NCAA appearances and four titles during her 19 years as coach.

On the same day of the softball victory, the women's lacrosse team, also coached by Ms. Goldbrenner, defeated William Smith College, NY, 5 to 3 for its second consecutive—and fifth overall—NCAA Division III championship. The Lions, 16 to 0 this year, are now 107–12–1 under Coach Goldbrenner. To their credit, however, TSC officials discovered that an academically ineligible player had participated in some lacrosse games. The school, therefore, reported the infraction to the NCAA. While the team may not be able to retain their title, I applaud the administration for its honesty. Such an infraction is not easily detectable and reporting it to the proper authorities is commendable.

Both Coach Goldbrenner and Coach Walker have been featured in Sports Illustrated as one of the "Faces in the Crowd." Their individual accomplishments, in my view, are remarkable. The fact that they fielded three winning teams from the same school during the same school year is truly an incredible feat.

Clearly, these teams deserve the recognition they have been receiving. I am proud to be an alumnus of the school and an alumnus of the school's athletics program, and am hopeful that the tremendous success of these teams will continue in the coming school year.

TRIBUTE TO MR. J. PAUL HEURING

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to an exceptionally dedicated and committed member of the First Congressional District, Mr. J. Paul Heuring. Mr. Heuring is celebrating his 90th birthday on August 14, 1992.

Paul's life is truly an American success story achieved through hard work and dedication. His roots can be traced back to North Battleford, Saskatchewan, Canada, where he was born in 1902. His family later moved to northern Minnesota where he attended St. John's High School and Boarding School. After graduation, he returned to North Battleford to work as an assistant station master at the local train depot. Because times were hard on the family farm and at the depot, Paul returned to America for further challenges.

His journey back to America led him to the Windy City where he stayed until 1943. From the early twenties until the day he left Chicago, Paul worked earnestly for Western Electric Co., and then R.R. Donnelly's Lakeside Press. In pursuing further dreams, Paul went on to attend Northwestern University night school

In 1943, Paul sought an opportunity to become a Ford dealer in Hobart, IN, and Paul Heuring Ford was soon established. Throughout this period, Mr. Heuring has demonstrated his commitment to his dealership as owner, manager, salesman, and mechanic. To this day, in fact, one will find Paul working 10 to 14 hour shifts.

Paul has always found time to give himself to the community. He has helped with the St. Vincent DePaul Society, an advocacy group for the homeless. He has volunteered with the Civil Defense and the Red Cross, and is a devoted member of American Heart and Cancer Societies. Mr. Heuring is the proud founder of the Hobart Chamber of Commerce, as well as a past chairman of St. Bridget Finance Committee which facilitated the construction of a new church and school. Among his most noteworthy community service accomplishments was his persistence in building a community hospital. After forming an organization committee for development and building of a Hobart hospital, he headed up the finance committee to raise the funds for the St. Mary Medical

Center in Hobart. Today, the St. Mary Medical Center provides professional medical care for a substantial portion of northwest Indiana.

These many hours devoted to the First Congressional District are not without recognition. Paul Heuring has received the Time Magazine Quality Dealer Award, the Herman Schaffer Award for the State of Indiana, the Walter Berg Distinguished Citizen Award, Good Citizen Awards from Hobart's Police and Fire Departments, and one of his finest honors, the Blessed Katherine Kasper Award from the Ancilla Systems for his work with the St. Mary Medical Center in Hobart.

I sincerely recognize J. Paul Heuring on the occasion of his 90th birthday. I am both privileged and honored to wish Paul, his wife of 59 years Dorothy, their 3 sons, 11 grandchildren, and 4 great-grandchildren, the warmest greetings. His lifelong endeavors are certainly admirable and his inherent dedication, social commitment, and leadership are a model and inspiration to each and every one of us.

TRIBUTE TO ANITA NALL

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Anita Nall, a member of the U.S. Olympic swimming team. On behalf of the people of Schuylkill County and the Sixth District of Pennsylvania, I would like to congratulate Anita for her outstanding achievements in the 1992 Summer Olympics. Her accomplishments have been a source of great joy and celebration for the residents of Brockton, PA, where her grandmother, Ann Nall Shultz, resides, and for the friends and family of her Father, John Nall, who is a native of Mary D, PA.

Anita Nall had three excellent performances in Barcelona. She won three medals, a bronze in the 200 meter breaststroke, a silver in the 100 meter breaststroke and a gold in the 400 meter medley relay. In the process, she set the American record in the 100 meter and her team set the world record in the 400 meter medley relay. She and her team proved that they are the finest in the world. We have not heard the last of Anita Nall because at the age of 16, she is already beginning to think about the 1996 Atlanta Summer Olympics.

Anita Nall has made her grandmother, father, and all of the residents of Schuylkill County very proud with her fine efforts in Barcelona. Anita earned three medals through hard work and an indomitable olympic spirit. Many of her fans gathered at Wilson's Cafe in Brockton to watch her races and show their support. Her victory set off a joyous celebration in Brockton by friends, family and neighbors as she stood on the podium in Barcelona holding a small American flag while she accepted her gold medal. I ask all of my colleagues to join me in saluting Anita and wishing her the greatest success in the future. She is a fine young woman, who deserves our highest praise and respect.

LETTER PUTS U.S.S.R. SITUATION IN PERSPECTIVE

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. VALENTINE. Mr. Speaker, sometime ago I received, from a friend and constituent, a special kind of letter, which I would like to share with my colleagues.

During the long, scary years of the cold war, while the leaders of the U.S.S.R. were planning and, in many situations, executing their grand design of world domination, we came to think of most, if not all, Soviet citizens as our enemies. My friend's letter helps to place all of that in perspective.

Events have demonstrated that many citizens of the former U.S.S.R. are not unfriendly to America. And in that connection, my friend, Tom Harris, has reminded me of a significant historical fact about which we should all reflect.

If it had not been for the unbelievable sacrifice of the Soviet peoples after Hitler's invasion in 1941, our world would be a different place. The Soviet peoples, both soldiers and civilians, bore the full, brutal brunt of the cruel German legions. Faced with what appeared to be complete and utter defeat, the Soviet people stood with a resolve that staggers the imagination. Suffering losses in the tens of millions, they stood before the German war machine. Thousands of Soviets disappeared without any trace and have not been heard from to this day. Many were tortured and others were summarily executed.

Finally, the German armies were expelled and crushed. Now that the people of the former Soviet Union have thrown off the yoke of communism, we should celebrate anew the contributions that these valiant people made to the ultimate defeat of Nazi Germany.

As the writer of the letter states, they just might have done more to destroy nazism than any other nation or people, including ourselves and our Nation.

The letter follows:

WILSON COUNTY
INSURANCE AGENCY, INC.,
Elm City, NC.

Hon. TIM VALENTINE,
Congress of the United States, House of Representatives, Washington, DC.

DEAR TIM: We need to help the Russian people in their working to become a democracy. These people made the greatest sacrifices known to man during WWII. They fought Nazi Germany tooth and nail to save their homeland and the civilians suffered as much as their soldiers did.

What if they had surrendered in 1941 when the Germans had driven to within 40 miles of Moscow? I was in the 9th. Infantry Division and we fought in N. Africa, Sicily, France, Belgium and Germany so I know something about War and the hell that it is.

400 Russian Divisions kept 300 to 400 Division tied down throughout the War, from 1941 to the end. If they had not engaged so many Nazis we would have never been able to make the Normandy landings. In fact, if the Russians had given up like France did, without too much effort, the whole world would have been Zeig Heiling for the last 45 years or so. They did more to destroy Nazism than we did so I think we should do all we can to help them. With kindest wishes always,

Sincerely,

THOMAS L. HARRIS.

TOURO COLLEGE'S SCHOOL OF BUSINESS IN MOSCOW

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. GILMAN. Mr. Speaker, the committee report on the Freedom Support Act of 1992 stated:

Some U.S. educational institutions have already established programs, including business and management education, in the region. These institutions are to be commended for their initiatives and should be considered for funding where their activities are consistent with the priorities of U.S. assistance strategies for the independent states.

One institution which already has established business and management education programs in the region is Touro College. Touro College is an institution of higher learning located in the State of New York. Touro has taken the initiative and shown both the foresight and ingenuity to establish the first international school of business in Moscow under American sponsorship.

Touro's Moscow branch offers a program in business and management to mid-level and upper-level managers, directors, and supervisors of the Commonwealth's businesses and industries. Admission is limited to graduates of indigenous universities. The program is in two phases. The first phase is an intensive study of English. The second phase of the program includes business subjects: Accounting, economics, business data processing, business law, statistics, management, marketing, banking, investments, and finance. Students who successfully pass the program of studies earn a bachelor of science diploma.

This new school which is now over a year old has had a successful beginning. The initial funding for this project has been provided solely by Touro College. In keeping with the spirit of the committee report, and consistent with the priorities of U.S. assistance strategies for the independent states, Touro College is deserving of our support in the continuation of this very important program.

U.S. AGRICULTURE RUSHES TO SUPPORT THE FREEDOM SUPPORT ACT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. BEREUTER. Mr. Speaker, as this body moves toward consideration of H.R. 4547, the Freedom Support Act, it is increasingly clear that passage of this legislation is not just important for the future of the former Republics of the Soviet Union—passage is also important for all of us in America.

In his testimony before the House Agriculture Committee, Ambassador Robert Strauss made this point very clear:

We are in a window of opportunity and we cannot afford to lose it. I think we have to make clear to the American people that this is not an aid package and this is not a giveaway package, and this is not a funding package that funds the building of dams * * * where they don't need them * * *. This is a domestic bill because we have a domestic—vital domestic interest in it. It represents not only security for this country and for ourselves and our generations to come, it represents in addition to that, our economic interest. It represents jobs. It represents our leadership in the world.

It is also very clear that Ambassador Strauss' words are not merely rhetoric, but rather, words backed up by expressions of support by U.S. farm and agribusiness firms.

Recently, this Member received a policy statement from the National Agricultural Advisory Committee, a consortium that includes 4 former Secretaries of Agriculture and more than 100 of America's leading farm commodity and agribusiness organizations including, among many other important organizations, the following:

The American Farm Bureau Federation.
American Soybean Association.
National Association of Wheat Growers.
National Cattleman's Association.
National Corn Growers Association.
National Council of Farmer Cooperatives.
National Grain Sorghum Producers Association.
National Grange.
National Pork Producers Council.
U.S. Meat Export Federation.

In addition, the list includes the world's largest animal health facility, the SmithKline Beecham, which has its Norden laboratories in Lincoln, NE.

Most importantly, this distinguished committee was unanimous in its strong support for H.R. 4547 because its members properly recognize that if the former Republics of the Soviet Union succeed in their transitions to market economies, United States agriculture and exporters will surely benefit from a vast potential market of 290 million individuals. As the committee notes, passage of the Freedom Support Act will help the peoples of the former Soviet Union put food on their tables and ours.

Mr. Speaker, we all would do well to remember that our great Nation's fastest period of growth came at a time when its resources were strained from a long and devastating war, but fortunately, the American people rallied behind the Marshall plan to help Europe restore its democracies. That restoration created a market for U.S. goods and services that, over the years, has greatly benefited American industries. For example, in 1991, the United States enjoyed a $16.7 billion trade surplus with the European Community.

Now, we are at the end of another war—the cold war—and there can be no doubt that the emerging democracies of the former Soviet Union will have an insatiable appetite for goods and services and infrastructure development if they can continue to make progress toward democracy. The Freedom Support Act will help to ensure that those emerging democracies and vast potential markets of the former Soviet Union are not lost to a tyranny and repression that both threatens our Nation's security and economic future.

Mr. Speaker, therefore, this Member urges his colleagues to read the attached policy statement of the National Agricultural Advisory Council, take heed of their message, and vote for the Freedom Support Act.

POLICY STATEMENT OF THE NATIONAL AGRICULTURAL ADVISORY COMMITTEE

U.S. AID TO THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

We, the undersigned members of the National Agricultural Advisory Committee (NAAC), express our endorsement of a comprehensive U.S. aid package to support the emerging economies and democracies in the new independent states of the former Soviet Union.

We recognize the need to address pressing U.S. domestic issues, as well as other important international concerns. We strongly believe, however, that the active involvement of the U.S. is critical to the successful market-based economic and democratic political development of the former Soviet Union; and vital to the future stability and security of all the world's peoples.

We urge the creation of a working collaborative partnership between the U.S. public and private sectors—between the U.S. Government (USG) and U.S. agriculture and agribusiness—to provide technical assistance to, and promote U.S. trade and investment in, developing market-based food and agricultural economies in the former Soviet Union. The concerted action of the U.S. public-private sectors is mandatory to providing concrete long term agricultural and food system development in the former Soviet Union, fostering important trade and investment opportunities for U.S. agriculture/agribusiness, and accelerating the growth of the U.S. economy.

We believe that the U.S. aid initiative should authorize the President to waive the statutory provisions, remnants of the cold war, which restrict the development of normal commercial relations, and thus hinder U.S. agriculture/agribusiness. In an increasingly competitive global economy, U.S. legislation must encourage the development of new relationships and markets for U.S. businesses.

We are convinced of the inherent market potential of the former Soviet Union's emerging democracies. Experience has shown us that increased U.S. trade and investment in global markets means the creation of thousands of new jobs for American workers here at home. We therefore fully support U.S. aid for the former Soviet Union not only because it responds to the economic, political, and social needs of the former Soviet Union, but because it responds to our needs, the needs of the U.S. and the U.S. agriculture/agribusiness community.

We do not offer, and the emerging economies and democracies of the former Soviet Union do not ask for a "hand out," but rather the opportunity to develop mutually beneficial economic growth through increased U.S. agriculture/agribusinesses trade and investment. Together, we—U.S. agriculture/agribusiness and the USG through a comprehensive U.S. aid package for the former Soviet Union—can work for both regional and global peace, and help the peoples of the former Soviet Union put food on their tables and ours.

CONDOLENCES TO REPRESENTATIVE HENRY HYDE

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. RINALDO. Mr. Speaker, I want to join my colleagues in expressing my condolences to my good friend and colleague, Representative HENRY HYDE, on the passing of his wife, Jeanne. I had occasion yesterday to read in the CONGRESSIONAL RECORD the eulogy delivered by his son, Robert. It was a genuinely moving and loving memorial to a remarkable woman. This is a sorrowful time, but it is clear Jeanne Hyde was a woman of strong faith and devotion. I hope and pray that HENRY and all his family will be able to take solace in the knowledge that her faith was firm, her belief in God strong, and her courage in the face of a long illness a true example of her character and conviction.

I have known HENRY HYDE closely as a colleague and friend for many years, and my condolences go out to him and his family at this time.

COMMEMORATING GUAM'S PARTICIPATION IN THE XXVTH OLYMPIAD

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1992

Mr. BLAZ. Mr. Speaker, like so many Americans, I have been in the past week thrilled and inspired by the events in Barcelona. I rise today, however, to draw my colleagues' attention to the efforts of a small, but no less inspiring, group of young people from my district who are pursuing their own Olympic dream. I speak of the participation of Guam's Olympic team in the XXVth Olympiad in Barcelona, Spain. This is the second Olympics in which Guam has participated, the first being in 1988 in Seoul, Korea.

Participation in the Olympics is a life-altering experience. For an athlete to be able to compete with the fastest and strongest, to be present when records are broken, to see the brotherhood of nations on the field of open competition, is, for many, dream becoming reality.

What is more important, however, is the route which one had to take to get to the Olympics. The early morning practices. The long hours in the pool, or on the track, or in the gymnasium. The sore muscles and bruises. Dealing gracefully with the disappointment of defeat, and being magnanimous in victory. Learning that hard work and perseverance will be rewarded.

These sacrifices are rewarded by selection to be an Olympic participant. While only a few athletes receive medals, all Olympic participants are winners. Whether one comes from the biggest, the richest, and the most sophisticated country or the smallest, the poorest, and the most primitive of circumstances, the great common denominator—sports—makes them

all equal as athletes and as citizens of the world during their shining moments as participants in the most prestigious and celebrated sports event in the world.

In these troubled times, as we seek to cope with economic and political crises both nationally and internationally, it is most refreshing and reassuring to watch the Olympic events and note the quality of the men and women who are already prepared to assume leadership roles in their respective countries.

Mr. Speaker, as a territory of our great Nation, the United States, we are extended the opportunity to compete against our own country, literally speaking, in the field of athletics. It is supremely ironic indeed, as well as a magnificent commentary on the American form of democracy, that I am now appearing in this great Chamber, with pride and pleasure, to recall this year's Olympic events and to record in the annals of U.S. history the roster of the men and women who comprise the 1992 Guam contingent to Barcelona.

Biba U.S. Biba Guam.

GUAM OLYMPIC TEAM

Head of delegation: Governor Joseph F. Ada.

Swimming: Patrick Sagisi, Frank Flores, Ray Flores, Glenn Diaz, Adrian Romero, Barbara Pexa, Tammie Kaae, Ed Ching, Mick Pexa.

Judo: Erin Lum, Atef Hussein, Andy Jordanou.

Wrestling: Ed Pangelinan, Tom Schoen.

Cycling: Manny Garcia, Jazy Garcia, Andrew Martin, Martin Santos, Will Yamamoto, Jr., Margot Bean, Albert Juan.

Archery: Luis Cabra, Lee Webber.

Yachting: Jon Iriarte, Joe Pruski, Linda Yeomans, Ann Byerly.

Weightlifting: Edgar Molinos, Vincente "Benny" Crawford.

Officials: Michael J. Reidy, Chef de Mission; Richard C. Blas, Vanessa K. Blas, Judge Benjamin J.F. Cruz, Johnny Applegate, Monica Okada, Gordon Chu, James Ji.

Medical: Dr. Glocrito Sagisi, Dr. Davina Lujan, Roseann O'Rourke.

Athletics: Jenn Allred, Richard Bentley, Brian Foster.

Youth camp: Melissa Taitano, Francine G. Sablan.

Media: Thomas Evers Blaz, KUAM-TV; Marty Bahamonde Cable TV.