SENATE—*Tuesday, September 15, 1992*

(Legislative day of Tuesday, September 8, 1992)

The Senate met at 9 a.m., on the expiration of the recess and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

PRAYER

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

Let us pray:

Righteousness exalteth a nation: but sin is a reproach to any people.—Proverbs 14:34.

Eternal God of truth and righteousness, in this kaleidoscopic melee of crises, profound issues and superficial opinions, grant to the Senators and their staffs the wisdom of objectivity, grace to resist political expediency, patience in debate and negotiation. Give them determination to decide issues on their merits—restraint in destructive personal attacks. Infuse this place with a sense of Your transcendent presence and the desire to please You with righteous judgments and just decisions.

Gracious Father, despite all the cynicism, negativism, and anger of these days, transform aggravation and frustration into a productive legislative miracle.

In the name of Him who is righteousness incarnate. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 15, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, am I correct in my understanding that the Journal of proceedings has been approved to date?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, and Members of the Senate, there will now be 1 hour for debate on a motion to invoke cloture to permit the Senate to proceed to conference with the House of Representatives on important education legislation. I will have a statement on the matter prior to 10 a.m.

Am I correct in my understanding the time is to be equally divided and controlled in the usual form?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. MITCHELL. So, Mr. President, for the moment I suggest the absence of a quorum and ask the time be charged equally to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT

MOTION TO DISAGREE TO THE AMENDMENTS OF THE HOUSE

Mr. KENNEDY. Mr. President, I understand the time is evenly divided; am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this morning the Senate will conduct a cloture vote as part of our effort to proceed to a conference on S. 2, the Neighborhood Schools Improvement Act.

As the Members of this body know, this legislation is designed to assure that the Federal Government plays a more effective role in the current national effort to improve our public schools. The majority leader indicated in January 1991, that education reform would be one of the priorities of this Congress and he designated the school reform bill S. 2.

The Bush administration also pledged its commitment to education reform and announced the America 2000 program in April 1991. A month later, the administration submitted legislative proposals, and Senator PELL and I, along with a number of Republicans, introduced the legislation. The Senate Labor Committee held several hearings on education reform and on the ideas included in S. 2 and in the administration's bill.

S. 2 was the first issue put before the second session of the 102d Congress. For 2 days in January, the Senate considered this legislation and we had nine separate votes on amendments that were proposed. The vote on final passage of this bill was 92–6.

The House of Representatives carefully considered this issue in the subsequent months and, shortly before the August recess, the House passed its companion bill by a vote of 279–124.

The appropriate next step, of course, is a conference to resolve the differences between the two bills, followed by consideration of the conference report by both the House and the Senate. For the last week, the Senate has been trying to appoint conferees so that we can get on with the legislative process.

Unfortunately, we have not been able to do so because some Members of the Senate have refused to give unanimous consent to permit the appointment of conferees.

A similar obstruction took place in the closing days of the last Congress 2 years ago. The Senate tried to consider an education reform bill that was backed enthusiastically by the Bush administration. A small group of Senators refused to permit the bill to come up for action. As a result the bill died and we were prevented from acting to improve America's schools.

The bills we have before us have passed both Houses of Congress by wide margins. They have broad bipartisan support and they deserve to be sent to conference so that the Senate and House can complete action on them before the Congress adjourns.

Education is one of the Nation's most pressing domestic needs. Too many

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

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students are not ready to learn when they start school. The achievement levels of students need to be boosted across the board. Too many students leave school without graduating. Millions of other students leave school without the skills they need for our increasingly technological work force.

If America's faltering economic performance teaches us anything, it is that nations which invest in high-quality education and training will outperform those which do not. The United States spends a great deal of money on education. But there can be no doubt that we do not get the results we need if we are to be an economic power in the next century. We must improve our schools, and the Neighborhood Schools Improvement Act is an essential step in achieving that goal.

Many States and local communities have already adopted measures to upgrade the quality of education in the last decade. But the Federal Government has not yet met its responsibilities to improve the Nation's schools.

The Senate bill begins to correct that deficiency. Under the Neighborhood Schools Improvement Act, Federal funds would be distributed to the States on a formula basis and the States would use the money to conduct a competition among all the public schools in the State for grants to improve academic achievement. Five-year grants will be awarded to the schools and local communities with the strongest proposals.

This is a result of the strong recommendations that were made to our committee that what the schools basically need is continuity, predictability, certainty in terms of funding. What we are attempting to do is to balance that concept of continuity and predictability with accountability. So that at the end of the third year there has to be a demonstration that they are achieving some of the academic achievements which the proposal has enumerated in its program. If those academic achievements are being attained, there is the possibility that particular school might apply and have a follow-on grant for an additional 5 years. Schools must demonstrate progress in improving their academic achievement, or they lose their grants. We put the decisionmaking in the hands of school officials, so that funds will not be siphoned off by the school bureaucracies.

This has been a challenge, because we know of the tensions that exist between various groups at the local levels. What we have tried to do is recognize that the teachers are the ones in the schools, working with parents, who can really make the important difference in terms of enhancement of academic achievement.

So we have given new recognition to that importance, with new flexibility to the teachers, working with the parents in making the applications, which are granted on a competitive basis so that the funding will not be siphoned off by bureaucracies.

The bill includes several other important provisions.

First, it would facilitate the further development of national educational standards so that, for the first time, our Nation would have some agreement on what we expect children to know and be able to do in the most important academic subjects—math, science, history, civics, reading, and geography—at different grade levels.

Second, the Senate bill would allow the Nation to begin to develop national assessments test to better measure the educational achievement of individual students.

This is not an easy issue to try to resolve among the American people. There is enormous diversity about what we ought to do in terms of attempting to measure different kinds of performance. What we have tried to develop is a proposal that has been able to gather very considerable bipartisan support, and support among parents and among those in the education profession.

Third, the bill contains a regulatory flexibility provision to test the effect of relaxing Federal education regulations in States that reduce the amount of State regulation of their public schools.

We basically know there are a number of States making an effort to dramatically reduce the regulation, to simplify it so there will be a less onerous burden on local communities. We want to try that, as well. We have initiated a limited program that we will be able to evaluate and, hopefully, if there are good and positive results, we will share that with the rest of the country.

What we have seen in the past is that, in many instances, for example, in the chapter 1 program, where we have an overly strict regulatory process, it is working counterproductively to the goals of chapter 1.

On the other hand, at another time, a number of years ago, when we were trying to target resources on the neediest children, we found those resources were siphoned off to build swimming pools and buy pads for the football team.

We are trying to achieve a balance. We are constantly experimenting with recommendations and suggestions that are made by school teachers at the local level.

But the centerpiece of this bill is the effort to help restructure and revitalize the public schools. The legislation represents a new approach built on the kinds of reforms that are underway in many schools across the Nation. It does not just set up new Federal initiatives to solve a problem; it promotes systemic change in individual schools.

When I think of what this bill will do, I think, for example, of the Mason School in Roxbury, MA, where every child in the school has a personal learning plan designed by parents and teachers working together.

I think of Nashaba Valley, MA, where high school students are tutoring each other to improve academic achievement, and where all students—not just those being tutored—are getting higher grades.

I think of Quincy High School in Quincy, MA, where students are learning physics not just from a textbook but by building machines and learning about technology and its importance in their daily lives.

In all of these schools, the students are not bored or turned off. They are eager to learn and actively involved in what they are doing and what they are studying. These are not isolated projects in one or two classrooms—they are buildingwide projects that are part of a total restructuring of the school.

Public schools in communities across the country know what improvements are needed. They know how to improve the quality of education that is offered to their students. They recognize the importance of this legislation.

The Senate bill is widely supported in the education community. It draws on the best available research about educational achievement. Even the Bush administration, which has a different set of educational priorities in some respects, has indicated that it can accept the Senate bill. There is no justification for this last-minute effort to delay final action.

Tomorrow's economic growth and progress depend on the steps we take today to improve our schools. The Neighborhood Schools Improvement Act is vital to the Nation's future. I urge my colleagues to vote to invoke cloture on S. 2, and to permit the conference to take place.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I listened to my colleague with a great deal of interest, and I have to say this really is not a debate. Debate usually connotes two opposing sides on an issue, and there is not an opposing side, as far as I am concerned, on our committee.

In this instance, I—along with most of my colleagues—share the desire of the distinguished majority leader to proceed to conference on S. 2; and certainly the desire of our committee chairman, Senator KENNEDY, that we proceed to conference on S. 2. So there is really no reason to have a cloture vote. I do not think that it really is helpful.

But since we are going to have one, I urge my colleagues to vote for cloture so that we can go ahead and go to conference on this bill.

However, a few of my colleagues do have serious concerns—in fact, a num-

ber of my colleagues have certain concerns—with the House bill, as has been enumerated by our distinguished chairman. They want to reserve their rights to review and amend the House amendments. And, of course, that is their prerogative under Senate rules.

I understand the desire of the majority leader to complete work on education reform prior to our adjournment. However, I disagree with his analysis of this particular vote. I do not believe this action necessarily means that those colleagues who exercise this right—or any of us, for that matter—are trying to kill this bill.

In fact, I want to make it clear that the administration does not want to delay this bill. And I do not intend—and have never intended—to delay this bill. As I have said, I will vote for cloture, in other words, to end whatever debate there may be. I urge all of my Republican colleagues to do the same.

Since the inception of S. 2, we have been more than willing to work with my colleagues on the other side of the aisle on education reform. Education bills coming out of the Labor Committee have traditionally been bipartisan. The famous firm of Pell and Stafford—now Pell and Kassebaum—have produced many bills that all of us have been pleased to support, or at least the vast majority have been pleased to support.

I am sorry the consideration of this education bill has involved any form of partisanship. I would like to see that ended.

I might add that the House bill does have a serious number of deficiencies that I do not think the administration can accept. If political games are played and the conference report becomes the House bill, it may very well be vetoed. Of course, when I say political games, there are those who really want the President to veto an education bill so they can say he is against education in this very volatile and difficult political year.

Some of the things they are concerned about in the House bill happen to involve the possible use of funds from this bill to develop school-based clinics. This may open the whole abortion issue, for no good reason, in our educational process. I think we ought to try to avoid that issue when we can, especially in this bill, for the best interest of education.

The new American schools provision of the House bill is unacceptable to the administration and to many of us. It is just a very bad provision.

There will also be additional financial burdens placed on the States if the House bill passes. I think the States have enough financial burdens placed on them by Members of Congress. I think that is something that should be seriously considered.

In addition, the House bill would be less flexible than S. 2, the Senate bill.

Then, of course, there is little attention given in the House bill to the Secretary of Education's concept of break-the-mold schools. Here we have an active Secretary of Education. He is certainly a moderate, a former Governor who was rated very high because of his leadership in education, who wants break-the-mold schools, demonstrating new and innovative ideas in schools, and the idea is completely ignored.

It looks as though, to many people, that innovative ideas are ignored in the interest of playing politics. Naturally, the administration is very distressed, and I think concerned, that their school choice initiative was not adopted in S. 2.

But we had a good debate on the school choice demonstration amendment to S. 2. We fought it out here on the floor. That was my amendment, and I think we got 36 or 37 votes.

We clearly had a good debate; we clearly fought it out. It is an idea whose time will come in the future, it seems to me. Sooner or later the American families, especially those living in the inner city, will demand flexibility so they can send their kids to the best schools.

As you recall, in my amendment school choice only applied to those families that are 185 percent of poverty or less, the poorest of the poor, and then only to the tune of $30 million, which is really a small percent of the total funds in here.

It was a pilot program in six areas of the country, and our fellow Senators here on the floor were not even willing to try that—an innovative, new idea that might work. One reason they were not willing to try such a small project is because the education lobby is so strong in Washington and they are opposed to any ideas of school choice. They will do anything to stop it and stop these innovative ideas that just might possibly break the mold and help us to get out of the morass that we are in with regard to our school systems in this country.

I do not see any reason in the world why we should not have done that for that very small group of people, 185 percent of poverty or less, whose kids qualify for school lunches, to the tune of only $30 million, about 1 percent of the Federal education budget, in only six areas of the country.

Where is education heading when the leaders of education are afraid to try new and innovative ideas? If it does not work, we are not going to expand it. It would have had a sunset provision whereby it would have ended if it did not work. But boy, if it did work, poor families would have a chance to have their kids get the best education. It put competition into our schools, public, private and religious, and it would have been done in a constitutionally sound way. Parents would have received the vouchers and they could have spent them any way they wanted. If it would work, my goodness gracious, how much better off would be the future of America.

It was not a great risk. It was not a great cost. It was not really a great deal of difficulty to do something like this. But our colleagues voted it down. The education lobby has fought this tooth and nail all over this country, the latest of which has been in California, where they threw out thousands and thousands of names, derived from fraudulently signed petitions, to keep it off the ballot. They were so afraid of the intellectual public debate that would have occurred. And they will throw it into next year's election, which will not be nearly as important, not nearly the turnout, and hopefully they can beat it at that time.

But I serve notice to them that these ideas are here to stay, and they are going to be brought back again and again and again until they are ultimately given an opportunity to be fully debated, considered and passed, to be implemented, and to see if we can do something to help our schools and our kids throughout the country.

There is one other thing I wanted to bring to the attention of our colleagues. I personally oppose the use of the chapter 1 formula in the House bill to distribute the funds. It is a very unfair formula, more than 10 years old. It is based on an out-of-date census, and it really does mistreat some of the States whose populations of poor students have grown and are making an effort to educate these kids but do not have the resources of wealthier States. The chapter 1 formula just has to be changed to be more equitable.

Now, to the credit of my colleague from Massachusetts, he has indicated we will hold hearings on this and look at it, and I know he will do that. This is very important to us.

The Senate bill uses both chapter 1 and chapter 2 and, therefore, I support the Senate provision. I think it is a much more fair, much more equitable, and much more workable and considerate provision. We need education reform in all schools.

We can all do something right for America if we will hold to the Senate bill and not take the House bill. If the House bill passes, I cannot guarantee the administration will not veto it. If this occurs we may not have this education bill with some of the good ideas that are still in it. I think that might be a harmful thing to our country.

On the other hand, if the House insists on having its bill and our colleagues in the Senate give them their way, then I suspect that in the final package, the conference report will be vetoed, and I personally believe that a veto will be sustained.

Now, who knows? It all comes down to whether people want to play politics with it. I personally would like to pass

an education bill. I have lost on something that is very important to me and I think something that has merit. However, I think there are enough provisions in the Senate bill that justify passing this bill.

I have to say that I believe the Senator from Massachusetts and the Senator from Rhode Island, the two leaders on the Democrat side of the committee, have been very sincere in trying to get a bill through that will work and will do a lot of good in our society.

I wish to pay special tribute to Senator KASSEBAUM, who is the ranking minority leader on the Education Subcommittee, for her work on S. 2 and for the long, hard hours she has put in to try to bring parties together and resolve the problems involved.

So I do not consider this a debate. It is an exercise to go through an hour before a cloture vote, which I know will pass and which I encourage all of our Republican colleagues to support. I am sure our Democratic colleagues should support it as well, and I think it is right to do so. I hope we can go to conference and hold on to the Senate language if we can. If we can do this, we are going to have a piece of legislation that, though somewhat deficient in my view, is still worthwhile and which I think the President will sign into law. If we play politics with it, who knows what is going to happen in these waning hours of this session. It could be we will not have this type of an innovative education bill this year, and I for one would hate to see it come to that under the circumstances.

I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the reason we are having the cloture vote at this time is that there has been objection to the majority leader's request to appoint conferees so that we could go into the conference and consider the differences between the House and Senate.

When we conferenced on the higher education legislation, it was a difficult, complicated series of issues. There were areas where the administration had strong reservations. We went to the conference and worked out a compromise in the positions between the House and Senate, taking into consideration the views of the administration, and we were able to move forward with support by the President.

The issue at stake at that time was the new direct loan program which will offer new opportunities for working families to acquire additional loan resources at reasonable rates to fund the education of their children. That was a matter of some dispute. We worked that out.

Now, I do not think we can expect to give an ultimatum to the House of Representatives in terms of take the Senate bill or nothing, nor should they expect to tell us to take the House bill or nothing. We have worked in good faith with our colleagues in the House. They approach some of these issues differently. I think some of the areas, at least the policy matters which they are attempting to try and legislate, have some sound basis from a public policy in fact.

But nonetheless, we are attempting now just to move to see whether we get to the conference. And there has been objection that has been raised to the appointment of the conferees. There is no other opportunity under the Senate rules to move toward appointing the conferees so we can get into the conference unless we go through this rather arcane procedure. And it is an arcane procedure. Here you have the ranking minority member of the committee. In my conversations with the minority member of the education committee—Senator KASSEBAUM can speak for herself and will—but it indicated that she was prepared to vote for cloture.

So we have those individuals who want to move toward cloture, but nonetheless under the Senate rules there are attempts to sidetrack this legislation. And it is important legislation. There are moneys which have already been set aside and appropriated that can go into effect immediately and help schools.

Of course this is across this country, and every day we delay on that we are delaying giving help and further support for local schools across this country.

People ought to have an idea about at least who wants to take this process further forward and who wants to resist it.

So I am very hopeful that we can move ahead with a strong vote this morning and hopefully permit the majority leader to name the conferees so we can get about the business which I think the American people want us to get about, and that is in terms of education reform.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts has 14 minutes 30 seconds. The Senator from Utah, 14 minutes 53 seconds.

Mr. KENNEDY. I reserve the remainder of my time.

Mr. HATCH. Mr. President, the bottom line is that really no one on this side of the aisle wants to play politics with the Senate bill. We made this agreement. Many of the House bill provisions, either because they go in the wrong direction or because they will authorize Federal taxpayer dollars for more programs, with more strings, are just business as usual. But we are going to take our disagreements into conference, and see what can be done.

I hope that our distinguished friend from Massachusetts, the chairman of the committee, Senator KENNEDY, will remain committed to the bipartisan compromise that we have worked out in the Senate bill. I hope that he will join us in supporting all of these provisions in the conference because if he does not, I think it gets into nothing but a political battle. At that point, I just think that education suffers.

I do not fault my colleagues who desire to tackle these House provisions here in the Senate but I have to say I am ready to fight for the Senate position in conference, and I hope that we will all stand united as we always have. It is the way to get education bills done. My experience on the Labor and Human Resources Committee over the last 16 years is that we have worked together, and generally we have come out with bills that have brought the sides together rather than play politics with them.

So again, I urge my colleagues to support cloture, and I ask unanimous consent that a quorum call be entered with the time divided equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 10 minutes remaining.

Mr. KENNEDY. I yield myself 5 minutes.

Mr. President, earlier this morning, I had the opportunity to meet with some of those teachers and principals that have been invited to Washington in a sponsored program, actually by the Burger King Corp. They have developed this program over recent years. We had, last year, the opportunity, the full Senate—the Labor Committee had a hearing listening to some of the teachers in the course of the morning, and it was really some of the most inspirational, moving testimony that our committee had received about what was really happening on the firing line in the schools of this country with a number of very valuable suggestions and recommendations.

And again, this morning, over the period of today, I believe, somewhat yesterday, perhaps tomorrow, they are continuing their program and meeting with those up in the House and the Senate who spend their time on education issues; and it always has struck me, this morning as at other times, that we as a nation, although we talk about education and many different forums, and I am sure there are 30 different politicians at this very moment

making speeches about education, talking about it as a high priority, and it is a high priority.

We do not reflect that in terms of the total resources that we provide. Money is not everything. But it is also a pretty good indication about the things that we believe are important in our society. And we have not given that kind of elementary secondary education effort, the kind of commitment as a nation that we should. But as we think about what the needs are in education, I think it is entirely appropriate that we, as a country, really honor those individuals that are spending the time with the children in this Nation day in and day out, complicated by the whole range of the additional kind of social problems that the Nation is facing, and are still out there giving their best, inspiring young people to give something back to their community and country.

So I think and urge all of our colleagues to continue to emphasize the importance of our school teachers in the classroom and what a difference they make. In the brief comments that I had the opportunity to make, I have indicated those teachers that had inspired me in school and later in college. I can remember both President Kennedy and Robert Kennedy having similar experiences, and I am sure every Member of this body on both sides of the aisle could give similar stories.

So I do think as we are considering this legislation, we ought to give consideration and recognition and additional kind of respect for teachers, for what they do for all of our families.

I might mention, Mr. President, just in the time that remains, what we are really trying to do in terms of the local school. These are the kinds of activities which we are attempting to encourage in the legislation, and we would hope that in the development of the various grants—this is not an exclusive list—but we try to indicate in the legislation some of the possibilities that could be put into a program that the State might support. I will mention some of those.

One is for the continuous and comprehensive early childhood education. We know the principal instrument for that is the Head Start Program. I am a strong believer that we should make it an entitlement. We debated that in our committee and, to some extent, on the floor. We could not find the billions of dollars to make that an entitlement phased in over a period of time, but we find billions of dollars at the drop of a hat for other policy considerations.

There are enhanced academic programs, including supplemental instruction programs, thinking skills, and activities to increase the participation of minority and female students in math and science courses. We are missing extraordinary talent from women and minorities in our science and math fields. And in the whole areas of research, the clinical research, advanced research in both the public as well as the private area, we have to find areas. The National Science Foundation has a responsibility in this area as well.

We look at the disparity in the recent test between the female students and male students in areas of science, and it is significant and true in minorities as well, those individuals. Those individuals need the further nurturing in terms of continuation in math and science areas, so that we will not, as a country, lose those particular talents.

Third, school-based management programs designed to move forward for decisionmaking in the school building level and increase the participation of teachers, parents, and school governors. I think all of us are very much aware of some of the very exciting undertakings of school-based management. We have seen it; I have seen it down in Dade County, FL, and in a number of different communities. The budget is a key item. States are slow, and communities are slow to give that kind of authority to teachers. We have to move down that road, I believe, if we are going to be serious about bringing change.

Fourth, the provision of coordinated educational-vocational services within the school which may include comprehensive programs developed with input from local, State, and area business leaders to provide options for those high school students unlikely to attend a postsecondary school, and academic instruction with technical schools to provide training necessary to succeed in the technical career.

Sixty percent of our high school students do not go on to higher education, and we do very little. What we do, we do rather poorly in terms of moving from school to work, in the private sector areas. This is an area of public policy where our competitors do extremely well. European countries do extremely well. Other nations in the Far East do well. We do not have to replicate their particular program, but we have to be more sensitive to that particular challenge.

The excellent program that has been developed by Ray Marshall and Bill Brock—a bipartisan program—made some interesting recommendations. We have legislation, bipartisan legislation, in our Senate committee as a high priority. We intended to move that as soon as we dispose of this legislation, and every delay on this delays us on that.

Furthermore, fifth, projects to increase the knowledge and skills of school teachers in a variety of different proposals. Some communities had sabbaticals for teachers. That exists in our country; not frequently, but it does exist. Obviously, increasing the opportunity for teachers to upgrade their own skills in terms of teaching is something we ought to give priority to.

Sixth, educational enrichment projects to meet the needs of educationally disadvantaged students with disabilities, limited English proficient students; those are in particular communities. There are very special needs we have seen.

How much time does Senator HATCH have?

The ACTING PRESIDENT pro tempore. The Senator from Utah has 9 minutes.

Mr. KENNEDY. I yield myself 6 minutes of Senator HATCH'S time.

We have found, for example, there are over 100,000 new immigrants in my own city of Boston from Brazil. I had mentioned earlier at the teachers meeting this morning that Lowell, MA, has the second highest number of Cambodians from Phnom Penh. Many immigrants settled in the United States; a second wave came and they wanted to be close together. They came and are making important contributions to that community. It is an old, depressed community, old, industrial community. They are doing their best in the private sector being creative and imaginative. We have to be sensitive for the very special needs that those communities have.

Seventh, the project to improve conditions of adequacy of buildings. Institutional facilities and equipment are directly related to improved student achievement. This is particularly a problem in many older cities of this country. Half of the school buildings in my own city of Boston are over 50 years old with all the different challenges that they face. We cannot expect that this legislation is going to be a massive rebuilding for the institutions, but some understanding of that.

Just finally, Mr. President, I will mention very quickly the projects to strengthen parents' involvement in education to increase the partnership between families and schools. We are finding in a number of different schools where they are improving and strengthening the literacy programs of parents, particularly if they are foreign language parents, the impact that has on the students has been very, very positive.

Extended days a year projects, especially projects with academic components, some schools are experimenting with that. This is an area where Chairman CLAIBORNE PELL has been particularly interested. Our competitors are up to 240 days a year; we are about 180 days a year. We ought to be experimenting with that so there will not be the reluctance because of parents, but quite frankly the initial programs have been very, very positively received.

Mr. President, I hope that our colleagues will review the legislation, pages 62, 63, and 64. This is, as I mentioned, a noninclusive list but basically reflection of the number of excellent

selections primarily by teachers that have been provided and there is a continuation of those kind of programs, and I think they really represent the best that we have been able to gather in terms of the types of activities that should be encouraged.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I am reminded today of a comment I heard in Oregon recently: Education is too important to leave to the politicians. Many outside of Washington do not expect to see Federal education reform from the Congress in this election year. Much to my disappointment, the procedural dilemma we find ourselves in this morning confirms their view. Our time should be spent considering the merits of this legislation rather than deciding whether to send this bill to a much-needed conference committee.

I will cast my vote to move S. 2 and H.R. 4323 to conference. Several meaningful concepts of education reform are included in S. 2. I am particularly gratified by the Senate's vote of 95-0 earlier this year to add en-flex provisions to the bill. While the House has included flexibility provisions in H.R. 4323, it is imperative that we have an opportunity to resolve critical differences between the two versions.

I join with my colleagues on the Senate Labor Committee in endorsing efforts to resolve these issues and move a comprehensive elementary and secondary education reform bill to the President.

Mr. SIMPSON. Mr. President, I rise today to support the motion to invoke cloture on the motion to disagree to the House amendments to S. 2, the education bill. I do not believe that delaying the process any longer will aid the children we are trying to help.

We have heard the pleas from the parents, teachers, and students of this Nation asking for some help with their efforts to expand innovative education projects. The President responded with his America 2000 plan, which encourages and rewards change. The Democrats in Congress responded with their own versions of an education bill. This past January, we had a very lively and thoughtful debate on the Senate version of the education bill.

Certainly, the final provisions of the Senate education bill were not entirely what I would have wished for—we lost a tough one on Senator HATCH's amendment to provide a pilot program for low-income students to participate in a school-choice program. But taken as a whole, the bill did offer several provisions that I believe will offer some concrete assistance to schools in my home State of Wyoming and throughout America.

The education bill passed by the House on August 11 is not as comprehensive or as fair as the Senate bill. The House bill includes no funding for any school choice program—even in public schools. The Senate bill provides funding for a public school choice program. The House bill also does not provide the flexibility for schools receiving Federal funding which the Senate bill does. Furthermore, it places additional undue financial burdens on States to pay for these programs, which may well be very expensive to implement.

The Senate bill, in contrast, offers more flexibility. Our version of the bill is closer to the President's America 2000 education plan—which, by the way, has never been considered on the floor by either body. It will certainly not solve all the problems that plague the American education system, but it is a start.

I have all the faith in the world that my Republican and Democratic colleagues who will be appointed to the conference committee on this bill will "fight the good fight" to see that the best provisions of the Senate bill are kept in the conference report. I urge my colleagues to join me in voting for cloture.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I wonder if the Senator will yield me what time is remaining.

Mr. KENNEDY. I yield whatever time remains to the majority leader.

Mr. MITCHELL. Mr. President, the Senate finds itself in an extraordinary situation. Earlier this year over a period of 5 legislative days, the Senate debated at length a bill to improve our Nation's system of education. It is a very important bill, one which everyone ascribes a high priority to. During that time nine separate votes were cast in the Senate in relation to the legislation and the bill was finally approved by a vote of 92 to 6; 92 Senators voted for the bill and only 6 voted against it.

Later on the House acted on the measure and passed a bill which is similar but not identical to the Senate bill.

Now, under the ordinary procedures of this body followed nearly 100 times previously in this Congress, the House and Senate appoint conferees who meet in conference, reconcile the differences between the two bills, and a single bill comes back from both Houses for enactment and the President's signature.

Under the Senate rules, which are complex and arcane, three separate legislative steps are necessary to proceed to conference. Not in my memory in the Senate and surely not since I have been majority leader, and that is nearly 4 years, have we ever had to have a cloture vote to take those three steps. That is a vote which requires 60 Senators to vote in the affirmative, and yet we are being forced to do that today because of a Republican objection, an objection which will not be stated publicly.

We scheduled 1 hour of debate this morning and not a single word has been said publicly as to why the Senate is being forced to take this extraordinary step. What kind of a position is it that no one will stand up and publicly defend? And yet the Senate is forced to use up precious time and the most important fact is that this legislation, important legislation, to improve our public school system is being delayed in what is an obvious effort to kill the bill.

Mr. President, I hope that those 92 Senators who voted for this bill will now vote to permit the bill to go to conference. It is a logical extension of the legislative process that after we pass a bill and the House passes a bill we have to go to conference to reconcile it.

Once we complete action on this bill and get it to conference—and I am going to take the remaining steps immediately after this vote if 60 or more Senators vote in the affirmative, after we complete that we will proceed to the supplemental appropriations bill and I hope that there will be no delay in permitting us to proceed to that bill. That is emergency disaster relief for the people of Florida, Louisiana, and Hawaii on which the Senate must act.

If there is to be objection, I hope the objection will be stated publicly and the reasons for the objection stated publicly.

It is extraordinary that the Senate should be required to go through this procedure and then even more extraordinary that not a single word has been stated publicly as to why the Senate is being required to go through this procedure.

I encourage my colleagues to cast a decisive, even overwhelming vote so that not only will we get action on this bill, important as that is, but that we will not be required to go through the time-consuming, indeed time-wasting process through which we have had to go to get to this point on this bill.

It seems to me that when the Senate debates a bill for a week, when it casts a substantial number of votes in relation to the bill, and then when 29 Senators vote for the bill, that is a pretty clear indication of the Senate's sentiments on such a measure.

That is the case here. Education is critical in our society. We all know that. This is a very important bill and I encourage my colleagues to vote in the affirmative to invoke cloture on the motion to disagree to the amendments of the House of Representatives to the Neighborhood Schools Improvement Act. As I said, following this vote, if 60 or more Senators vote in the affirmative, as I hope they will, then I intend to seek consent to complete the final steps to get this bill to conference and to enable us to proceed immediately to the supplemental appropriations bill, which is very important pending emergency legislation.

Mr. President, I thank my colleagues for their courtesy, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. How much time remains?

The ACTING PRESIDENT pro tempore. Two minutes remain.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of the time for both sides.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. The hour of 10 a.m. having arrived, under the previous order the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on motion to disagree to the House amendments to S. 2, the National Literacy and Strengthening Education for American Families Act:

Paul Simon, Carl Levin, Dennis DeConcini, Bill Bradley, Harris Wofford, Brock Adams, Christopher Dodd, Patrick Leahy, Wendell Ford, John F. Kerry, Jay Rockefeller, Don Riegle, Paul Wellstone, Paul Sarbanes, Dale Bumpers, Richard Bryan, Edward Kennedy, David Pryor, Wyche Fowler.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. By unanimous consent the quorum call has been waived.

VOTE

The ACTING PRESIDENT pro tempore. The question is, Is it the sense of the Senate that debate on the motion to disagree to the amendments of the House of Representatives on S. 2, the Neighborhood Schools Improvement Act, shall be brought to a close. The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Hampshire [Mr. RUDMAN], and the Senator from California [Mr. SEYMOUR] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. DOMENICI] would vote "yea."

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 85, nays 6, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—85

Adams	Fowler	Mikulski
Akaka	Garn	Mitchell
Baucus	Glenn	Moynihan
Bentsen	Gorton	Nickles
Biden	Graham	Nunn
Bingaman	Grassley	Packwood
Bond	Harkin	Pell
Boren	Hatch	Pressler
Bradley	Hatfield	Pryor
Breaux	Heflin	Reid
Brown	Hollings	Riegle
Bryan	Inouye	Robb
Bumpers	Jeffords	Rockefeller
Burns	Johnston	Roth
Byrd	Kassebaum	Sanford
Coats	Kasten	Sarbanes
Cochran	Kennedy	Sasser
Cohen	Kerrey	Shelby
Conrad	Kerry	Simon
Cranston	Kohl	Simpson
D'Amato	Lautenberg	Specter
Danforth	Leahy	Stevens
Daschle	Levin	Thurmond
DeConcini	Lieberman	Warner
Dixon	Lott	Wellstone
Dole	Mack	Wirth
Durenberger	McCain	Wofford
Exon	McConnell	
Ford	Metzenbaum	

NAYS—6

Craig	Helms	Symms
Gramm	Smith	Wallop

NOT VOTING—8

Chafee	Gore	Rudman
Dodd	Lugar	Seymour
Domenici	Murkowski	

The PRESIDING OFFICER. On this vote the yeas are 85, the nays are 6. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. If there is no further debate on the motion to disagree, the question occurs on the motion to disagree.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4]

Fowler	Lieberman	Sasser
Inouye	Mitchell	
Kennedy	Roth	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

Mr. MITCHELL. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Indiana [Mr. LUGAR], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Hampshire [Mr. RUDMAN], and the Senator from California [Mr. SEYMOUR] are necessarily absent.

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

The result was announced—yeas 80, nays 12, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—80

Adams	Exon	Metzenbaum
Akaka	Ford	Mikulski
Baucus	Fowler	Mitchell
Bentsen	Garn	Moynihan
Biden	Glenn	Nunn
Bingaman	Gorton	Packwood
Boren	Graham	Pell
Bradley	Gramm	Pressler
Breaux	Grassley	Pryor
Brown	Harkin	Reid
Bryan	Hatch	Riegle
Bumpers	Hatfield	Robb
Burns	Heflin	Rockefeller
Byrd	Hollings	Roth
Coats	Inouye	Sanford
Cochran	Jeffords	Sarbanes
Cohen	Johnston	Sasser
Conrad	Kassebaum	Shelby
Cranston	Kennedy	Simon
D'Amato	Kerrey	Simpson
Danforth	Kerry	Stevens
Daschle	Kohl	Thurmond
DeConcini	Lautenberg	Warner
Dixon	Leahy	Wellstone
Dodd	Levin	Wirth
Dole	Lieberman	Wofford
Durenberger	Mack	

NAYS—12

Bond	Lott	Smith
Craig	McCain	Specter
Helms	McConnell	Symms
Kasten	Nickles	Wallop

NOT VOTING—7

Chafee	Lugar	Seymour
Domenici	Murkowski	
Gore	Rudman	

So the motion was agreed to.

The PRESIDING OFFICER (Mr. ROBB). With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PRESSLER. Mr. President, I ask unanimous consent to proceed as in morning business.

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

SIOUX FALLS, SD: CITY GOVERNMENT MERITS NATIONAL RECOGNITION

Mr. PRESSLER. Mr. President, last week I had the pleasure to report to the U.S. Senate that Sioux Falls, SD had been named "the best place to live in America" by Money magazine. This distinguished award was made as part of Money magazine's annual survey of the country's 300 largest metropolitan areas.

Today, I am again privileged to have the opportunity to sing Sioux Falls' praises. The city once again has received national recognition, this time for its excellent city government.

The Sioux Falls city government is listed in the top 10 percent nationwide according to the publication, Municipal Analysis Services Inc. The publication rated city and county governments based on their effective use of financial resources. The rankings are based on several factors, including:

Diversified funding sources;

High employee productivity;

Controlled expenses in Government departments;

Careful use of Federal and State aid; and

Use and control of debt.

There is a definite correlation between the city government's high rating and the city of Sioux Falls being named the best place to live in America. This effective local government, comprised of the mayor and four commissioners, is a key factor in Sioux Falls' success. I commend Sioux Falls city officials—Mayor Jack White, Utility Commissioner Gary Hanson, Public Works Commissioner Robert Jamison, Finance Commissioner Matt Stabb, and Public Safety Commissioner Craig Steensland—for their tireless contributions to the Sioux Falls community.

Typical of most political years, the Nation is inundated by the press with negative stories on America's governmental system, touting ineffectiveness and the need for reform. I am pleased to report that America's Government can and does work. Sioux Falls, SD, is an excellent example of one local government that works extremely well.

Today, Vice President QUAYLE and Senator GORE will be visiting South Dakota and the city of Sioux Falls. They will have the opportunity to see first hand this country's No. 1 city and more importantly, meet its No. 1 citizens.

Mr. President, I ask unanimous consent that an article from the Sioux Falls Argus Leader and a profile of the city's local government be printed in the RECORD immediately following my remarks.

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

SIOUX FALLS GOVERNMENT IN TOP 10

(By Corrine Olson)

Sioux Falls received high marks from a publication that looked at how good a job governments nationwide are doing.

Municipal Analysis Services Inc., a publication based in Austin, Texas, rated city and county governments on the basis of how effectively they used their financial resources.

City government in Sioux Falls received a 68 on a scale of 100, but it's still listed in the top 10 percent nationwide.

"They have to be doing better than almost everyone else," said Greg Michels, editor of the publication. "Other cities would tend to look at Sioux Falls and see how they do things. That is the kind of trend we hope to encourage."

The government rankings are based on factors including:

Diversified funding sources.

High employee productivity.

Controlled expenses in government departments.

Carefully using federal and state aid.

Using and controlling debt.

While the city of Sioux Falls performed well in the survey, Minnehaha County received a rating of 37. County Auditor Sue Roust said she has no record of the company asking for information and isn't sure what that low number is based on.

A recent bond rating in preparation for financing of a work-release jail and additional office space convinced Roust that the county is financially sound.

"We have absolutely no debt, so we had to get a credit rating," she said. "We got a AA-1, an exceptionally high rating. Anything in the A category is a good, solid investment."

Mayor Jack White said the city performed well in the study because it watches finances closely.

"We're very careful to pay our bills," he said. "We have a debt limit that we're not even close to. We're, in a way, frugal. Our background and our heritage lead us to act in government like we would act privately."

Michels said the ratings show that, generally, all governments have room for improvement.

"Theoretically, the best governments would rank in the 90th percentile, so there's room for improvement," he said. "They're all working in the context that it is difficult for government to change."

SIOUX FALLS LOCAL GOVERNMENT

SIOUX FALLS CITY GOVERNMENT

The City of Sioux Falls has a five-person city commission form of government, a Mayor and four Commissioners, all full time. The Mayor and Commissioners were elected for one-to-five-year terms when the five-member commission was initiated in 1986. As these original terms expire, subsequent commissioners will be elected for five-year terms. Each has one vote in City Commission meetings. Although the Mayor does not have the power to veto, he does have the final vote on all issues before the City Commission. The responsibility for the various departments of the City of Sioux Falls is partially designated by South Dakota law with the remainder being divided between the Mayor and the four Commissioners by resolution each year.

ZONING DISTRICTS

District and Use:

A-1—Agricultural.

AG—Agricultural.

RR—Rural Residential.

RS-1—Residential.

RS-2—Residential.

RD—Residential.

RA-1—Residential.

RA-2—Residential.

RC—Recreation/Conservation.

C-1—Neighborhood Commercial.

C-2—General Commercial.

C-3—Central Business.

C-4—Planned Commercial.

I-1—Light Industrial.

I-2—General Industrial.

O—General Office.

S—Institutional.

PD—Planned Development.

MINNEHAHA COUNTY GOVERNMENT

Sioux Falls is the county seat of Minnehaha County. Five county commissioners, five circuit judges and six county officials are selected. Seventeen other county officials and two law-trained magistrates are appointed.

SIOUX FALLS LAW ENFORCEMENT

Police Department:

The Sioux Falls Police Department maintains a force of 166 persons, including 148 officers and 18 non-sworn employees. The high number of police cruisers per capita in the patrol division accounts for a low average response time.

Sheriff's Department:

The Minnehaha County Sheriff's Department is staffed by 73 full-time and 6 part-time employees.

CRIME STATISTICS

The low crime rate in Sioux Falls has resulted in the community being named one of "America's 50 safest cities."

1990 Major Crimes in Sioux Falls (Annual Total):

Criminal Homicide, 4; Rape, 48; Robbery, 33; Aggravated Assault, 178; Burglary, 661; Larceny, 3,624; Auto Theft, 175.

SIOUX FALLS FIRE DEPARTMENT

The Sioux Falls Fire Department has a total force of 167 people, including the chief, the deputy chief and five battalion chiefs. The department responds to emergency calls from eight stations that are strategically located throughout the city. One is located at the airport and another in the Sioux Empire Development Park.

Total Annual Fire Loss in Sioux Falls: 1980, $1,481,760; 1990, $1,396,057.

STREETS AND HIGHWAYS

The City of Sioux Falls maintains over 456 miles of paved streets. Several U.S. highways and the interstate highways also make up part of the city's total transportation network. A 100 mile system of emergency snow routes is kept clear at all times and snow removal in residential areas is normally completed in 12 to 16 hours following an accumulation of more than two inches of snow.

Sioux Falls City Budget—1991

[Functions and Activities]

	Appropriations	Percent
General Government	$14,081,752	13.76
Public Safety	15,452,685	15.10
Highway & Streets/Sanitation	8,170,316	7.99
Health	1,912,680	1.87
Culture & Recreation	6,317,610	6.18
Conservation & Development	2,572,221	2.51
Debt Service	276,000	.27
Enterprise Funds	24,560,107	24.01
Agency Funds	8,798,856	8.60
Internal Service Funds	1,830,321	1.79
Total	102,300,184	100

VITAL STATISTICS—CITY OF SIOUX FALLS

Date of Incorporation: March 20, 1889.

Charter Adopted: May 24, 1889.

Area: 47.24 square miles.
Altitude of Downtown Business Area: 1,395 feet above sea level.
Latitude: 43° 32′ 35″.
Longitude: 96° 43′ 35″.
Paved Streets: 456.92 miles.
Storm Sewers: 372.63 miles.
City Employees: 920.
Registered Voters: 56,645.
Percent Registered Voters Voting in 11/6/1990 Election: 62.3.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now agree to the motion to disagree to the House amendment, agree to the request of the House for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The PRESIDING OFFICER (Mr. ROBB) appointed Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. DODD, Mr. SIMON, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. HATCH, Mrs. KASSEBAUM, Mr. COCHRAN, Mr. JEFFORDS, Mr. THURMOND, and Mr. COATS conferees on the part of the Senate.

SUPPLEMENTAL APPROPRIATIONS, TRANSFERS, AND RESCISSIONS ACT, 1992

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 661, H.R. 5620, an Act making supplemental appropriations for the fiscal year ending September 30, 1992, and for other purposes.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5620) making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, 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 Appropriations, with amendments; as follows:

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration", **[$1,795,000]** *$3,000,000,* to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

FOREIGN FISHING OBSERVER FUND

(RESCISSION)

Of the unobligated balances in the Foreign Fishing Observer Fund, $1,309,000 are rescinded.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING RESCISSION)

Of the funds available under this heading, $3,500,000 are rescinded.

For an additional amount for "Operations, research, and facilities", $1,500,000, to remain available until expended, for lease costs of the National Marine Fisheries Service laboratory at Sandy Hook, New Jersey.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the funds available under this head, $2,100,000 are rescinded.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

Amounts appropriated under this title by Public Law 101-515 and available through September 30, 1992, for debt collection training, locating debtors and their property, and selling debtor property also may be used for processing and tracking debts owed to the United States Government.

[DEPARTMENT OF STATE

[INTERNATIONAL ORGANIZATIONS AND CONFERENCES

[CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

[For an additional amount for "Contributions for International Peacekeeping Activities", $80,000,000.]

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

[DEFENDER SERVICES

[For an additional amount for "Defender Services", $31,250,000, to remain available until expended.]

NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL

The language under the heading "Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses" in Public Law 102-27 is amended by deleting "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

Notwithstanding the requirement of section 415 of Public Law 101-650 to submit the report mandated by said section not later than one year after the date of the Commission's first meeting, the National Commission on Judicial Discipline and Removal shall submit to each House of Congress, the Chief Justice of the United States, and the President, the report mandated in said section no later than August 1, 1993.

[RELATED AGENCY

[EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and expenses", $1,000,000, to remain available until September 30, 1993.]

TITLE II

DEPARTMENT OF DEFENSE—MILITARY SUPPLEMENTAL APPROPRIATIONS

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", $116,000,000, to remain available for obligation until September 30, 1992.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", $33,000,000, to remain available for obligation until September 30, 1992.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", $263,000,000, to remain available for obligation until September 30, 1992.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", **[$69,700,000]** *$19,700,000,* to remain available for obligation until September 30, 1992**[**: *Provided,* That $50,000,000 of this appropriation shall be used to provide educational assistance related to the education of dependents of members of the Armed Forces in areas which have a significant increase in the number of such dependents as the result of relocation or realignment of Armed Forces personnel: *Provided further,* That the $50,000,000 specified in the preceding proviso shall be made available only to supplement, not supplant, the amount of any other Federal, State, or local government funds otherwise authorized or expended for education of dependents of members of the Armed Forces: *Provided further,* That a portion of that $50,000,000 may be made available for construction**]**.

ENVIRONMENTAL RESTORATION, DEFENSE

For an additional amount for "Environmental Restoration, Defense", $447,500,000, to remain available for obligation until September 30, 1992.

ADMINISTRATIVE PROVISION

Of the funds appropriated in the above accounts for environmental restoration and compliance, $730,500,000 shall be obligated and expended not later than September 30, 1992.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

For an additional amount for "Research, Development, Test and Evaluation, Defense Agencies", **[$7,000,000]** *$69,800,000,* to remain available for obligation until September 30, 1993.

REVOLVING AND MANAGEMENT FUNDS

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

For an additional amount for "Pentagon Reservation Maintenance Revolving Fund", $80,100,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $3,400,000.

TRANSFER OF FUNDS

OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF ADDITIONAL FUNDS)

For additional incremental costs of the Department of Defense associated with operations in and around the Persian Gulf resulting from Operation Desert Shield/Desert Storm, and under the terms and conditions of the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991 (Public Law 102-28), in addition to the amounts that may be transferred to appropriations available to the Department of Defense pursuant to that Act and the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Costs of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102-229), not to exceed [$5,182,878,000] *$2,375,974,000* may be transferred during fiscal years 1992 and 1993 to then currently applicable appropriations[, from either the Defense Cooperation Account, or as appropriate, the Persian Gulf Regional Defense Fund,] *from the defense cooperation account*, to the following accounts in not to exceed the following amounts:

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", [$1,037,261,000] *$399,000,000*.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", [$205,700,000] *$30,000,000*.

[MILITARY PERSONNEL, MARINE CORPS

[For an additional amount for "Military Personnel, Marine Corps", $20,227,000.

[MILITARY PERSONNEL, AIR FORCE

[For an additional amount for "Military Personnel, Air Force", $333,500,000.]

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", [$2,383,890,000, of which $616,500,000 shall remain available for transfer and obligation until September 30, 1994] *$1,355,274,000*.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", [$101,000,000] *$75,000,000*.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and maintenance, Marine Corps", [$433,000,000, of which $167,000,000 shall remain available for transfer and obligation until September 30, 1994] *$224,600,000*.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", [$657,600,000, of which $136,800,000 shall remain available for transfer and obligation until September 30, 1994] *$247,200,000*.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", [$10,700,000] *$4,900,000*.

OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF EXISTING FUNDS)

For the purpose of adjusting amounts which may be transferred to military personnel and operation and maintenance appropriations pursuant to the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991 (Public Law 102-28) and the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Costs of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102-229) and under the terms and conditions of those Acts, the Secretary of Defense may make adjustments to the amounts provided for transfer by such Acts in amounts not to exceed $611,010,000 and provide for the transfer of such amounts to the following accounts in not to exceed the following amounts to be available to the Department of Defense during fiscal years 1992 and 1993: *Provided*, That the Secretary of Defense shall provide prior notification to the Committees on Appropriations of the House of Representatives and the Senate indicating the accounts from which the funds will be derived for such transfers:

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

NATIONAL GUARD PERSONNEL, ARMY

To be derived by transfer, $12,500,000 for "National Guard Personnel, Army".

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

To be derived by transfer, $341,310,000 for "Operation and maintenance, Army".

OPERATION AND MAINTENANCE, NAVY

To be derived by transfer, $257,200,000 for "Operation and maintenance, Navy".

RESCISSION OF FUNDS

PERSIAN GULF REGIONAL DEFENSE FUND

(RESCISSION)

Of the funds made available under this heading in the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991 (Public Law 102-28; 105 Stat. 161), [$12,485,446,313] *$14,696,040,000* is hereby rescinded: *Provided*, That the Persian Gulf Regional Defense Fund is hereby terminated.

GENERAL PROVISIONS—TITLE II

(TRANSFER OF FUNDS)

SEC. 201. Section 103 of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Costs of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102-229; 105 Stat. 1707) is amended by striking out "fiscal years 1991 and 1992" and inserting "fiscal years 1992 and 1993" in lieu thereof and by striking out "through February 1992".

[SEC. 202. The Secretary of Defense shall transfer, without reimbursement, five Black Hawk helicopters, together with associated spares, from the United States Army to the Drug Enforcement Administration.

[SEC. 203. Section 8090 of the Department of Defense Appropriations Act, 1992 (Public Law 102-172; 105 Stat. 1193) is amended—

[(1) in subsection (b) by striking out "subject to the provisions of subparagraph (c)" and inserting in lieu thereof "and shall be available only for the V-22 aircraft program";

[(2) by striking out subsections (c) and (d); and

[(3) in subsection (e) by striking out "(e)" and inserting in lieu thereof "(c)".]

SEC. 204. (a) The Secretary of Defense shall transfer up to $40,000,000 in additional funds from the Defense Cooperation Account to the appropriate appropriations accounts within the Department of Defense to remain available until expended for Kurdish humanitarian needs and related transportation costs to include, but not limited to, the prepositioning of emergency food stocks, water and seed, the provision of medical assistance, the establishment of regional medical clinics in recognized Kurdish areas of Iraq and the extension of technical assistance for land mine clearing, the drilling of water wells and the construction of temporary shelters.

(b) Wherever possible, the President shall make available personnel from the Department of Defense in preference to those of the United Nations to carry out the intent of this provision.

(c) The Secretary of Defense shall report to the Committees on Appropriations and Armed Services of the Senate and the House at the start of each quarter in fiscal year 1993 on the steps taken to bring relief and restore the well-being and security of the people of recognized Kurdish areas of Iraq.

SEC. 205. In addition to any other transfer authority contained in this Act, amounts from the Defense Business Operations Fund shall be transferred to the following appropriations in the amounts specified to be merged with and be available for the same purposes and for the same time period as the appropriations to which transferred, as follows: $320,598,000 to Military Personnel, Army; $134,400,000 to Military Personnel, Navy; $17,127,000 to Military Personnel, Marine Corps; and $367,200,000 to Military Personnel, Air Force: Provided, That, for the purpose of maintaining the industrial base, $60,000,000 of the funds available in the Defense Business Operations Fund, combined with funds otherwise available to the Department of Defense, shall be obligated forthwith for the purchase of 2.88 million cases of Meals Ready to Eat.

SEC. 206. Funds appropriated to the Department of Defense in the Department of Defense Appropriations Act, 1991 (Public Law 101-511) and made available for transfer to the Department of Commerce and the Department of Labor to assist State and local governments significantly impacted by reductions in defense industry employment or reductions in the number of military and civilian personnel residing in such States and communities shall be available until September 30, 1997.

SEC. 207. Notwithstanding section 2391 of title 10, United States Code, the Secretary of Defense may make a grant of $1,100,000 to assist Astoria, Oregon in the planning, design and modification of facilities and support infrastructure to accommodate new Navy Minesweeper/Minehunter vessels.

TITLE III

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $237,652,000 to remain available until September 30, 1993.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

HUMAN DEVELOPMENT SERVICES

Funds appropriated in Public Law 102-170 under the heading "Human Development Services" for the "Family Violence Prevention and Services Act", shall remain available until expended.

GENERAL [PROVISION] *PROVISIONS—*

TITLE III

SEC. 301. Notwithstanding any other provision of law, no funds shall be expended hereafter by the Secretary of Labor to implement or administer either the final or proposed regulations referred to in section 303 of Public Law 102-27, 105 Stat. 151.

SEC. 302. Notwithstanding any other provision of law, no funds shall be available to enforce or otherwise implement the regulations of the Secretary of Health and Human Services published at 42 C.F.R. 59.8 or to promulgate any other regulations having the same substance pending resolution of NFPRHA v. Sullivan.

TITLE IV

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Base Realignment and Closure Account, Part II", $162,700,000, to be available solely for environmental restoration and to remain available until expended: *Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.*

For an additional amount for "Base Realignment and Closure Account, Part II", $69,000,000, to be derived by transfer from the "Environmental Restoration, Defense" account of Public Law 102-172, to be available solely for environmental restoration and to remain available until expended: *Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.*

TITLE V

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $500,000,000, to remain available until expended.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

The limitation on direct loans in the current fiscal year for the "Vocational rehabilitation loans program account" is increased, within existing funds, by $350,000 to not to exceed $2,038,000.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

Notwithstanding any other provision of law, not less than $8,700,000,000 of the sums appropriated under this heading in fiscal year 1992 shall be available only for expenses in the personnel compensation and benefits object classifications.

TRANSITIONAL HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $3,000, as authorized by Public Law 102-54, section 8: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $30,000. In addition, for administrative expenses to carry out the direct loan program, $25,000, which may be transferred to and merged with the appropriation for "Medical care": *Provided further*, That the sums herein appropriated are to be derived by transfer from the "Medical care" appropriation provided in Public Law 102-139.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", $14,100,000, to remain available until September 30, 1992.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The unreserved balances of funding provided under this heading in Public Law 102-139 and prior years for contracts for capital advances, including amendments to contracts for capital advances, and for project rental assistance, and amendments to contracts for project rental assistance, for housing for the elderly as authorized by section 202 of the Housing Act of 1959, as amended, and for housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), shall be merged.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8

SUBSIDY CONTRACTS

(TRANSFER OF FUNDS)

For an additional amount of up to $407,000,000, to remain available until expended, and to be derived by transfer from the unreserved amounts in "Annual contributions for assisted housing": *Provided*, That the amount earmarked for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended, shall be reduced accordingly.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 102-139, $250,000,000 is rescinded: *Provided*, That the $294,156,000 under this heading in the aforementioned Act which is not available until September 20, 1992, shall be reduced by $250,000,000 to $44,156,000.

For an additional amount for "Payments for operation of low-income housing projects", $250,000,000, to remain available until September 30, 1993: *Provided*, That these funds shall be available for obligation without regard to section 9(d) of the United States Housing Act of 1937, as amended: *Provided further*, That these funds shall not become available for obligation until September 20, 1992.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES

LOAN GUARANTEE ACCOUNT

During fiscal year 1992, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall be increased by $25,000,000,000 and shall not exceed $99,769,293,000.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

The $140,000,000 under this heading in Public Law 102-139 for commitments to guarantee loans shall be increased by $85,000,000 to $225,000,000.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 101-507, the $500,000 earmarked for the National Commission on Manufactured Housing in Public Law 102-27, is rescinded.

For an additional amount for "Research and technology", $500,000, to remain available until September 30, 1993: *Provided*, That these funds shall be made available for the National Commission on Manufactured Housing.

INDEPENDENT AGENCIES

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

Notwithstanding any other provision of law, not more than $405,000 of the funds provided under this heading in Public Law 102-139 shall be available for personnel compensation and benefits for the Commissioners of the Consumer Product Safety Commission.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 102-139, the $950,000 earmarked for financial assistance for legal representation costs in Public Law 102-229, is rescinded.

For an additional amount for "Salaries and expenses", $950,000, to remain available until September 30, 1994: *Provided*, That these funds shall be available under the same terms and conditions as authorized for the funds under this heading in Public Law 102-229.

[ENVIRONMENTAL PROTECTION AGENCY

[ABATEMENT, CONTROL, AND COMPLIANCE

[Notwithstanding any other provision of law, the Administrator is authorized to award a grant under section 8001 of the Solid Waste Disposal Act, as amended, for the purchase of a building and associated costs to support a program for the environmental restoration of the Lackawanna Valley as described in House Report 102-226, the conference report accompanying H.R. 2519 (Public Law 102-139).]

NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $250,000, to remain available until expended, and to be derived by transfer from amounts provided to the Department of Housing and Urban Development under the heading "Research and technology" in Public Law 102-139.

TITLE VI

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

Title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992 (Public Law 102-142) is amended, under the heading "Coop-

erative State Research Service" in the last item of the first paragraph of that heading, for necessary expenses of Cooperative State Research Service activities pertaining to a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, by striking "$8,580,000" and inserting in lieu thereof "$10,250,000".

COMMODITY CREDIT CORPORATION

The item relating to the "COMMODITY CREDIT CORPORATION" under the heading "DEPARTMENT OF AGRICULTURE" in chapter III of title I of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Cost of "Operation Desert Shield/Desert Storm" Act of 1992 (Public Law 102–229; 105 Stat. 1712) is amended by inserting after "provided to the producer" in the third proviso the following: ", and may be available for grants to assist low-income migrant and seasonal farmworkers as provided in section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a)".

[SOIL CONSERVATION SERVICE

[WATERSHED AND FLOOD PREVENTION OPERATIONS

[For an additional amount for "Watershed and flood prevention operations" to meet the needs of the emergency watershed protection program, $7,500,000, to remain available until expended.]

TITLE VII

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

For an additional amount for "Construction program" to meet the emergency needs for areas stricken by drought, [$30,000,000] *$20,000,000*, to remain available until expended: *Provided*, That this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted to the Congress: *Provided further*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

[UNIVERSITY RESEARCH INSTITUTES

[Section 11(c)(6) of the Federal Transit Act (49 U.S.C. App. 1607c(c)(6)) is amended by adding at the end the following new sentence: "For fiscal year 1992, the Secretary shall expend from administrative and research funds deducted for such fiscal year under section 104(a) of title 23, United States Code, $1,000,000 for making grants under paragraph (3) to North Carolina A. and T. State University through the Institute for Transportation Research and Education and shall use all amounts appropriated for such fiscal year pursuant to this paragraph to carry out paragraph (3) for making grants to the University of South Florida and a consortium of Florida A and M, Florida State University, and Florida International University.".]

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for liquidation of obligations incurred for grants-in-aid for airport planning and development under section 14 of Public Law 91–258, as amended, and under other law authorizing such obligations and obligations for noise compatibility planning and programs, $100,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended.

TITLE IX

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $320,000, for repairs and improvements to the Main Treasury building and annex, to remain available until expended: Provided, That language under this heading in the Treasury, Postal Service and General Government Appropriations Act, 1992 (Public Law 102–141; 105 Stat. 834), is amended by deleting the following: "not to exceed $490,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex"; and inserting in lieu thereof: "not to exceed $1,690,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex".

INTERNATIONAL AFFAIRS

The language under this heading in the Treasury, Postal Service and General Government Appropriations Act, 1992 (Public Law 102–141; 105 Stat. 834), is amended by inserting after "system modernization requirements" the following: "; not to exceed $300,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex".

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,298,000, for systems modernization activities, to remain available until expended.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,000,000, for systems modernization activities, to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $270,000, for expansions and improvements to existing Mint facilities, to remain available until expended.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For an additional amount for "Administering the public debt", $5,226,000, for systems modernization activities, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,400,000, for the White House armored window project, to remain available until expended.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $1,273,000 are rescinded.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $220,000 are rescinded.

PROCESSING TAX RETURNS AND ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $1,460,000 are rescinded.

TAX LAW ENFORCEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $2,999,000 are rescinded.

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $270,000 are rescinded.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $4,292,000 are rescinded.

TITLE X

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Jocelyn Burdick, widow of Quentin N. Burdick, late a Senator from North Dakota, $129,500.

TITLE XI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS PROVIDING ASSISTANCE FOR NEEDS RESULTING FROM NATURAL DISASTERS

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities" to cover the costs for the restoration of facilities damaged or destroyed by Hurricane Andrew, $12,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the "Emergency Conservation Program", $25,000,000, to remain available until the end of fiscal year 1993: Provided, That funds shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That $8,500,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION

COMMODITY CREDIT CORPORATION FUND

For an additional amount for the "Commodity Credit Corporation Fund" to cover the incre-

mental costs of crop losses arising from the consequences of Hurricane Andrew, or from damaging weather or related condition, as defined in section 2251 of Public Law 101-624, $320,000,000 to remain available until expended: Provided, That this additional amount is hereby made available as authorized by the terms and conditions specified in Public Law 101-624 and Public Law 102-229 and shall include the costs of replanting, re-seeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for the "Commodity Credit Corporation Fund" to cover the incremental costs arising from the consequences of Hurricane Andrew and other natural disasters during 1992, up to $100,000,000, for payments to aquaculture producers and to oyster farmers who harvest oysters commercially, to remain available until expended: Provided, That such payments shall be under the same terms and conditions as payments authorized to crop producers under Public Law 101-624: Provided further, That such payments shall be made available at a rate not to exceed the pro-rata payment rate received in fiscal year 1993 by producers as a result of appropriations made by this Act and Public Law 102-229: Provided further, That the entire amount shall be made available only if designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" $3,000,000, to remain available until the end of fiscal year 1993: Provided, That these funds shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for "Rural Water and Waste Disposal Grants" $24,000,000, to remain available until the end of fiscal year 1993: Provided, That these funds shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For an additional amount for "Rural housing for domestic farm labor" $10,000,000, to remain available until the end of fiscal year 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

For an additional amount for "Emergency Community Water Assistance Grants" $12,000,000, to remain available until the end of fiscal year 1993: Provided, That these funds shall be available only to the extent funds are not provided through the Federal Emergency Management Agency: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL CREDIT INSURANCE PROGRAM ACCOUNT

For an additional amount for "Agricultural Credit Insurance Program Account" $40,000,000, to remain available until the end of fiscal year 1993: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $150,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for "Rural Housing Insurance Program Account" for the cost of section 504 housing repair loans $5,000,000, to remain available until the end of fiscal year 1993: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $10,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural Development Insurance Fund Program account" for the costs of direct and guaranteed loans, to remain available until the end of fiscal year 1993: $5,000,000 for the cost of water and sewer facility direct loans, to subsidize additional gross obligations for the principal amount of loans not to exceed $30,000,000; and $3,000,000 for the cost of guaranteed industrial development loans, to subsidize total loan principal any part of which is to be guaranteed, not to exceed $50,000,000: Provided, That no application for a loan guarantee under this section shall be denied on the basis that an organization, tribe, or entity engages in whole or in part in production agriculture: Provided further, That the entire amount appropriated shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL DEVELOPMENT LOAN PROGRAM ACCOUNT

For an additional amount for the "Rural Development Loan Program Account" for the cost of rural development loans, $7,058,000, to remain available until the end of fiscal year 1993: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $13,500,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations," $50,000,000, to remain available until the end of fiscal year 1993: Provided, That $15,000,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That these funds shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER II

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice assistance" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Of the amounts available under this heading in the Department of Justice Appropriations Act, 1992, not to exceed $510,000 to be used by the Executive Office of Immigration Review may be available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and expenses, United States Marshals Service" to cover the incremental costs arising, from the consequences of Hurricane Andrew, $10,724,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States prisoners" to cover the incremental costs arising from the consequences of Hurricane Andrew, $10,691,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,139,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $451,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $16,559,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUILDING AND FACILITIES

For an additional amount for "Building and facilities" to cover the incremental costs arising from the consequences of Hurricane Andrew, $10,000,000 to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities" to cover the incremental costs arising from the consequences of Hurricane Andrew, $9,891,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Operations, research and facilities" for a grant to the Louisiana Department of Wildlife and Fisheries, pursuant to Section 308(b) of the Fishery Conservation and Management Act (P.L. 99-659), $8,500,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For an additional amount for "Minority business development" to cover the incremental costs arising from the consequences of Hurricane Andrew, $2,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" pursuant to the Public Works and Economic Development Act of 1965 as amended, to be used for grants to assist states and local communities in recovering from the consequences of Hurricane Andrew and Typhoon Omar, $50,000,000, to remain available until expended; and in addition, $5,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": Provided, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

THE JUDICIARY

COURT OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $300,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans, $140,365,000 to remain available until expended; and in addition, for administrative expenses to carry out the disaster loan program, an additional $80,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, for the cost of emergency disaster loans and associated administrative expenses, $75,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency pursuant to section 251 of said Act: Provided further, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act is transmitted by the President to Congress.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $5,890,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER III

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $10,700,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $58,200,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $8,800,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $1,900,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $1,400,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $142,900,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $228,000,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and maintenance, Army Reserve" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $3,300,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and maintenance, Air Force Reserve" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $13,200,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $1,400,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and maintenance, Air National Guard" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $2,000,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $31,500,000, to remain available through September 30, 1993: Provided, That the Secretary of Defense may, upon determining that such funds are required for the consequences of Hurricane Andrew and Typhoon Omar, transfer the funds made available by this appropriation to other appropriations available to the Department of Defense, to be merged with and be available for the same purposes and same time period as the appropriation to which transferred: Provided further, That upon determining that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

CHAPTER IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Flood control, Mississippi River and Tributaries" to cover the incremental costs arising from the consequences of Hurricane Andrew, $3,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and maintenance, general" to cover the incremental costs arising from the consequences of Hurricane Andrew, $3,100,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies", $40,000,000, to remain available until expended, of which $25,000,000 is to cover the incremental costs arising from the consequences of Hurricane Andrew and $15,000,000 is for replenishment of this account for future emergency response: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress.

CHAPTER V

DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction" to cover the incremental costs arising from the consequences of Hurricane Andrew, $2,300,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESOURCE MANAGEMENT

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $26,000,000, to remain available until expended: Provided, That $24,500,000 of these funds are to be provided as a grant from the Fish and Wildlife Service to the Louisiana Department of Wildlife and Fisheries: Provided further, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of National Park System" to cover the incremental costs arising from the consequences of Hurricane Andrew, $15,200,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HISTORIC PRESERVATION FUND

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $300,000, to remain available until expended: Provided, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for "Construction" to cover the incremental costs arising from the consequences of Hurricane Andrew, $18,800,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GEOLOGICAL SURVEY

SURVEYS, AND INVESTIGATIONS AND RESEARCH

For an additional amount for "Surveys, investigations and research" to cover the incremental costs arising from the consequences of Hurricane Andrew, and Typhoon Omar, $2,800,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $1,800,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $1,200,000, to remain available until expended: Provided, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,500,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction" to cover the incremental costs arising from the consequences of Hurricane Andrew, $3,800,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount to cover incremental costs arising from the consequences of Hurricane Andrew, $2,900,000, to remain available until expended: Provided, That this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER VI

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for Training and Employment Services, $30,000,000, to be available for obligation for the period July 1, 1992–July 30, 1993, for training in areas affected by recent natural disasters: Provided, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH EMERGENCY FUND

For carrying out section 319(a) of the Public Health Service Act with respect to public health emergencies created by natural disasters such as Hurricane Andrew and Typhoon Omar, not to exceed $83,600,000, to remain available until expended: Provided, That these amounts shall be available for any activity authorized under the Public Health Service Act, for repairs or replacement of property used in connection with a Federal or Federally-assisted program but damaged or destroyed by the natural disaster, and for the provision to individuals and families directly affected by the disaster of services of the type provided under a program conducted or assisted by the Department: Provided further, That notwithstanding sections 214 and 513 of Public Law 102–170, and any other provision of law, amounts spent for travel associated with the performance of additional functions or duties necessitated by Hurricane Andrew or Typhoon Omar shall not be counted against the limits that apply by reason of any such provision: Provided further, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR CHILDREN AND FAMILIES

HUMAN DEVELOPMENT SERVICES

For an additional amount for "Human Development Services," $2,000,000, for the United Houma Nation, Terrebonne Parish: Provided, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF EDUCATION

IMPACT AID

For an additional amount for "Impact aid", $22,500,000, to remain available through September 30, 1993, of which $10,000,000 shall be for carrying out disaster assistance activities authorized by section 7(a) of Public Law 81–874, as amended, and of which $12,500,000 shall be to help pay for operating costs for schools affected by Hurricane Andrew and Typhoon Omar: Provided, That notwithstanding any other provision of law, the payments for operating costs shall be provided on a noncompetitive basis upon the request of the affected school district and the Governor and on such terms and conditions as the Secretary of Education may reasonably require: Provided further, That notwithstanding section 431 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall not be required to issue regulations to implement this authority to pay for operating costs: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EDUCATIONAL EXCELLENCE

For an additional amount for "Educational excellence", $40,000,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards for award year 1992–1993, made under title IV, part A, subpart 1 of the Higher Education Act of 1965, as amended prior to enactment of Public Law 102–325, $40,000,000: Provided, That notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of said Act that the Secretary deems necessary to assist individuals who suffered financial harm from Hurricane Andrew or Typhoon Omar, and who, at the time Hurricane Andrew struck the United States or Typhoon Omar struck Guam, were residing, attending an institution of higher education, or employed within these areas on the date which, the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from Hurricane Andrew, and who resided, or was employed in such an area at that time): Provided further, That notwithstanding section 431 of the General Education

Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, exercise this authority, through publication of waivers or modifications of statutory and regulatory provisions, as he deems necessary to assist such individuals: Provided further, That such authority shall be in effect only for awards for award year 1992–1993: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION

SEC. 601. WAIVER AUTHORIZATION.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Education is authorized to grant waivers to recipients of Federal funds under any of the programs described in subsection (b) that are substantially affected by Hurricane Andrew or Typhoon Omar to waive the restrictions regarding the uses of funds under any such programs, but only if such recipients demonstrate to the satisfaction of the Secretary in the application submitted under subsection (d) that such restrictions impose a demonstrable barrier to the progress of such recipient in overcoming the effects of Hurricane Andrew or Typhoon Omar.

(2) REQUIREMENTS.—The Secretary shall only grant waivers under this section—

(A) for school year 1992–93; and

(B) if the application submitted under subsection (d) contains the approval of the Governor subsequent to a request of the school districts.

(b) PROGRAMS.—The programs for which waivers may be granted under subsection (a) are programs under—

(1) the Carl D. Perkins Vocational Education and Applied Technology Act;

(2) the Drug-Free Schools and Communities Act of 1986;

(3) subtitles A, B, and C of title VII of the Stewart B. McKinney Homeless Assistance Act;

(4) The Jacob K. Javits Gifted and Talented Students Education Act of 1988;

(5) chapter 1 of title I of the Elementary and Secondary Education Act of 1965;

(6) chapter 2 of title I of the Elementary and Secondary Education Act of 1965;

(7) the Dwight D. Eisenhower Mathematics and Science Education Act;

(8) the School Dropout Demonstration Assistance Act; and

(9) the Adult Education Act.

The Secretary shall grant waivers only for maintenance of effort and matching requirements under this section for the Rehabilitation Act of 1973.

(c) LIMITATIONS.—Subsection (a) shall not be construed as permitting the Secretary of Education—

(1) to authorize any changes in, substitutions for, or lessening of the mandates and protections of Federal laws and regulations regarding civil rights, discrimination, and safety, and the procedural safeguards contained therein;

(2) to affect regulations and prohibitions concerning the diversion of Federal funds for private use;

(3) to absolve any State of—

(A) any purposes, goals, or objectives for students targeted by the programs described in subsection (b); or

(B) any requirement to provide for the equitable participation of private school students according to the requirements of the programs described in subsection (b); or

(4) to reduce services to schools unaffected by Hurricane Andrew or Typhoon Omar, or

(5) to change the way funds are utilized for programs which are not described in subsection (b), except as otherwise provided in this Act.

(d) APPLICATION.—Each recipient of Federal funds under any of the programs described in subsection (b) desiring a waiver under this section shall submit an application to the Secretary of Education at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

CHAPTER VII

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew, $10,000,000, to remain available until September 30, 1997: Provided, That this appropriation is consistent with the provisions of Public Law 101–510.

For an additional amount for "Military Construction, Air Force" to cover the incremental costs arising from the consequences of Typhoon Omar, $7,600,000, to remain available until September 30, 1997: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FAMILY HOUSING, DEFENSE

FAMILY HOUSING, AIR FORCE

For an additional amount for "Family Housing, Air Force" to cover the incremental costs arising from the consequences of Hurricane Andrew, $16,000,000, to remain available until September 30, 1997: Provided, That this appropriation is consistent with the provisions of Public Law 101–510.

For an additional amount for "Family Housing, Air Force" to cover the incremental costs arising from the consequences of Typhoon Omar, $21,200,000, to remain available until September 30, 1997: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

"MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy", $60,130,000, to remain available for obligation until September 30, 1996: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Military Construction, Navy" to cover the incremental costs arising from the consequences of Typhoon Omar, $21,400,000, to remain available until September 30, 1997: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

FAMILY HOUSING, NAVY AND MARINE CORPS

For an additional amount for "Family Housing, Navy and Marine Corps", $56,700,000, to remain available for obligation until September 30, 1996: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "Family Housing, Navy and Marine Corps" to cover the incremental costs arising from the consequences of Typhoon Omar, $30,500,000, to remain available until September 30, 1997: Provided, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $13,806,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements" to cover the incremental costs arising from the consequences of Hurricane Andrew, $11,500,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

For an additional amount for "Facilities and equipment" to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, $15,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

EMERGENCY TRANSPORTATION

For an additional amount for "Emergency transportation" to cover the incremental costs arising from the consequences of Hurricane Andrew, $44,000, to be derived by transfer from "Research and technology", to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY STUDIES

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

For an additional amount to carry out a feasibility study, $300,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER IX

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $590,000, to remain available until expended: Provided, That this entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of

the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $4,670,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For an additional amount for "Operation and maintenance, air and Marine interdiction programs" to cover the incremental costs arising from the consequences of Hurricane Andrew, $10,500,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Deficit Control Act of 1985, as amended.

CUSTOMS AIR INTERDICTION FACILITIES, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For an additional amount for "Customs air interdiction facilities, construction, improvements and related expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $19,250,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Deficit Control Act of 1985, as amended.

INTERNAL REVENUE SERVICE

TAX LAW ENFORCEMENT

For an additional amount for "Tax law enforcement" to cover the incremental costs arising from the consequences of Hurricane Andrew, $1,173,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS FOR NATURAL DISASTERS

To enable the President to meet unanticipated needs to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar, there is appropriated $350,000,000, to remain available until expended, of which $300,000,000 may be transferred to "Disaster relief", Federal Emergency Management Agency, for disaster assistance payments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and of which $50,000,000 may be transferred to any other account only for unanticipated incremental costs arising from the consequences of Hurricane Andrew: Provided, That all of these funds shall be available only to the extent that funds are not provided through the Federal Emergency Management Agency: Provided further, That all of these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For an additional amount for "Real Property Operations" to cover the incremental costs arising from the consequences of Hurricane Andrew, $2,500,000, to remain available until expended: Provided, That the aggregate limitation on Federal Buildings Fund obligations established in Public Law 102-141 is hereby increased by such amount: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PERSONAL PROPERTY ACTIVITIES

FEDERAL SUPPLY SERVICE

For an additional amount for the "Federal Supply Service" to cover the incremental costs arising from the consequences of Hurricane Andrew, $700,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION

SEC. 901. AGENCY ACCEPTANCE OF DONATIONS FOR FEDERAL EMPLOYEES.

(a) Notwithstanding any other provision of law, Federal agencies may accept gifts of property, money, or anything else of value from non-Federal sources for extraordinary and unanticipated expenses incurred by agency employees in their personal capacity within the areas designated as disaster areas pursuant to the President's declaration of a disaster resulting from Hurricane Andrew and Typhoon Omar.

(b) Agencies shall established written procedures to implement this program, which shall, at a minimum, include provisions that ensure that (1) all money or cash gifts shall be collected directly by the agency before distribution, (2) all property or other tangible gifts shall be recorded and approved by the agency before deliverance to any individual employee, and (3) these gifts are distributed to agency employees in a fair and equitable manner.

(c) Agencies may accept gifts designated for individual employees. Agencies shall ensure that any gift designated for an individual employee is appropriate under the circumstances, taking into account, among other things, the official relationship of the employee to the source of the gift.

(d) This provision shall be effective through September 30, 1993.

CHAPTER X

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care" to cover the incremental costs arising from the consequences of Hurricane Andrew, $15,793,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, $156,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For an additional amount for "Annual contributions for assisted housing" for voucher assistance for the victims of Hurricane Andrew, not to exceed $183,000,000, to be derived by transfer prior to October 1, 1993, from the "Disaster relief" account of the Federal Emergency Management Agency: Provided, That such amounts shall be for rental housing voucher assistance pursuant to section 8(o) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f(o)): Provided further, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except provisions requiring nondiscrimination, in connection with the obligation by the Secretary or the use by any recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HOUSING COUNSELING ASSISTANCE

For an additional amount for "Housing counseling assistance" for contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, $500,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FHA GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For an additional amount for the "General and Special Risk Program Account" for the cost of guaranteed loans authorized by the National Affordable Housing Act, as amended (12 U.S.C. 1715z—3(b) and 1735c(f)), $20,397,000, to remain available until the end of fiscal year 1993: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed prior to the end of fiscal year 1993, not to exceed $1,628,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for necessary administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, $3,800,000, to remain available through September 30, 1993: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act, $1,904,000,000, to remain available until expended, of which $35,295,630 shall be made available to reimburse the State of South Carolina for costs incurred due to Hurri-

cane Hugo, and of which $143,000,000 shall be available only to the extent that an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251 of said Act.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For an additional amount for "Disaster Assistance Direct Loan Program Account" for the cost of direct loans to cover the incremental costs arising from the consequences of Hurricane Andrew, $15,000,000, to remain available through September 30, 1993: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans for the "Community Disaster Loan Program," not to exceed $60,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" to cover the incremental costs arising from the consequences of Hurricane Andrew, Typhoon Omar, and other Presidentially-declared natural disasters, $5,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE XII—ADDITIONAL ASSISTANCE TO DISTRESSED COMMUNITIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount to carry into effect the Job Corps Program under part B of title IV of the Job Training Partnership Act (29 U.S.C. 1692 et seq.), $40,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for the community health centers program under section 329 and section 330 of the Public Health Services Act (42 U.S.C. 254c), $20,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for the Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.), $40,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

For projects with respect to high risk youth under section 517 of the Public Health Service Act (as amended by the ADAMHA Reorganization Act), $10,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

OFFICE OF THE SECRETARY

NATIONAL COMMUNITY ECONOMIC PARTNERSHIP

For the National Community Economic Partnership program, $40,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

For the YouthBuild program under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, $15,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

OFFICE OF COMMUNITY BANKING

For the Enterprise Capital Access Fund Demonstration Program, $25,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $10,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

INTERAGENCY COUNCIL

BLOCK GRANT FUNDING FOR ELIGIBLE PROGRAMS

For the interagency council for assistance on behalf of each tax enterprise zone designated under section 1391 of the Internal Revenue Code of 1986, $300,000,000, subject to the enactment of authorizing legislation, for the fiscal year ending September 30, 1993.

This Act may be cited as the "Supplemental Appropriations, Transfers, and Rescissions Act, 1992".

Mr. MITCHELL. Mr. President, while awaiting the arrival of the managers of the appropriations supplemental bill, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the President pro tempore.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The pending business is H.R. 5620.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, H.R. 5620, the supplemental appropriation bill as reported by the Appropriations Committee, includes the committee's recommendations not only for the regular fiscal year 1992 supplemental appropriations that were included in the House-passed bill, but also contains emergency appropriations to assist those people and communities affected by Hurricane Andrew and Typhoon Omar. In addition, title XII of the bill contains fiscal year 1993 appropriations for urban aid, contingent on enactment of authorizing legislation.

I will now provide a summary of the major items contained in each of these categories.

The regular supplemental appropriations, rescissions, and transfers are contained in titles I–X of the bill on page 1 through line 17 page 29. Among the major items included in these titles are:

First, an appropriation of $879.2 million for operations and maintenance costs of the Department of Defense. These funds are necessary to assure compliance with environmental statutory requirements.

Second, transfers from the Defense cooperation account totaling $2.376 billion to reimburse DOD for its costs related to Desert Shield/Storm. Members will recall that the Defense cooperation account consists of allied contributions toward DOD's costs in the Persian Gulf war. This appropriation will fully deplete the Defense cooperation account and will fully reimburse DOD for its war-related costs.

Third, a rescission of the remaining balance of $14.7 billion in the Persian Gulf Regional Defense Fund. This fund contained an appropriation of U.S. funds totaling $15 billion, which could be drawn down, if needed, for the gulf war. Three hundred million of U.S. funds were, in fact, drawn down and used for Kurdish relief. The balance, $14.7 billion, will not be needed and is, therefore, being rescinded and will be returned to the Treasury.

Fourth, an appropriation of $237.7 million in advances to the unemployment trust fund, as requested by the administration for this mandatory program.

Fifth, an emergency appropriation of $162.7 million, as requested by the administration for the base closure account.

Sixth, an appropriation of $500 million for veterans compensation and pensions, a mandatory appropriation.

Seventh, an appropriation of $14.1 million for VA's operating expenses.

Title X of the bill, page 29 lines 18–25, contains the usual gratuity provided to the widow of deceased Members of Congress, in this case to Jocelyn Burdick, widow of Quentin N. Burdick.

Title XI of the bill, pages 30–81, contains appropriations totaling $4.505 billion and direct loan and loan guarantees totaling $2.947 billion for disaster assistance to those affected by Hurricane Andrew, Typhoon Omar, and other disasters such as tornadoes, floods, and drought.

Of these amounts, $1.9 billion, the full budget request, is recommended for the Federal Emergency Management Agency [FEMA]; $420 million is provided for the disaster assistance programs of the Commodity Credit Corporation; $50 million for the watershed and flood prevention operations of

the Soil Conservation Service; $25 million for the Emergency Conservation Program of the Agricultural Stabilization Service; $109,058,000 for various emergency programs of the Farmers Home Administration, as well as $203.5 million in direct loans and $50 million in guaranteed loans for the Farmers Home Administration; $75.4 million for the Department of Commerce, of which $55 million is appropriated to the Economic Development Administration; $51.6 million for the Department of Justice; direct loan limits totaling $1.006 billion as well as appropriations totaling $295.4 million for the disaster program of the Small Business Administration; appropriations totaling $503.3 million for the Department of Defense; $46 million for Corps of Engineers operations and maintenance and flood control programs; appropriations totaling $74.8 million for programs under the jurisdiction of the Interior Subcommittee for various emergency programs of the Fish and Wildlife Service, the National Park Service, the Bureau of Indian Affairs, and the Forest Service; appropriations totaling $218.1 million for various emergency health and education needs; emergency appropriations totaling $223.5 million for military construction and family housing; $40.6 million for transportation emergencies of the Coast Guard and FAA; $389.4 million for programs under the Treasury/Postal Service Subcommittee, including a contingency fund of $350 million for the President's use, if needed, to meet unanticipated disaster needs; and, finally, $1.6 billion in guaranteed loans for HUD and $40.6 million in incremental costs for HUD and VA.

In total, the committee recommendations for title XI for direct loans and loan guarantees are the same as the President's request and the total budget authority recommended is $4.505 billion, or $22.253 million above the President's request. All of the emergency appropriations recommended by the committee for which no budget requests have been received will only be made available if the President designates them as emergency spending.

Finally, title XII of the bill contains fiscal year 1993 appropriations of $500 million for urban aid programs, contingent on authorization. As Members may know, H.R. 11, the tax bill passed by the House, contained $500 million in urban aid appropriations. The Senate has not yet passed its version of H.R. 11. I have the assurances of Chairman BENTSEN that he will not agree to any appropriations in H.R. 11. Therefore, in order to fund urban aid at the levels agreed to by the administration, the bill before the Senate includes this level of appropriations, which will only be obligated if they are authorized. Among the programs to receive these funds are:

Training and employment services, $40 million; health resources and services, $20 million; programs for children and families, $110 million; HOPE grants, $15 million; enterprise capital access demo, $25 million; Neighborhood Reinvestment Corporation, $10 million; and block grants for eligible programs, $300 million.

Mr. President, by a vote of 12 for and 8 opposed, the Appropriations Committee adopted an amendment by Senator REID which limits the appropriations for military construction at Homestead Air Force Base to $26 million, rather than the appropriations totaling $480.6 million as requested by the President.

The amount recommended by the committee is sufficient to begin the cleanup of Homestead Air Force Base and is at the right level for this bill. I wish to call all Senators attention to the fact that the committee has also included nearly $275 million additionally for personnel and operations and maintenance costs to cover costs resulting from the devastation that visited Homestead Air Force Base and its people. This includes a total of $75.6 million for military personnel, specifically to cover costs of relocation and housing on a temporary basis for personnel formerly housed at Homestead; and $199.7 million for various operations and maintenance costs, specifically: cleanup of facilities, particularly in cases when emergency procedures are required to prohibit environmental damage to the surrounding area; airlift of supplies and equipment to assist in the cleanup; payment of personal property damage claims; related medical costs; and renovation of the Army National Guard Homestead Armory.

Sixteen million dollars is appropriated for the cleanup and necessary demolition of the family housing complex, and funds for additional preliminary planning and design for reconstructing the base. This is all that can be done during the next few months until the detailed plans for rebuilding the base can be developed, if it is decided that they should be developed. It is a very extensive and lengthy task even under the most expeditious circumstances.

Currently, such plans do not exist. The bill contains sufficient funds within the operations and maintenance account for developing a master plan to rebuild the base, if that is the decision. There is as yet no plan to be funded, and the earliest it could be available is late spring, 1993. Once such a plan is done, if it is done, then the $10 million additional in the bill in the military construction account can be used to provide long-lead facilities.

The final decision on the disposition of the base, whether it should be completely rebuilt, and for what purpose, such as for counternarcotics as the President has suggested, or for a combination of functions, or whether it should be put on the closure list, is a decision for the Base Closure Commission. The Secretary of Defense makes his recommendations by March 1993 to the Base Closure Commission on this matter, and the new Commission is to make its recommendations on Homestead and other bases no later than July 1, 1993. It could, of course make its recommendation on Homestead earlier than that, as early as March or April, depending on the timing of the Secretary's recommendations.

Any attempt to add funds for the rebuilding of this base would undermine the authority of the Base Closure Commission and threaten its ability to act independently in the future. The Base Closure Commission was created in the 1991 National Defense Authorization Act after a 1990 Department of Defense list of bases slated for closure was judged to be driven more by political considerations than by true military utility. Therefore, the Congress set up the process for selecting domestic military bases for closure or realignment in 1991, 1993, and 1995. This process was further refined in the 1992 DOD authorization bill, reflecting the experience of the first round of base closings. An eight-member Defense Base Closure and Realignment Commission is nominated by the President and confirmed by the Senate. This Commission is an independent body, meant to provide a nonpartisan, impartial review using Department of Defense criteria to weigh the military utility for each base. Once a list is generated, reviewed, and opened for public debate, the President can approve or disapprove the list and then forward it to the Congress for final review, so everyone gets a chance for input. The President approved the first list.

This process works and we should not now abandon it. Secretary of Defense Richard Cheney said of the procedure, "I do give you high marks, say, B+, on the Base Closing Commission—while a tough decision, those closures will help us take money out of unneeded infrastructure and put it into essential military capability."

I would point out to my colleagues that this is an urgent supplemental bill and we have included some $300 million, which is all the short-term funding that is possible to be spent on Homestead—including $16 million for the necessary work of family housing debris removal and demolition, and $10 million more for planning in order to go forward when and if the Base Closure Commission recommends the base be rebuilt. Any additional funds cannot be spent on an urgent basis over the next 6 months because there is no decision to rebuild the base and keep it in service by the Base Closure Commission, and the design for a new base does not yet exist and must be put together. So if the Senate were to include several hundred million more dollars for family housing, reconstruction, and other rebuilding, it would appear to be doing

something further, which might be misconstrued and would be a misrepresentation of what is going to happen at Homestead over the next 6 months. It would be a deception, or, at best, just raise false expectations. Why should we do that? The people of Florida need to have help now, and need to know what kind of help is coming. There is no need for us to put additional window dressing in here which will have no practical impact other than appear to be expending resources which cannot be spent in the short run.

Mr. President, let me also point out to Senators, particularly Senators INOUYE and AKAKA, that the bill as reported does not contain funding necessary to address the needs of the people of Hawaii caused by Hurricane Iniki. This tragedy occurred after the committee had reported the bill. The committee staff, however, has worked with the staff of the two distinguished Senators from Hawaii, as well as with the Office of Management and Budget, and based on these efforts I will shortly offer an amendment, which the distinguished ranking member of the committee, Mr. HATFIELD, will join in cosponsoring, to add additional funding to cover the costs of Hurricane Iniki.

Additionally, the committee, working with OMB and the Florida and Louisiana Senators, has had a chance to review additional disaster needs for victims of Hurricane Andrew. The managers' amendments, which I will offer, along with Senator HATFIELD, include these additional items and have been cleared by OMB and the managers.

I thank Senators GRAHAM, MACK, INOUYE, and AKAKA, and their staffs, for the splendid cooperation and for the knowledgeable input of those Senators and those staffs. I congratulate the Senators for their dedication and their deep interest in bringing relief to their people.

As the chairman of the Appropriations Committee, I certainly have the deepest sympathy for the peoples of these areas which have been so hard hit. I have done everything that I could to be fair and to try to bring succor, comfort, and assistance to them.

When the bill was put before the committee, there were additional requests for moneys, particularly from the Florida Senators, and the people of Florida and the Governor of Florida, at which time I was not in a position to support the requests because the appropriations subcommittees that have jurisdiction in the particular areas had not had an opportunity to study the requests.

It was my thought that by the time the bill reached the floor, those subcommittees would have an opportunity to view the requests, and my own appropriations staff and the staff of the minority would have an opportunity to run these requests by the subcommittees and by the Office of Management and Budget and the administration, so that we could have a meeting of the minds and a consensus in support of the managers' amendment to be offered on the floor. And that is what has occurred.

I thank my own staff members on the Appropriations Committee for their good work. I thank the subcommittee staff people and the subcommittee chairmen and the ranking members on the other side of the aisle. All have done a good piece of work.

This is an important bill, one which I hope the Senate will complete action on quickly, without extraneous amendments. We owe it to the people who have suffered devastating losses of their homes and schools and businesses to get this bill through Congress and on the President's desk as expeditiously as possible.

I also thank the majority leader and the minority leader for scheduling this measure very quickly. We reported it out of the Appropriations Committee last Thursday, and so the leadership on both sides has cooperated to act quickly in bringing the bill to the floor.

I urge my colleagues to support the bill and to refrain from offering amendments, or as much as they possibly can.

I am sure that my distinguished ranking colleague, Mr. HATFIELD, will make some comments.

I also want to take this opportunity to thank the Senator for what is so characteristic of him, and always has been: The leadership that he demonstrates on the committee. He was chairman of the Appropriations Committee at one time, and I have learned from his experience and from his knowledge.

I thank him not only for his cooperation, but for his dedication to duty and high and noble purposes. He is always most charitable to me, and I am extremely grateful. I am fortunate to have him as my colleague, as ranking member on the other side. He is a very distinguished Senator from the State of Oregon, the senior Senator, Mr. HATFIELD.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Oregon.

Mr. HATFIELD. Mr. President, the bill before us serves a number of purposes that have been described by our chairman, Senator BYRD.

First, titles I through X provide the regular supplemental appropriations for several departments and agencies of Government, pursuant to a request of the President on July 8 of this year. The other body responded to that request by passing H.R. 5620 on July 28.

In our committee's action last Thursday, September 10, emergency supplemental appropriations for disaster relief and special 1993 appropriations for certain urban aid programs were added under title XI and title XII.

Since our markup, Hurricane Iniki struck Kauai, and earlier estimates of damage inflicted by Hurricane Andrew and Typhoon Omar have been reviewed, resulting in a package of additional appropriations, which Chairman BYRD and I will offer as a managers' amendment, with the support of the administration.

The funds provided in titles I through X of the bill are either offset, fall within the discretionary spending caps and thus do not require an offset, or are mandatory accounts excluded from the discretionary caps.

Funds provided in title XI for disaster relief are all subject to emergency declarations by the President and Congress, and, as such, are excluded from discretionary spending caps. Funds in title XII are fiscal year 1993 appropriations made subject to the enactment of authorizing legislation.

I hope and expect that we will move quickly on this bill so we can get to conference with the House and enact this bill as soon as possible.

Before yielding, I want to comment briefly on the package of amendments Chairman BYRD and I will offer as a managers' amendment. As I said, these additional appropriations have been agreed to by the administration. The additional amounts above that were adopted by the committee last week total $1.2 billion in budget authority and $1.7 billion in direct and guaranteed loans.

Mr. President, I find it interesting that officials of the administration, in hurried meetings over the last few days, have agreed to a $3 billion funding package while those very same officials in the very same administration are threatening to advise a Presidential veto on fiscal year 1993 appropriations bills that exceed, by the administration's measure, the President's budget.

The President's advisers know very well that our 1993 appropriations bills in the aggregate are substantially below the President's request. They know that our nondefense domestic discretionary accounts in our appropriations bills are in compliance with the discretionary spending caps of the budget summit agreement, in which the President was represented by his budget director and other officials of the administration, and on which they agreed and signed off.

They know that the appropriations bills that do exceed the President's budget do so in large part because Congress has failed to enact separate legislation, such as reform of postal subsidies or the sale of Elk Hills, and, in the absence of that authorizing legislation, the Appropriations Committee has little choice but to provide funding above the President's request.

The President's advisers know all this, yet they still threaten to advise the President to apply a veto. They

know all of this, and yet they endorse the expenditures of additional billions of dollars for disaster relief. The administration is supporting more money for disaster relief than would be saved if the appropriations bills that supposedly exceed the President's request were reduced to the level of that request.

I do not oppose disaster relief. On the contrary, I support disaster relief. We need to use the Nation's resources to help fellow citizens in trouble. I simply point out this inconsistency on the part of the President's advisers. I hope the President will reject the advice, if it is forthcoming, that some may give him, or threaten to give him, and will sign appropriations bills that are consistent with the summit agreement, which are within, obviously, the followup to the 602(b) allocations.

Mr. President, I commend the chairman of the committee again for handling a very complex issue. All of us on that committee would like to have been able to respond more generously to the requests of the Senators from Florida, Louisiana, and Hawaii, as well as to the Governors of those States. But we feel that, again, based upon the statistics, the data which are very difficult to come by quickly in a disaster, that we have responded in an appropriate way based upon those statistics and data.

I would like to add, at least as one member of the committee I do not feel that this is, perhaps, the end of the Federal Government's involvement. But I think, until we can acquire the data base that they need and could respond perhaps to the 1993 appropriations measures, that this bill does meet the task that was assigned to our committee. The chairman has done an extraordinary job, and I find it not only a pleasure to work with him, but I, of course, hold him in the deepest respect.

The PRESIDING OFFICER. Who seeks recognition? The Senator from West Virginia.

Mr. BYRD. Mr. President, I am going to ask unanimous consent shortly that the committee amendments be agreed to en bloc and that no points of order shall be considered to have been waived if the request be agreed to and that the amendments be considered as original text for the purposes of further amendment.

But before I do that—I understand that there will be an objection so I will just go ahead and make the request.

I ask unanimous consent that the committee amendments be agreed to en bloc, that no points of order should be considered to have been waived if that request be agreed to, and that the amendments be considered as original text for the purposes of further amendment.

The PRESIDING OFFICER. Is there objection? The Senator from Oregon.

Mr. HATFIELD. Mr. President, I am informed by our leadership staff that Senator SMITH has raised an objection to this unanimous-consent request. Therefore, I, on his behalf, have to object.

The PRESIDING OFFICER. Objection having been heard, the unanimous-consent request is not agreed to.

Mr. BYRD. Mr. President, let me explain the amendments that I am prepared to offer en bloc on behalf of Mr. HATFIELD; on behalf of Mr. INOUYE, the distinguished ranking member of the Appropriations Committee on my side of the aisle; on behalf of Mr. AKAKA, his distinguished colleague from Hawaii; on behalf of Mr. GRAHAM, the distinguished senior Senator from Florida; and on behalf of his distinguished colleague, and ours, Mr. MACK, the junior Senator from Florida; on behalf of Mr. JOHNSTON, the distinguished senior Senator from Louisiana; and on behalf of his distinguished colleague, and ours, Senator BREAUX.

This is a series of amendments that have been agreed to by the Florida, Louisiana, and Hawaii delegations. These amendments have been cleared by the appropriate appropriations Subcommittees, as well as by the authorizing Committees where necessary. In addition, Mr. President, the Office of Management and Budget has been apprised of these amendments and has no objection to them.

These amendments will provide additional assistance to cover the updated disaster needs resulting from Hurricane Andrew in Florida and Louisiana, as well as to cover current estimates of damage resulting from Hurricane Iniki in Hawaii.

Mr. President, the amendments provide for the following:

First, they reduce the appropriation for disaster assistance from $320,000,000 to $300,000,000, as proposed by the President. In addition, $30,000,000 is provided as a separate appropriation for the tree assistance program. Of this amount, $10,000,000 is subject to an emergency designation by the President. Also, the amendment gives the Secretary of Agriculture discretion to adjust sugarcane and sugar beet yields for adverse weather conditions during the 1989, 1990, and 1991 crop years.

Second, an increase in the loan level for industrial development loans through the Farmers Home Administration from $50,000,000 to $300,000,000. This change results in an increase of the appropriation for the cost of these guaranteed loans from $3,000,000 to $18,000,000. The additional $15,000,000 is made subject to an emergency designation by the President. In addition, this amendment waives certain density requirements under the industrial loan program so that certain entities, particularly those around the Homestead Air Force Base in Florida, can qualify for these loans.

Third, an increase for the Economic Development Administration's title IX grant assistance from $50,000,000 to $70,000,000. The amendment also qualifies Hawaii for such priority economic development recovery assistance.

Fourth, an increase in the appropriation for the Small Business Administration Disaster Loan Program by $116,435,000 as requested by a budget amendment submitted on September 11, 1992. This action ensures that the full additional $1,200,000,000 in SBA disaster loans will be available as requested by the President. It also should be noted that exclusive of this action, almost $900,000,000 remains available for requirements nationwide, including those resulting from Hurricane Iniki.

We have provided an additional $20,000,000, subject to a Presidential budget submission, for SBA administrative costs needed to administer SBA disaster loans in Hawaii.

Fifth, an appropriation of $20,000,000 for the Alcohol, Drug Abuse and Mental Health Administration. Based on reports from alcohol and drug abuse treatment providers in South Carolina, hurricane disaster areas can expect at least a 10-percent increase in requests for services. In addition, the appropriation for the public health emergency fund decreases by $20,000,000 to a total of $63,600,000.

In Florida, Hurricane Andrew interrupted the activities of street drug markets, causing a short-term reduction in the drug supply in some locations. Consequently, there has been an increased demand for detoxification services. These street markets have moved to other less affected areas of the county, thus straining the ability of law enforcement and treatment providers to interdict suppliers and provide rehabilitation services.

Sixth, an appropriation of $20,000,000 for the Child Care Development Block Grant. Families in areas affected by the hurricanes are in need of child care services so parents can attend to restoration of basic living needs.

Seventh, an increase from $22,500,000 to $42,500,000 for impact aid in the Department of Education. As a result of Hurricane Andrew, Dade County will have to implement a Saturday-Sunday school program to provide special counseling, tutorial sessions and recreational programs to its students.

Already, Dade County schools have begun holding double sessions in 79 schools, all of which suffered physical damage as a result of the hurricane. Double sessions mean increased costs for teacher salaries, utilities, and food services.

In addition, the bill language would grant authority to the Secretary of Education to provide waivers to areas affected by Hurricane Andrew and Typhoon Omar. Under the waiver, these areas could access up to 70 percent of excess amounts available for reallotment under sections 110, 633, and 703 of the Rehabilitation Act for fiscal years 1992 and 1993.

Eighth, an appropriation of $60,000,000 for the housing under the HOME investment partnerships program in areas impacted by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially declared disasters.

The PRESIDING OFFICER. The Chair informs the Senator that under the previous order, the Senate was to recess at the hour of 12:30.

DELAYING TIME FOR RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate continue in its session until such time as I can complete the statement I am making and hopefully offer the amendments en bloc and have them agreed to.

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

Mr. BYRD. Mr. President, ninth, an increase in the guaranteed loan level for the Federal Housing Administration from $1,628,000,000 to $2,428,000,000 resulting in an increase in the subsidy appropriation from $20,397,000 to $30,397,000. The $10,000,000 increase would become available only upon emergency designation by the President. In addition, an increase in the salaries and expenses for HUD of $200,000 is provided also upon emergency designation by the President.

Tenth, an increase in disaster relief for the Federal Emergency Management Agency from $1,904,000,000 to $2,843,000,000. The increase of $939 million would become available only upon emergency designation by the President. An increase in the direct loan level from $60,000,000 to $200,000,000, resulting in an increase in the subsidy from $15,000,000 to $50,000,000. Again, the $35,000,000 would only become available upon emergency declaration by the President. In addition, the salaries and expenses account is increased from $5,000,000 to $15,000,000 in order to provide this additional assistance. The $10,000,000 is also subject to a Presidentially designated emergency.

Mr. President, I ask unanimous consent that a table which indicates the effects of the manager's amendment be printed in the RECORD.

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

H.R. 5620 selected programs	Committee report	Managers' proposed change	Revised funding level
TITLE XI—NATURAL DISASTERS			
Commodity Credit Corporation			
Disaster assistance	$320,000,000	−$20,000,000	$300,000,000
Tree assistance program		30,000,000	30,000,000
Farmers Home Administration			
Industrial development loans:			
Guaranteed loan level	50,000,000	250,000,000	300,000,000
Budget authority for loan subsidy	3,000,000	15,000,000	18,000,000
Economic Development Administration			
Economic development assistance program	50,000,000	20,000,000	70,000,000
Small Business Administration			
Disaster Loan Program:			
Direct loan level	656,000,000	544,000,000	1,200,000,000
Budget authority for loan subsidy	140,365,000	116,435,000	256,800,000
Salaries and expenses	80,000,000	20,000,000	100,000,000
Public health emergency fund	83,600,000	−20,000,000	63,600,000
ADAMHA block grant		20,000,000	20,000,000
Child care development block grant		20,000,000	20,000,000
Department of Education			
Impact aid	22,500,000	20,000,000	42,500,000
Department of Housing and Urban Development			
HOME investment partnership program		60,000,000	60,000,000
Salaries and expenses	3,800,000	200,000	4,000,000
Federal Housing Administration:			
Guaranteed loan level	1,628,000,000	800,000,000	2,428,000,000
Budget authority for loan subsidy	20,397,000	10,000,000	30,397,000
Federal Emergency Management Agency			
Disaster relief	1,904,000,000	939,000,000	2,843,000,000
Direct loan level	60,000,000	140,000,000	200,000,000
Budget authority for loan subsidy	15,000,000	35,000,000	50,000,000
Salaries and expenses	5,000,000	10,000,000	15,000,000
Subtotal, budget authority	2,647,662,000	1,275,635,000	3,923,297,000
Direct loans	716,000,000	684,000,000	1,400,000,000
Loan guarantees	1,678,000,000	1,050,000,000	2,728,000,000
Subtotal, loans	2,394,000,000	1,734,000,000	4,128,000,000
Total, budget authority and loans, selected programs	5,041,662,000	3,009,635,000	8,051,297,000

BILL WITH MANAGERS' AMENDMENT

H.R. 5620	President's request	Recommendation plus amendment	Revised bill versus request
TITLES I THROUGH X—REGULAR SUPPLEMENTALS			
Function 050, national defense:			
Defense	909,200,000	1,032,500,000	123,300,000
Defense cooperation account		[1] 2,375,974,000	[1] +2,375,974,000
Military construction	162,700,000	162,700,000	
Subtotal, national defense (050)	1,071,900,000	1,195,200,000	123,300,000
International	80,000,000		−80,000,000
Domestic discretionary (net)	40,817,000	31,691,000	−9,126,000
Subtotal, discretionary	1,192,717,000	1,226,891,000	34,174,000
Mandatory programs	737,781,500	737,781,500	
TITLE XI—NATURAL DISASTERS			
Defense	503,300,000	503,300,000	
Military construction	480,600,000	223,530,000	−257,070,000
Domestic discretionary	3,498,880,000	5,063,838,000	1,564,958,000
Subtotal, budget authority in title XI	4,482,780,000	5,790,668,000	1,307,888,000
Direct loans	1,269,500,000	1,953,500,000	684,000,000
Loan guarantees	1,678,000,000	2,728,000,000	1,050,000,000
Subtotal, loans in title XI	2,947,500,000	4,681,500,000	1,734,000,000
Subtotal, budget authority and loans in title XI	7,430,280,000	10,472,168,000	3,041,888,000
TITLE XII—DISTRESSED COMMUNITIES			
Fiscal year 1993 appropriations		500,000,000	500,000,000

BILL WITH MANAGERS' AMENDMENT—Continued

H.R. 5620	President's request	Recommendation plus amendment	Revised bill versus request
RECAP			
Discretionary:			
Titles I through X	1,192,717,000	1,226,891,000	34,174,000
Title XI	4,482,780,000	5,790,668,000	1,307,888,000
Title XII (FY 1993 appropriations)		500,000,000	500,000,000
Mandatory	737,781,500	737,781,500	
Total, budget authority in bill	6,413,278,500	8,255,340,500	1,842,062,000

[1] By transfer.

Note.—Includes managers' amendment; excludes committee proposed rescission of $14,696,040,000 from the Persian Gulf Regional Defense Fund.

Mr. BYRD. Mr. President, I ask unanimous consent that there also be printed in the RECORD an editorial from the New York Times of September 14 supporting the action of the Appropriations Committee of the Senate in connection with the Homestead Air Force Base. The editorial being titled "Yes, Close Homestead A.F.B."

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

[From the New York Times, Sept. 14, 1992]

YES, CLOSE HOMESTEAD, A.F.B.

It is difficult to say no to anything that could relieve the devastation of southern Florida by Hurricane Andrew. But the Senate Appropriations Committee has rightly rejected President Bush's transparent proposal to rebuild Homestead Air Force Base.

Embarrassed by his Administration's slow response to the catastrophe, and desperate for Florida's electoral support, Mr. Bush put $480 million for the base's reconstruction in the aid package he submitted to Congress last week. The base was key to the economy of southernmost Florida. Its restoration would give the area a desperately needed lift. But, hardhearted as it may seem, military need comes first.

Defense Secretary Dick Cheney has rightly insisted in the past that the Pentagon is not and should not be "a social welfare agency." The military value of Homestead Air Force Base was already in question before Hurricane Andrew. Homestead was on and off this year's list of base closings, and has been regarded as a strong candidate for next year's list.

Now 80 percent destroyed by an act of nature, Homestead's closing makes even more sense. By the same reasoning, the Pentagon decided to abandon Clark Air Force Base in the Philippines after its devastation by a volcano.

What's more, the Administration appears to have low-balled the likely cost of rebuilding. According to Senator Jim Sasser, chairman of the Military Construction subcommittee and one of three committee Democrats who favored rebuilding, the probable cost would be $300 million more than the Administration says.

Besides offering to rebuild the base, Mr. Bush told Floridians that Washington would pay 100 percent of the cleanup costs eligible for Federal aid, instead of the normal 75 percent. Then he granted Louisiana equal treatment, even though its losses were much less serious. And then, inspired by the President, Senator Ernest Hollings of South Carolina got the Appropriations Committee to vote retroactive equal treatment for Hurricane Hugo in 1989—another $35 million.

In an election year, the political will to relieve suffering knows few limits. All the more credit to the senators—Democrats and Republicans—who had the courage to curb President Bush's self-serving generosity.

AMENDMENT NO. 2986

(Purpose: To provide for additional assistance for natural disasters, including the recent Hurricane Iniki)

Mr. BYRD. Mr. President, in view of the fact that these amendments have been worked out among the Senators from the affected States—Senator INOUYE, Senator AKAKA, Senator GRAMM, and Senator MACK, Senator JOHNSTON, Senator BREAUX—and they are agreed upon by the ranking member, by the managers of the bill and by the Office of Management and Budget of the administration, I send these to the desk and I ask unanimous consent that I be permitted to offer them at this time, notwithstanding the fact that the committee amendments have not been agreed to, and I ask that these amendments be considered and agreed to en bloc; that the motion to reconsider be laid on the table.

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

The amendment (No. 2986) was considered and agreed to, as follows:

On Page 31, on line 23, before the colon, insert: ": *Provided further*, That in establishing yields for disaster payments to producers of the 1992 crop of sugarcane and sugar beets, the Secretary of Agriculture may make adjustments to county yields for adverse weather conditions during the 1989, 1990 and 1991 crop years".

On page 31, line 16, strike "$320,000,000" and insert in lieu thereof: "$300,000,000".

On page 31, line 20 strike "and shall include . . ." through "and nursery inventory" on line 23.

On page 32, between lines 2 and 3 insert: "For an additional amount for the "Commodity Credit Corporation Fund" to cover the costs arising from the consequences of natural disasters, $30,000,000, for the Tree Assistance Program, to remain available until the end of fiscal year 1993: *Provided*, That $10,000,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: *Provided further*, That such funds shall be used to fund the costs of replanting, re-seeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory: *Provided further*, That payments under this program shall be determined in accordance with Public Law 101-624: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985."

On page 35, line 11, strike "$3,000,000" and insert in lieu "$18,000,000".

On page 35, line 14, strike "$50,000,000" and insert in lieu "$300,000,000".

On page 35, on line 17, after "agriculture" insert: "nor shall such a loan guarantee be denied under provisions of 7 U.S.C. 1926(a)(7)".

On page 35, on line 24, before the period, insert: ": *Provided further*, That $15,000,000 of the $18,000,000 provided for the cost of guaranteed industrial development loans shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress".

On page 42, line 10, strike "and Typhoon Omar, $50,000,000" and insert in lieu thereof: ", Hurricane Iniki, and Typhoon Omar, $70,000,000".

On page 43, line 16, strike the sum "$140,365,000" and insert in lieu thereof: "$256,800,000".

On page 43, after line 25, insert the following:

"In addition $20,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries an expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act is transmitted by the President to Congress."

On page 60, line 10, strike "$83,600,000" and insert in lieu thereof "$63,600,000".

On page 61, line 2, insert the following:

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For an additional amount for "Alcohol, Drug Abuse, and Mental Health", to carry out Section 1911 of the Public Health Service Act for areas affected by natural disasters such as Hurricane Andrew, Hurricane Iniki, and Typhoon Omar, $20,000,000, of which $10,000,000 shall be for mental health services, to remain available through September 30, 1993: *Provided*, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

On page 61, line 20, strike "$22,500,000" and insert in lieu thereof "$42,500,000".

On page 61, line 21, strike "$10,000,000" and insert in lieu thereof "$30,000,000".

On page 62, line 14 before the period insert: ": *Provided further*, That $20,000,000 of these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

On page 61, line 3, insert the following:

PAYMENTS TO STATES FOR CHILD CARE ASSISTANCE

For an additional amount for "Payments to States for Child Care Assistance", for areas affected by natural disasters such as Hurricane Andrew, Hurricane Iniki, and Typhoon Omar, $20,000,000, *Provided*, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

On page 65, strike lines 20 through 22 and insert the following in lieu thereof:

(c) Notwithstanding any other provision of law, the Secretary of Education is authorized to grant to recipients of Federal funds under programs authorized by the Rehabilitation Act of 1973, as amended, that are substantially affected by Hurricane Andrew, Hurricane Iniki, or Typhoon Omar, a waiver or modification of restrictions regarding requirements for the matching of Federal funds, maintenance of effort, and time period for the obligation of Federal funds, but only if such recipients demonstrate to the satisfaction of the Secretary in the application submitted under subsection (c) that such restrictions impose a demonstrable barrier to the progress of such recipient in overcoming the effects of Hurricane Andrew or Typhoon Omar.

(*1*) The Secretary shall only grant waivers under this authority for fiscal years 1992 and 1993.

(*d*) REALLOCATION OF FUNDS.— (1) For fiscal year 1992, the Secretary shall make up to seventy-five percent of excess amounts available for reallotment under Sections 110, 633, and 703 of the Rehabilitation Act of 1973 to recipients of Federal funds under the Act substantially affected by Hurricane Iniki, Hurricane Andrew or Typhoon Omar, upon the receipt of an application submitted under subsection (c).

(*e*) APPLICATION.—Each recipient of Federal funds under programs authorized the Rehabilitation Act desiring a waiver and/or reallotment under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

On page 65 at line 23 strike "(c)" and insert: "(f)".

On page 66 at line 21 strike "(d)" and insert: "(g)".

On page 73 at line 25 after the word "Andrew" insert: "Hurricane Iniki".

On page 74 at line 8 before the colon insert: "and Hurricane Iniki".

On page 77, line 9, after "Andrew," insert: "Hurricane Iniki, Typhoon Omar, and other presidentially declared disasters,".

On page 77, line 18, after "Andrew," insert: "Hurricane Iniki, Typhoon Omar, and other presidentially declared disasters,".

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On page 78, after line 4 insert the following:

"(INCLUDING TRANSFER OF FUNDS)"

On page 78, line 7, after "Andrew," insert: "*Hurricane Iniki, Typhoon Omar, and other presidentially declared disasters*,".

On page 79, after line 24, insert the following new paragraph:

"HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, for use only in areas impacted by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially declared disasters, $60,000,000, to remain available until expended: *Provided*, That the Secretary shall not, as a condition of assisting a participating jurisdiction under such Act using amounts provided under this heading, require any contributions by or in behalf of a participating jurisdiction, notwithstanding section 220 of Public Law 101-625: *Provided further*, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except for provisions requiring nondiscrimination, in connection with the obligation by the Secretary or any use by any recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended: *Provided further*, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress: *Provided further*, That notwithstanding any other provision of this Act, funds provided under this heading that are allocated by the Secretary to the State of Hawaii are for use by the State in meeting the responsibilities with which it has been charged under the provisions of the Act of July 9, 1921 (42 Stat. 108), and in the case of programs for individuals directly to lessees under the provisions of the Act of July 9, 1921.

On page 79, line 17, strike, "$20,397,000" and insert in lieu thereof: "$30,397,000".

On page 79, line 21, strike "$1,628,000,000" and insert in lieu thereof: "$2,428,000,000".

On page 79, line 24, immediately before the period, insert the following new proviso: ": *Provided further*, That $10,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress".

Page 81, line 2, insert the following before the period: ": *Provided further*, That, notwithstanding any other provision of law, amounts provided under this paragraph shall be made available to the State of Hawaii under the same terms and conditions as funds made available to the State of Florida."

On page 80, line 6, strike "$3,800,000" and insert in lieu thereof: "$4,000,000".

On page 80, line 11, immediately before the period, insert the following new proviso: ": *Provided further*, That $200,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress".

On page 80, line 16, strike "$1,904,000,000" and insert in lieu thereof: "$2,843,000,000".

On page 80, line 19, strike $143,000,000 and insert in lieu thereof: "$493,000,000".

On page 81, line 2, immediately before the period, insert the following new proviso: ": *Provided further*, That $589,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress".

On page 81, line 7, after "Andrew," strike "$15,000,000," and insert in lieu thereof:

"Hurricane Iniki, Typhoon Omar, and other Presidentially declared disasters, $50,000,000,".

On page 81, line 11, strike "$60,000,000" and insert in lieu thereof: "$200,000,000".

On page 81, line 15, immediately before the period, insert the following new proviso: ": *Provided further*, That $35,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress".

SALARIES AND EXPENSES

On page 81, line 19, after "Andrew," insert: "Hurricane Iniki,".

On page 81, line 20, strike "$5,000,000" and insert in lieu thereof: "$15,000,000".

On page 81, line 24, immediately before the period, insert the following new proviso: ": *Provided further*, That $10,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress".

Mr. BYRD. Mr. President, I again thank all Senators, especially those Senators whose names have been mentioned, and I should also express appreciation to the Governor of Florida and commend him for the attention that he has given to this disaster. I know that it has been a terrible problem for him, as it has been for the Senators and the House Members from the affected areas. I compliment them and want to express the hope that what the Senate is doing today will be looked upon as a sensitive and understanding reaction and approach and as a sincere desire on the part of Senators to help the people of Florida and Hawaii and Louisiana in this great hour of their tribulation and suffering. I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I wish to thank the distinguished chairman, the

Senator from West Virginia, and the ranking minority member of the Appropriations Committee for their leadership and expeditious response to the needs of the people of Hawaii arising from Hurricane Iniki which struck the islands last Friday, and also to the needs of the people of Guam arising from Typhoon Omar which recently struck these islands, important Pacific islands.

Mr. President, I just returned from a long journey to inspect the tragedy and destruction caused by Hurricane Iniki, the most powerful hurricane to hit the State of Hawaii this century. A category 4 hurricane, like Hurricane Andrew, Hurricane Iniki hit the Hawaiian Islands with winds as high as 160 miles per hour and waves as high as 30 feet.

Mr. President, I witnessed the devastation and the anguish of the victims who lost their homes and businesses. Although I wanted very much to remain in Hawaii to provide solace and comfort to the victims, I knew my place was in Washington to ensure adequate Federal support to help the people of Hawaii recover from this devastating hurricane. An estimated 10,000 homes on the Island of Kauai, hardest hit by the hurricane, were destroyed or damaged, roughly a third of all the homes on the island. Over 8,000 are still in shelters or homeless.

President Bush has declared most of the State of Hawaii a major disaster area.

In 1982, Hurricane Iwa, a category 1 hurricane, devastated the Island of Kauai with 110-mile-per-hour winds and caused $216 million in damage. According to FEMA, damages resulting from Hurricane Iniki will be comparable to those resulting from Hurricane Andrew.

Mr. President, I thank the managers of this bill for including my request for increases in the various disaster relief accounts to make more than $1.2 billion available to the State of Hawaii for hurricane disaster relief in the form of FEMA disaster assistance, FEMA disaster loans, Small Business Administration disaster loans, FHA loans, EDA economic development assistance, agricultural programs, and public housing construction.

Mr. President, my request for disaster relief assistance is based on very preliminary estimates of damages resulting from Hurricane Iniki. Over the next few days, I expect to receive more detailed breakdowns like those which are in H.R. 5620 for Hurricane Andrew and Typhoon Omar. And so, Mr. President, I may seek additional funds if more Federal funds for Hurricane Iniki disaster assistance are needed, including during the conference on this or any other appropriations, measures, and hopefully there will be favorable consideration of my further additional requests for disaster assistance.

Mr. President, FEMA is faced with a disaster of its own. I am informed that by the end of this week FEMA will run out of disaster relief funds, and so we must provide funds to FEMA now. I urge my colleagues to join me in supporting the expeditious passage of this measure.

In addition, extraordinary efforts are being made by all concerned Federal agencies to cut through the redtape and minimize bureaucratic requirements in their work at speeding disaster relief assistance and services, to the citizens and State governments affected by Hurricanes Andrew and Iniki, and Typhoon Omar. To ensure the quickest recovery possible to victims of the disasters in Florida, Louisiana, Guam, and Hawaii, these agencies should continue to use whatever existing authorities they have to modify or waive conditions for assistance in the major disaster declaration areas that would otherwise prevent or delay providing assistance under Federal programs.

Finally, Mr. President, I would like to thank members of the Florida and California delegations, and members of the Senate Agriculture Committee who provided me with support and information over the last few days, to better enable me to respond to the victims of Hurricane Iniki. Their advice, based on the recent tragedies they were faced with, was invaluable.

I thank the Chair.

The PRESIDING OFFICER. Pursuant to the previous unanimous-consent agreement, the Senate was to have stood in recess. The junior Senator from Hawaii is seeking recognition.

Mr. BYRD. I ask unanimous-consent that the Senate continue until the Senator from Hawaii [Mr. AKAKA] has had a chance to address the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Hawaii.

Mr. AKAKA. I thank the Chair and the Senator from West Virginia.

Mr. President, I rise in strong support of the proposed committee amendment which includes emergency funding for Hawaii communities devastated by Hurricane Iniki last Friday. I deeply appreciate the committee's willingness to work with the Hawaii delegation and Governor Waihee in securing adequate emergency funding in this supplemental appropriations measure for the hurricane's victims.

At the outset, Mr. President, I would like to recognize the assistance and cooperation of the chairman of the Appropriations Committee, the ranking minority member, and the committee members in developing this amendment.

I would like to reserve special praise for my friend and colleague, Senator DAN INOUYE, for the central role he played in crafting the particulars of this amendment and for ensuring that Hawaii's needs as currently known have been properly transmitted to and characterized by the Appropriations Committee. As a senior member of the appropriations panel, Senator INOUYE's experience and leadership have never been more important to the Aloha State than at this moment. This crisis has once again demonstrated how fortunate the 50th State is to be so effectively represented in Washington by the senior Senator from Hawaii.

Mr. President, Hawaii is known for many things, but we are most famous for our aloha spirit. Each year millions of Americans travel to Hawaii to enjoy the warm spirit of the islands and its people, which we call aloha. Now, because of the severe physical damage inflicted by Hurricane Iniki, the Nation should show its aloha for Hawaii. We need the Nation's help and we need it badly. We ask for this help so that the island of Kauai can become again the "Garden Isle."

The American public has been generous with gifts and money and other assistance for the victims of Hurricane Andrew, and today, we ask for that same help for Hawaii.

I feel personally that the best way to show your support is to contribute to voluntary service organizations, two of the most prominent of which are the American Red Cross and the Salvation Army. May I mention here, Mr. President, that those who want to help the victims of Iniki can call (800) 842-2200, toll free, to show their generosity to the American Red Cross.

Mr. President, this amendment represents the Federal Government's commitment to provide relief. This bill will help the victims of Hurricane Iniki rebuild their shattered lives. It gives full force and effect to the disaster declaration which President Bush issued on Saturday. This measure answers Hawaii's call for help. It is a message of hope amidst an ocean of despair.

The disaster supplemental as modified by the committee amendment contains increases of more than $1.2 billion to accommodate Hawaii's needs. However, I would like to point out that the funds provided in this measure for Hurricane Iniki, over and above those included for Hurricanes Andrew and Omar, are based only on preliminary estimates of Hawaii's needs. For this reason, I hope my colleagues will bear in mind that as Hawaii works its way through this disaster, we may discover significant additional needs that may have to be satisfied by the Federal Government. In such an eventuality, I hope Members will understand and support any effort on our part to seek additional Iniki-related funds, either in conference on the pending measure or in other appropriations vehicles.

Mr. President, the media have reported extensively on Hurricane Iniki. However, the full impact of the disaster visited on Hawaii, particularly the island of Kauai and the western coast of Oahu, cannot truly be comprehended

unless one were to witness it in person. Over the weekend, the Hawaii delegation flew to Hawaii, arriving just hours after Hurricane Iniki had hammered its way through the western half of the Hawaiian Islands. From Oahu, we went directly to Kauai where we viewed what was left of the Garden Isle by helicopter.

Mr. President, in simple words, Kauai is the scene of unimaginable devastation. From the air we saw shorelines washed out by ocean surf, broken boats hurled high over the tide line and breakwaters, homes and hotels and office buildings smashed and exposed, telephone and power poles littering the landscape. About 90 percent of the electric poles on the island were down. Trees literally had been stripped of leaves, and when you see coconut trees stripped bare of their leaves, you know the winds were strong.

The island's extensive sugarcane fields were blown flat as were the banana, papaya, and macadamia nut trees.

And everywhere, Mr. President, you could see Iniki's survivors, lone individuals or families picking through the wreckage, waiting for food and water and help, hoping to salvage something of their former lives.

We later met with Kauai County Mayor JoAnn Yukimura and representatives of FEMA, State civil defense, the National Guard, and the military who noted that Kauai's situation is critical.

Since Friday, the island has been without electricity or communication, neither of which is expected to be fully restored for several weeks if not months. Many roads are blocked with debris, and extensive damage has been done to the water and sewer facilities. While the major hospital is operational, two of the health clinics have sustained some damage. Little is known of the condition of the schools. As of yesterday morning, FEMA estimated that up to 1,000 homes had been destroyed, another 3,000 suffered major damage, and 4,000 inflicted with minor damage, leaving an estimated 8,000 of the islands 50,000 permanent residents without shelter.

Mr. President, in spite of the extraordinary emergency response on the part of the Federal, State, and local authorities, as well as private relief agencies the wounds left by Hurricane Iniki will take many years to heal.

I would like to add that the response and coordination of the Federal, State, and local agencies, as well as the military and the Coast Guard, was extraordinary.

The cyclone brutalized Kauai, brought untold misery to its residents, and left its economy and infrastructure in ruins. While I have not personally viewed the destruction caused by Hurriance Andrew, I would speculate that the people of Kauai are facing the same level of hardship as that experienced by the people of south Florida, and Louisiana.

It is therefore appropriate that funding for victims of Hurricane Iniki is included in the same legislation that provides for victims of Hurricane Andrew.

In this regard, Mr. President, I am very pleased that the aid provided in this amendment is to be offered on the same terms as aid offered to the victims of Hurricane Andrew; that is to say, Federal funds will be provided at a 100-percent basis rather than on the traditional 90–10 or 75–25 match.

Mr. President, we look forward to this aid from our Nation, from this body, and from the executive branch. We look forward to the day when the emergency relief provided for in this bill can reach not only Hurricane Iniki's victims, but those of Hurricanes Andrew and Omar as well.

Thank you very much, Mr. President, I yield the remainder of my time.

Ms. MIKULSKI. Mr. President, I rise in strong support of H.R. 5620, the emergency supplemental appropriation bill.

This legislation includes $2.8 billion for the Federal Emergency Management Agency to provide assistance to individuals and families, as well as economic assistance needed as a result of the devastation wrought by Hurricane Andrew which struck Florida and Louisiana; Hurricane Iniki, which struck Hawaii just this past weekend; and Typhoon Omar which hit Guam.

These disasters are truly major disasters. In Florida, at least 70,000 houses were destroyed or sustained major damage. Crops of avocadoes, limes, mangoes, bananas, and other fruits were wiped out. In Florida City, over 75 percent of the buildings were deemed unsafe and are being condemned. Damage to public school facilities in Dade County is estimated at $300 million. In Louisiana, sugar cane and fisheries—the mainstays of the local economy—were devastated.

The funds contained in this bill are desperately needed to enable individuals whose lives are in shambles to get back on their feet, and to enable communities to provide basic services.

The funds provided to FEMA will assist more than 70,000 households in Florida with rental assistance of up to 18 months; individual and family grants to replace household goods and personal belongings; clearing of roads and removal of debris; repairs to schools and hospitals severely damaged by the storm; repair of city halls, courthouses, police stations, transit facilities, and sewer and water treatment plants.

The bill also includes $200 million in loan authority to enable FEMA to make loans to communities which have lost their tax base as a result of a disaster. The low-interest loans will enable local governments to continue providing essential services when their revenue base has been depleted.

I must continue to tell my colleagues, that when it comes to disasters, FEMA is a disaster itself. FEMA just is not fit for duty when it comes to major disasters—when you need FEMA the most.

While FEMA seems to be doing a better job in Hawaii, I was so troubled by the fact that the victims of Hurricane Andrew were victimized twice—once by Hurricane Andrew, and then by their own Government headed by a slow-moving bureaucracy which just wasn't prepared.

While most people realize that the cold war is over, FEMA is planning for nuclear war rather than natural disasters. The fact is, people are more likely to be hit by a hurricane or earthquake than by nuclear war. That's why I have been asking FEMA for the past several years to develop a strategy based on real risk and flexible response.

Unfortunately, FEMA has been sluggish. FEMA has shown it has not learned its lesson from disasters like Hurricane Hugo and the San Francisco earthquake.

So 2 weeks ago, I asked the General Accounting Office to launch a major review of the Federal response plan, to ensure that the Federal Government is fit for duty when disaster strikes and hits the ground running immediately so that the real needs of people—food, water, clothing, and medical care—are met. I will ask consent that a copy of that letter be included in the RECORD, immediately following my remarks.

We do not know where the next accident will come from, but we should know we can rely on the Federal Government's response.

For the Department of Veterans Affairs, the bill provides almost $16 million for incremental costs VA has incurred in providing medical care to victims of Hurricane Andrew; as well as repair and replacement of equipment damaged at the Miami VA hospital; and travel costs of VA staff sent to help out at the disaster relief area.

In the area of housing, the bill provides funds for the development or acquisition of public housing in areas impacted by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other Presidentially declared disasters. The bill also increases the total FHA loan limitation by $2.4 billion, to enable the Federal Housing Administration to provide approximately 100,000 mortgages and loans for the construction, reconstruction, rehabilitation, and purchase of homes and health care facilities.

Mr. President, in closing, I urge immediate passage of this legislation to begin healing the communities which have suffered such serious devastation.

I ask unanimous consent that the letter to which I earlier referred be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 3, 1992.

Hon. CHARLES BOWSHER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: I am outraged by the Federal Government's pathetically sluggish and ill-planned response to the devastating disaster wrought by Hurricane Andrew in Florida and Louisiana, which has left many lives in shambles. Time and again, the Federal Government has failed to respond quickly and effectively to major disasters, and no lessons have been learned from past mistakes.

Therefore, I am hereby requesting you to undertake an extensive and expedited review of the nation's federal disaster policy, including recommendations for a major overhaul of policy, procedures, and responsibilities to implement early in the next Administration.

The review should address the following areas.

First, disaster mobilization readiness. It is obvious that the current manner in which the Federal Government plans for disaster relief efforts is totally inadequate. The review should recommend the optimal manner in which the Federal Government should preposition the necessary supplies, materials, and people for rapid deployment soon after disaster strikes.

The review should answer the following questions:

Why isn't the Federal Government better prepared for disasters for which some advance warning exists, such as hurricanes?

What changes are needed to the Federal Response Plan to ensure that it is the best blueprint for planning for disasters?

Second, damage assessment. Under current law, federal disaster relief hinges on the state making a damage assessment and then requesting help from the Federal Government after this assessment is made. This seems to be a major stumbling block in getting disaster assistance in to a state quickly, particularly as states don't always have the resources necessary to make damage assessments quickly and accurately.

How should the Federal Government, rather than the state, be responsible for conducting initial damage assessments following major disasters, in order to trigger a faster federal response?

Under what circumstances should the Federal Government have the authority, independent of a governor's request, to declare an area a disaster?

Third, federal response to disasters. The review should include recommended standard operating procedures the Federal Government should use in responding to disasters. Questions I want answered include:

What should the chain of command be?

What is the best way to maximize initial disaster response?

What are the existing bottlenecks in the current system that impede prompt federal response?

How can the Federal Government be a "first responder" to major disasters where state and local governments are clearly incapable of meeting the needs of disaster victims?

Fourth, the role of the Department of Defense and other agencies. My primary question here is:

Should DOD be placed in charge of domestic disaster relief? If so, why do we need a Federal Emergency Management Agency?

What is the proper role of other agencies?

How should those efforts be coordinated and how should they integrate private voluntary efforts to ensure there is not duplication and inefficient allocation of limited disaster relief resources?

Finally, FEMA organization. If FEMA is not to be dismantled, there must be significant changes to the organization. Your review should include a top-to-bottom review of FEMA's mission, how it organizes its people, how it allocates resources, and how it manages both, to determine how it can best utilize its resources to serve as a first-responder to disaster areas.

I understand this task is a significant one, and therefore I would be willing to receive your recommendations in a series of reports, in order that I may receive this information in a timely manner. However, I want this material available so that it may be used quickly by the next administration and the new Congress to overhaul existing federal disaster assistance policies. I look forward to hearing from you within the next two weeks as to your plans and time frame for undertaking this report.

Thank you for your immediate attention to this matter. If you have any questions about my request, please call Kevin Kelly, staff director of the VA, HUD, and Independent Agencies Appropriations Subcommittee, at 224-7211.

Sincerely,

BARBARA A. MIKULSKI,
Chair, VA, HUD, and Independent Agencies Subcommittee.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that I be allowed to proceed as though in morning business.

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

RESPONSE TO PRESIDENT BUSH'S ECONOMIC SPEECH

Mr. ROCKEFELLER. Mr. President, like many Americans I have been waiting for President George Bush to use the occasion of this very difficult Presidential campaign to outline his vision of America's economic future. Like most Americans—even Democrats—I had hoped that the President's reelection bid would be driven by a plan to reenergize a flat American economy and to restructure a trade policy that now is mired in nostalgia and confusion.

Last Thursday, in a speech preceded by more hype than Murphy Brown's baby, George Bush gave what was billed as a "major economic address."

I watched that speech, Mr. President, thinking that the President just might use this chance to prove that he did indeed have a plan for the future. He is the President.

But even while the networks are coming out with new shows for the fall season, George Bush unveiled nothing more than a bunch of reruns. He left out the fundamental change in the policy and direction on the econony that the American people rightfully and desperately demand.

Unfortunately, like most television, the vast majority of President Bush's speech was composed of worn, old ideas—like his capital gains tax giveaway for anyone who can still afford to buy a vowel, "Unsolved Mysteries"—in the form of unspecified budget cuts, and made-for-TV gimmicks, a deficit reduction checkoff on the 1040 forms and then—his to say—the least modest health insurance reforms.

And when the going gets tough, George Bush resorts to meetings, summits, negotiations, treaties. But if summit economics worked, we would be out competing with Japan instead of buying their TV's.

The Uruguay round would be moving forward with a good text instead of sitting dead in the water with a bad text. As it is, Bush's negotiations to achieve multilateral agreements on shipbuilding and also on steel have failed on his watch. An agreement with the Europeans on the Airbus has been rightly criticized by both parties for allowing subsidies. And the Japan semiconductor agreement is a failure.

It is not surprising that the President is looking backward for inspiration. More and more Americans have to look themselves backward to find a time when they felt economically secure. "Leave it to Beaver" was never real but it did not seem like science fiction. Families really could hope for their own home, college-bound kids, and a secure job.

According to the Competitiveness Policy Council, the average real wages are lower now than they were 20 years ago. The job picture is even gloomier. The rate of employment growth in the 1980's was a third lower, 33 percent lower, than in the 1970's. This current, endless slump, almost 10 million still unemployed; a net loss of private sector jobs in 1989; and an economy mired in the doldrums, according to every reliable statistical measure—all of this did not come about overnight, Mr. President. It is the result of fading ability to compete in an increasingly competitive marketplace.

It is the result of Washington's longest running tragedy, Reaganomics. When Ronald Reagan was inaugurated we manufactured more cars than any other nation. We were leaders in virtually all of the emerging and advanced technologies of the day, telecommunications, computers, fiber optics, semiconductors. But the Reagan revolution changed all that. The

Reagan blend of trickle-down economics and supply side rhetoric measured economic success by the lifestyles of the rich and the famous.

While the trade deficit ballooned and the Federal deficit sucked up venture capital while family income fell, over 60 percent of steel employment disappeared overnight, hundreds of thousands of jobs, while tax shelters and homeless shelters boomed. The Republicans watched passively.

Even now, as the President pursues the North American Free-Trade Agreement, he fails to understand that in global competitiveness the real battleground is microeconomics, not macroeconomics. The real struggle is not global economic structure—tariffs and the like. Rather it is in a hundred individual critical technologies and industries whose success or failure will determine our future economic health.

Opening markets will not help if we have nothing good to sell.

Yet a recent National Science Foundation report found that:

The real rate of growth in U.S. industrial R&D spending has declined since the late 1970's and early 1980s.

Domestic industrial R&D expenditures slowed from an average annual growth rate of 7.5 percent—constant dollars—during 1980-85 to only 0.4 percent during 1985-91. The federally-supported portion of these expenditures dropped from a growth rate of 8.1 percent to −1.7 percent over these two periods—

That I mentioned—

The United States now trails Japan and (West) Germany, its strongest competitors, in nondefense R&D spending as a percentage of gross domestic product (GDP).

Mr. President, until this year the Bush administration regularly opposed efforts to increase Federal technology research and development activity. Indeed, last year the President threatened to veto the entire budget for the National Institute of Standards and Technology, an incredible Federal establishment with 700 Ph.D.'s planning the manufacture of products and future of the world. He threatened to veto that entire budget, because Congressman MINETA and I, supported by the Presiding Officer, proposed to spend $20 million on technology commercialization, because it was something called evidently industrial policy.

One result of his tunnel vision is a serious continuing lack of venture capital. The Government's two major manufacturing technology extension and diffusion programs, the Hollings manufacturing technology centers, No. 1, and the State technology extension program, No. 2, are badly underfunded and have little support from this administration. I expect the President to oppose and threaten to veto the State, Justice and Commerce appropriation which contains additional funding for these critical programs.

The Bush administration has condemned anything remotely related to critical technology policy to a kind of political twilight zone. They have regularly opposed any funding for research in high definition systems and displays and have attempted unsuccessfully to eliminate ongoing DARPA funding in that area.

In 1989, when then-Secretary of Commerce—and he was a good one—Bob Mosbacher attempted to develop a HDTV research program he was taken to the White House woodshed and ordered to drop his plans.

And the President refused to appoint anyone to the Competitiveness Policy Council for 3 years, and this was in the 1988 omnibus trade bill. Instead, he gave the support to Vice President QUAYLE's Council on Competitiveness, whose activities seem more dedicated to interfering with the regulatory process than to anything related to competitiveness. When will the Vice President come clean and tell us on whose behalf he has made all of these interventions and what anticompetitive practices he is helping to prop up.

The Bush programming has bombed, panned by the critics who count: voters, investors, workers, and our trading partners. Right now the American people are reaching for their remotes, ready to switch channels on George Bush.

The problem with George Bush and with his proposals for a NAFTA and other free agreements is that they ignore the real competitiveness problems that our country faces. They attempt to substitute the process of negotiations for the hard work of restoring through many individual actions our manufacturing base, improving our productivity, and creating jobs. George Bush still does not want to stay home. Like some members of his cultural elite, he prefers foreign programming and travelog to our domestic product, even though all the summits and treaties in the world will not educate a single child, hold up a single bridge, retrain a single displaced worker, or build a single scientific lab.

We have done more than watch Bush economics and neglect at work. We have lived through it and will pay for the bill for the decades to come.

The President now has confirmed that he is sticking with the same script of passive and failed policies. It is time, therefore, for us to turn the page and, in the judgment of this Senator, elect the person, Bill Clinton, who is ready to stage a new era of growth and problem solving where there is a central role for all Americans.

Mr. President, we have seen this tired act one time too many. Let us give George Bush what he deserves; let us give him the gong.

I thank the Chair, and I yield the floor.

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

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

THE ECONOMY

Mr. LIEBERMAN. Mr. President, I am pleased to be able to follow the distinguished Senator from West Virginia, the occupant of the Chair, who spoke eloquently and, if I may say so, right on target about what ails the American economy.

If I might say just a few words to reinforce the very strong and I think compelling message that the Senator from West Virginia has just given to our colleagues here in the Senate, the fact is that the American economy shows very, very few signs of recovering from this extremely painful and hurtful recession. Growth is sluggish and the public's confidence is at an all-time low.

As you know, the President has complained a great deal about negative campaigning by Governor Clinton, but the most damaging attacks on the President's reelection efforts come from the economic reports that we hear almost every day.

Today's depressing news is the half a percentage point drop in August in retail sales, the biggest drop since March, and an 18-month low in the sale of big-ticket items. Equally disturbing was today's announcement that our second quarter trade deficit soared to nearly $18 billion, which is the biggest gap since 1990.

Mr. President, these are numbers; they are economic statistics. But the truth is they are bells that are tolling, and they are tolling for us, for the American economy, for American businesses, for American workers, and for America's future. And the question is: What are we going to do about it?

Last week in Detroit, President Bush told us what he intends to do about it: A six-point economic plan. But unfortunately, his suggestion are too little, too old, and too late.

For the last 4 years, this administration has followed a policy of benign neglect toward the American economy, toward American businesses, and toward American workers. And that has left us in the desperate straits that we are in today: Far behind our competitors in the fast-paced global marketplace, and with millions of Americans literally out of work.

Now the President, in presenting his program last week in Detroit, would

have us believe that he is, as one cartoonist recently suggested, preparing a wonderful new economic entree here, a tax cut here, a spending cut there, some spending for education programs, a knock at Congress here, and voila, we have the perfect economic souffle. The problem is, however, when you look at the details, the results are much more like yesterday's hash.

Today, I want to discuss one aspect of the President's speech—his focus on competitiveness, particularly our Nation's spending on cutting-edge research and development, and describe why I think his remedy is woefully inadequate when one considers the ailment that we are suffering from. And let us not go to some partisan source, the Democratic National Committee or some so-called left-leaning economists. Let us go to the National Science Board, the NSB, with members appointed by Presidents Reagan and Bush.

Last month, it issued a report entitled "The Competitive Strength of U.S. Industrial Science and Technology: Strategic Issues," and it reached some very sobering conclusions about the state of our Nation's investment in competitive R&D. Not only is that falling off, but what we are investing, we are not investing wisely.

As the report states, in classic bureaucratese:

> * * * the distribution and allocation of those (R&D) expenditures is not optimal.

You can say that again. It is far from optimal.

For example, the balance between defense and nondefense expenditures is off when compared to spending by our foreign competitors.

The study also finds that the United States is spending much less on process-oriented R&D, on fundamental research, and on emerging and precompetitive technologies, and that we risk losing our traditional strength in pioneering discoveries and inventions because of cutbacks in spending on corporate labs and research universities.

The study points out that R&D expenditures are not as effective as they ought to be in producing the desired results. We no longer have an across-the-board competitive position in important technologically based industries. We are losing our leadership in several key technologies, and that means we are losing jobs. We simply do not translate the results of our basic research in this country, which is still the best in the world, into products that people want to buy, and therefore products that Americans will have jobs making.

The real rate of growth in industrial R&D spending has been in decline since the 1970's, and particularly in decline as against our competitors. When you put it all together, Japan is investing $5,320 per capita, the equivalent of equipping their workers with electronic work stations, while the United States invests only $2,177 per capita, which is the equivalent of equipping our workers with old-fashioned typewriters.

This anemic investment in research and development is a major reason why our economy is stalled. Since 1988, America's GDP growth has averaged only 2.5 percent, the lowest in the postwar era. Job creation and the increase in disposable income are at their lowest point since the end of World War II. Disposable income is a technical term, hard to understand. But when you get into it, it really deals with how much people's incomes are going up in relationship to the rate of increase in the rate of inflation.

And what you find from these numbers is something that the American people know. They are working harder and effectively making less. They are playing by the rules. Very often in a family, the husband and wife are both working, and working harder than they worked before. But the money that they bring home buys them less than it used to buy them. They are under tremendous stress in affording and paying for what they want and need for their families—education, housing, and health care. The common denominator for all of these weak statistics is the anemic rate of investment and growth in our country.

Mr. President, the answer of President Bush to this problem in his six-point plan was simply to make the R&D tax credit permanent. Well, that is a little like trying to bail out the Titanic with a teacup. We are all for making the R&D tax credit permanent. I have not met a person here on either side of the aisle in either Chamber who thinks we should not do that.

But I am afraid what we have learned and should learn from the facts is that that is not enough. We need to create a whole new relationship between Government and business. No longer can Government stand by timidly and just say it is all going to work out in the marketplace. That is not what is happening in Europe; that is not what is happening in Japan; and that is what we cannot allow to continue to happen here in the United States of America.

Governor Clinton has made some economic proposals which suggest a bold new leadership by the Federal Government, a constructive new partnership by the public and private sectors for growth.

The distinguished occupant of the chair and I, and others in this Chamber, have fashioned a similar approach. We have called it our national economic leadership strategy, much of which has been worked on in a bipartisan fashion in this Chamber, and is moving its way through this Chamber and on to the House, proposals that would increase spending on nondefense R&D; that would establish new programs to stimulate the redirection of resources from defense to nondefense R&D; that would increase support for process research and development by expanding and strengthening the so-called Hollings centers; increasing support for engineering research by encouraging and assisting in the expansion of Federal support for this fundamental research; and increasing funds for R&D on these precompetitive technologies that will take the basic research and convert it to commercialized products that people around the world will want to buy.

We have talked about creating more opportunities that encourage the interaction of scientists and engineers and the academic world and the business world to explore joint research interests that could lead to new discoveries, new inventions, new products, and new jobs.

We have talked about improving the speed and effectiveness of moving these R&D results from the lab to the marketplace; and improving the quality and adequacy of the data by carrying out assessments that identify missing information and examines the feasibility and cost of developing and tracking a set of industrial science and technology indicators that would be of value to policymakers.

Mr. President, there is a bottom line to all this.

If we keep on going in the direction we are going—and that is exactly what the President did in his speech in Detroit last week, just repackaged the failed policies of these last 3½ years—more Americans are going to lose their jobs. More businesses are going to go into bankruptcy. More homes are going to be foreclosed upon.

The reality is that this is a recession not like ones we have had, typically. This is not a recession in which people are just being laid off and then they are going to be rehired when demand rises. This is a recession and a fundamental restructuring in our economy in which jobs are being lost and we are not going to regain our strength, we are not going to reemploy our people unless Government works with business to create new jobs.

Governor Clinton sees this. As he said recently:

> We've got a great opportunity to change course—to invest, to cooperate, to compete, to educate * * *.

He is right. It is time we took advantage of that opportunity and changed course and stopped the drift of the American economy. We have to fight the inertia that has gripped our economy for the past 4 years because of the timidity and dispassion of the administration whose responsibility it has been to guide us. We have to take the public's discontent, and hear it as a call to action to get America moving again, working again, and winning again.

I yield the floor.

TERRORISM

Mr. COHEN. Mr. President, I would like to take this opportunity to talk about the very important issue of terrorism. The world we live in today is a violent one and the ramifications of violence touch us all—no matter where we live.

I am sure we are all familiar with the heinous crime that occurred in the Washington area last week. As Pamela Basu took her daughter to preschool she was held up by two men attempting to steal her car who dragged her over a mile to her death.

Ms. Basu's death is truly a tragedy for her family and for us all. Who does not shudder at the thought that we too could find ourselves the victims of such a horrendous crime.

We have heard a lot about carjackings and all of us fear the armed gunmen who terrorize innocent citizens going about their daily lives. Carjackings solidify the growing fear Americans have of leaving their home because they no longer feel safe anywhere. Carjackings are not a phenomena of the inner city; they happen in the suburbs, once the tranquil refuge free of violence. We are all vulnerable; rich and poor alike.

This kind of terrorism is alarming because it occurs in our neighborhoods at the hands of our neighbors and I do not need to remind anyone that it is on the rise. The statistices are frightening. According to the Washington Post, between January 1 and August 16 this year, 245 carjackings have occurred in the Washington metropolitan area, of which 5 resulted in death. Just this past weekend, five carjackings occurred within a 24-hour period. In New York, over 1,000 cars were carjacked in each of the past 2 years. In Los Angeles, over 4,100 took place in 1990.

This spread of domestic terrorism brings to mind a second point. Carjackings are not the only item on the rise; incidents of international terrorism also rose last year, according to a report released by the Department of State in May. There were 557 incidents in 1991, compared with 456 incidents in 1990. Fortunately, both these numbers are below that of 1988, the year of the Lockerbie incident. The United States has made an effort to increase international cooperation and bring an end to conflicts in volatile areas such as the Middle East.

Indeed, although we have witnessed the end of the cold war and it has been over a year since the return of our troops from the Persian Gulf, we must not forget that the threat of international terrorism still exists. The United Nations sanctions put in place against Libya, as the international community works to obtain the extradition of the two men indicted last year, further illustrate that there are still many unresolved issues. The U.N. Security Council has also accused Libya of failing to cooperate with an investigation into the midair bombing of a French airliner over Niger in 1989. Iran still approves or condones the acts of the Hezbollah.

It was less than 4 years ago that Pan Am flight 103 exploded over Lockerbie, Scotland. On December 21, 1988, all 259 passengers and 11 persons on the ground were killed when a bomb planted in the cargo hold of the plane exploded. The Federal Aviation Administration deemed this tragedy to have been preventable. Earlier this summer, the families of the victims won $9.23 million in suits against the company for negligence, but they would all give up that settlement for the return of their loved ones. The fact remains that airline security measures, ones not significantly different than those in place today in most airports, failed to detect a bomb in a cassette player radio hidden inside an unaccompanied suitcase.

Some may question whether the bombing was preventable, but it is important that the American public not forget that the real culprits are the terrorists who carried out the bombing with the support of their state sponsors. We should not delude ourselves in thinking that Lockerbie was the last incident of terrorism.

In response to the threat to airline safety, and the bombing of Pan Am flight 103 in particular, Congress passed the Aviation Security Improvement Act of 1990. Central to that legislation were provisions requiring the Federal Aviation Administration [FAA] to support the development and deployment of devices that will keep bombs off planes.

The Aviation Security Improvement Act of 1990 mandates the development of FAA-certified explosive detection systems [EDS] at all international airports served by U.S. carriers. Pursuant to section 108(b) of the act, the FAA was required to complete certification and testing procedures of the new EDS by May 16, 1992. The act provides that, before the FAA can require the airlines to purchase and deploy new EDS, the Administrator must certify that the new equipment can detect "the amounts, configurations, and types of explosive material which would be likely to cause catastrophic damage to commercial aircraft." Section 108(a) of the act further requires that the certification of EDS be "based on the results of tests conducted pursuant to protocols developed in consultation with expert scientists from outside the FAA." As of September 1992, the FAA has not approved the final version of the test protocols, has not issued new standards, and has not commenced testing of the new technology. Meanwhile, in part because these standards have not yet been approved, the National Academy of Science has been unable to complete its efforts to approve a protocol for testing such devices.

This failure to meet the deadline established in law is not the result of technological barriers facing scientists or engineers. The FAA's technical and security personnel drafted explosive detection standards months ago. But the draft standards have been languishing in the bureaucracy ever since, undergoing legal and regulatory reviews. Meanwhile, a number of private vendors claim to have developed machines that can safely and efficiently screen passengers and baggage. I have personally met with officials of one firm, Invision Technologies, Inc., and I am sure there are many such firms that have developed new technologies. They are eager to have their machines tested and installed in airports. But these new systems cannot be produced, or even tested at the present time, due to bureaucratic redtape.

Last year, the Governmental Affairs Committee, on which I serve, held a hearing to assess Federal efforts to develop high-technology defenses against terrorist attacks. At that time we discovered that a number of worthwhile research projects were not funded, even though their costs were extremely low.

During the war in the Persian Gulf, we witnessed the dramatically effective use of technology to minimize U.S. casualties and speed the defeat of Sadam Hussein's army. Now we should use America's technological edge to explore new technologies that can defend against a possible increase in terrorist threats in the world.

I have advocated cuts in spending for many programs this year. But as I have said time and time again, budget priorities should not be the victims of cuts that will wind up costing more in the future. One need only look at the unaccountable costs of Pan Am flight 103 to know that we should stand by our commitment to air safety. We need to remain mindful of the events and statistics surrounding the incidents.

The United States has been more effective in countering attacks through international cooperation, yet the measures in place today still might not detect the type of bomb that killed those 270 people in 1988. Just as we must work to combat crimes like the recent carjackings in the United States, it is important that we remain committed to protecting air travel for our citizens both at home and abroad.

But it is imperative that we and the Federal Government, the FAA in particular, move forward as quickly as possible to implement the provisions of the legislation that require us to set forth the kind of standards for the approval of the technologies which are currently available.

We tend to forget about the existence of these terrorists. They are out there.

They remain. Any time there is an international crisis we can count on the fact that there will be a rise in terrorist actions directed toward the passengers. And I urge the FAA to move as quickly as possible to implement the legislation that we passed last year.

SETTING THE RECORD STRAIGHT

Mr. LIEBERMAN. Mr. President, I would like to voice my strong support for the conference report on S. 12, the Cable Television Consumer Protection and Competition Act. It is especially important now for all of us who support this measure to speak out on the strengths of the legislation in view of the massive and misleading advertising campaign that the cable industry is conducting against it. It is really time to set the record straight.

Mr. President, the cable companies are not telling the truth to the American public, or at least to the 37 million Americans who they intend to reach with their direct mail fliers, and the millions of others who have been subjected to their television advertising campaign. Children watching cartoons on cable television tell their parents about seeing a man with an umbrella that rains on the man, meaning of course that this bill allegedly rains on the American consumer.

The other ad is of a much more serious event. It portrays a U.S. Senator scolding his staff for allowing so-called special interests to prevail in designing this Cable Television Consumer Protection and Competition Act.

The message behind both ads is that people will have to pay more for cable television if this bill passes. Mr. President, that is exactly the opposite of the truth. For the cable industry to claim that it is now coming to the rescue of the American consumer is like a shark claiming that it is swimming to the rescue of a drowning man.

Our legislation enjoys the wholehearted approval of a number of respected advocacy organizations including the Consumer Federation of America and the National Council of Senior Citizens. The real special interests at work here are the cable television folks themselves who are doing everything in their considerable power to convince the American public that they have their best interests at heart and that this bill will not really protect them.

The reason that the cable television industry is against this bill is the same reason that the rest of us should be for it: Because it will put a stop to cable television raising the price of its services whenever it wants. Given the freedom that the current state of no regulation and no competition gives cable television, we know just what the cable companies will continue to do, which is that they will continue to raise prices over and over again.

Mr. President, this bill will soon put a stop to that. Under the proposal, cable companies would have to justify cable rate increases to local franchising authorities or the FCC, a very moderate and reasonable form of regulation. These rate reviews will protect consumers against unreasonable rate increases like the ones we have seen all too often over the last 5 years. The fact is that the cost of cable has risen three times the rate of inflation in the last 5 or 6 years.

This bill will open the gates to competition. It will not just impose regulation; it will eventually end the game of monopoly in the cable market. Competition is clearly the best way to where we want to go, which is fair rates, better services, and diverse programming in the cable television industry, which so many Americans have come to depend on for entertainment and information.

Competition produces the best results for the consumer in any industry, and cable TV is no exception. In fact, in cable markets where competition exists, rates are already 30 percent lower than they are in the monopoly markets.

This bill prevents cable companies that also own cable channels from using their control of these channels to keep competitors—whether they are cable overbuilders, wireless cable operators, or satellite TV companies—out of the market. In short, it clears the way for every cable company, new or old, to do business with every other cable company on a fair footing.

Mr. President, this conference report, when we receive it, would take two significant steps; one in the short term and one in the long term.

Over the shortrun, it is important for Government to play its proper role in protecting consumers from paying excessive prices in a monopoly market.

That is why this bill comes to the rescue of cable consumers now and puts a little bit of oversight into a system where there are absolutely no controls on what cable can charge consumers. And then over the long run Government will step aside, not need to play this part in the cable business, restore a competitive market, and that market will make sure that cable TV will be a much better deal for all Americans.

So this this conference report, when we get it, is good for both now and then. That is the truth about the Cable Television Consumer Protection and Competition Act, contrary, I am afraid, to what the cable television industry has been trying to convince the American public.

Mr. President, I thank the Chair. I yield the floor.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $4,032,389,586,853.81, as of the close of business on Friday, September 11, 1992.

Anybody familiar with the U.S. Constitution knows that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on Federal spending approved by Congress—spending over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day, just to pay the intent on the existing Federal debt.

On a per capita basis, every man, women, and child owes $15,698.84—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.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

CONCURRENT RECEIPT

Mr. PELL. Under current law, disabled veterans must give up an equal amount of their retired pay in order to receive VA compensation for a service connected disability. I believe this policy unfairly discriminates against career military personnel disabled during service to our country, and have cosponsored legislation introduced by Senator GRAHAM to correct this inequity. This bill, S. 1381, would allow disabled veterans to receive military retired pay and veterans disability compensation benefit concurrently, with an offset that is inversely related to the degree of disability.

I have heard from many of my constituents and a number of veterans organizations in support of this legislation. I wanted to bring to my colleagues attention a copy of an eloquent letter the Governor of Rhode Island, Bruce Sundlun, wrote to the President urging his support for the legislation. In addition, the Rhode Island General Assembly unanimously adopted resolution urging the Congress to adopt legislation to correct the inequity.

Recently, the Senate Armed Services Committee recommended a provision in S. 3114, the 1993 Defense Authorization Act, directing the Department of Defense to submit legislation to the Congress to permit the concurrent receipt of military retired pay and veterans disability compensation. After holding a hearing on this issue earlier this year, the Senate Armed Services Committee agreed that the current 100 percent offset is unfair. Due to the

complexity of the proposals to correct this injustice, as well as the costs associated with them, the Senate Armed Services Committee has asked the Department of Defense to study the proposals and submit appropriate legislation with the intention of adopting a correction next year. I was pleased that the Armed Services Committee recognized the inequity of this offset and I continue to support congressional action to allow the concurrent receipt of benefits in order to provide some relief to the more than 400,000 retired disabled career soldiers who have been denied full compensation for their service and sacrifices in behalf of our country.

I ask unanimous consent that a copy of the letter Governor Sundlun wrote to the President and copies of resolutions passed by the Rhode Island General Assembly urging congressional action on this issue be included in the RECORD.

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

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS,
Providence, RI, November 21, 1991.

President GEORGE BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: I am writing to urge your support of two bills, Senate Bill S. 1381 and House Bill H.R. 3164, which would allow military retirees with service-related disabilities to concurrently collect both retirees' pay and Veterans' Administration Disability Compensation.

As a veteran of World War II and a recipient of the Purple Heart, I can empathize with those military personnel who find themselves ineligible for a pension that rightly should be given to them. Veterans and their families have made monumental sacrifices for this great country, and respect should be accorded to them by means of appropriate pension compensation.

Current Veterans' Administration policy discriminates unfairly against the combat-wounded, prisoners of war, and their dependents by forcing them to forego a portion of their military retirement pay equal to the amount received from the Veterans' Administration Compensation. This is reportedly to qualify them for the tax break accorded to combat-wounded retirees and POW's.

Because Veterans' Administration Compensation was meant to provide special benefits for veterans whose impairments render them thirty percent or more disabled, as well as their dependents, and because ordinary military retirement pay has no provision for dependents' allowance, the current procedures hurt not only certain combat-wounded veterans but also their dependents.

Once these bills are passed, they can go a long way towards remedying this unfair situation. I hope you will give serious consideration to this matter.

Best personal wishes.

Sincerely,

BRUCE SUNDLUN.

STATE OF RHODE ISLAND—SENATE RESOLUTION

Whereas, military retirees have earned their military pensions by remaining in the military, through reenlistment, during a minimum of twenty years of the prime of their youth; and

Whereas, if after ninety or more days of active duty, a veteran incurs a service-related disability, such as deformity, pain, wounds, injuries, disease, loss of earning power, or loss of limb, Veterans' Administered Compensation is meant to give them the special assistance they need; and

Whereas, current Veterans' Administration policy is penalizing the combat-wounded, POW's, and their dependants by forcing them to waive receiving a portion of their military pension equivalent to the amount they receive from Veterans' Administered Compensation in order to qualify for the tax break accorded to combat-wounded retirees and POW's; and

Whereas, Veterans' Administered Compensation was meant to provide special benefits for veterans whose impairments render them 30% or more disabled. These benefits include the cost of aid and attendance for some veterans who need it, and an allowance for each of their dependents. In contrast, the ordinary military retirement pension has no provision for dependent's allowance; and

Whereas, the principle of recognizing and compenating veterans who suffered injury or loss of capacity by providing them more funds and services than the uninjured military retiree has been seriously eroded. The current policy bodes ill for injured veterans of the Persian Gulf as well; now, therefore, be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations hereby respectfully requests the Congres of the United States to pass House Bills 303 and 304 and Senate bill 190 so that military retirees who are combat-wounded can receive the retirement pay they have earned as well as the Veterans' Administered Benefits including dependents' allowances, aid, and assistance, with no offset in their military retirement pay; and be it further

Resolved, That the secretary of state be and she hereby is authorized and directed to transmit a duly certified copy of this resolution to the Rhode Island delegation in the Congress of the United States.

STATE OF RHODE ISLAND—HOUSE RESOLUTION

Whereas, military retirees have earned military retirement pay through reenlistment incentives and use of one's physical capacity during prime youth years for a minimum of twenty years; and

Whereas, the purpose of Veterans Administered Compensation is to assist those who have completed ninety days or more of active duty and have incurred service connected disabilities during that time such as deformities, pains, wounds, injuries, diseases, loss of earning power, or loss of limbs; and

Whereas, thirty percent or more rated disabilities include an allowance for each dependent and a military retirement for longevity has no dependent allowance; and

Whereas, military retirees who are combat wounded and their dependents are discriminated against by wavering the retirees earned retirement pay on a dollar for dollar basis with Veterans Compensation only to receive a tax break for the Combat Wounded retiree and dependents; now, therefore, be it

Resolved, That this house of representatives of the state of Rhode Island and Providence Plantations hereby memorializes the Congress of the United States to pass House Bill 303 so that military retirees who are combat wounded can receive earned retirement pay from the Armed Forces and also receive Veterans Administered Compensation including dependent allowances with no offset to military retirement pay; and be it further

Resolved, That the secretary of state be and she hereby is authorized and directed to transmit a duly certified copy of this resolution to the Rhode Island delegation in the Congress of the United States.

REAUTHORIZATION OF TITLE X, FAMILY PLANNING PROGRAM

Mr. ADAMS. Mr. President, I rise to voice my strong support for the conference bill on the reauthorization of title X, the Family Planning Program. This bill would reauthorize the 22-year-old title X program and would overturn the gag rule once and for all.

Title X has been one of our Nation's most effective preventive health efforts, providing low-income women with essential medical care they otherwise would not receive.

Title X family planning services are proven and cost effective. Every public dollar spent to provide contraceptive services saves $4.40 in taxpayer funds that otherwise would go toward medical care, welfare, and other mandated social services. Overall, title X saves the Government and the taxpayers $1.8 billion each year.

Despite the health care need, title X services have been the target of zealous abortion opponents—even though title X is the Government's only effective abortion prevention program.

One of the Reagan and Bush administration's most successful assaults on title X is the infamous gag rule.

The gag rule mandates second rate health care for low-income pregnant women and prohibits doctors from fully caring for some women patients.

Under the gag rule, family planning counselors are prohibited from telling a woman her full range of legal medical options about an unwanted pregnancy. Counselors cannot even refer a women to another medical facility where she could get abortion information or services.

If the woman asks about abortion, the doctor is permitted only one response: This facility does not consider abortion an appropriate method of family planning. The response is the same even if the woman is the victim of a rape or incest; even if the pregnancy is life-threatening; and even if the woman is paying for the medical services herself.

Simply put, with the gag rule, a woman who can pay for private health services gets better information and better care than a woman who must depend on a title X clinic—even when her life is in danger.

And that is why we must pass this conference bill and outlaw the gag rule.

This conference bill reverses the gag rule on title X clinics. Clinics that receive title X funds will comply with applicable State law regarding a minor's access to abortion. Individual professionals in the title X clinic are excused

from counseling or referring women for abortion as a result of the long-standing conscience clause.

Nonetheless, the conference bill requires that a grantee provide such counseling and referral at the clinic site directly or through an arrangement with another entity.

Mr. President, title X is a program that works well. Seventy-eight national organizations, including the American Medical Association and the American Hospital Association, have all opposed the gag rule regulations. So have 36 State governments, 145 Members of Congress and all 25 schools of Public Health in this country.

We are at a critical moment in our history. I urge each of my colleagues to vote in favor of this conference bill and I urge the President to sign it into law.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15.

Thereupon, at 1:21 p.m., the Senate recessed until 2:15 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

SUPPLEMENTAL APPROPRIATIONS, TRANSFERS, AND RESCISSIONS ACT, 1992

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business is H.R. 5620, the supplemental appropriations bill.

Who seeks recognition?

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The business before the Senate is H.R. 5620, the supplemental appropriations.

Mr. BYRD. I thank the Chair.

AMENDMENT NO. 2987

(Purpose: Anti-stalking provision)

Mr. COHEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the committee amendments? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself, Mr. SPECTER, Mr. THURMOND, Mr. GRASSLEY, Mr. CHAFEE, Mr. D'AMATO, Mr. BIDEN, and Mr. COATS, proposes an amendment numbered 2987.

Mr. COHEN. Mr. Speaker, 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 in the bill, insert the following:

SEC. .

(a) FINDINGS AND DECLARATIONS.—The Congress finds and declares that—

(1) the criminal act of stalking other persons is a problem of deep concern;

(2) previously available legal recourse against stalking, such as restraining orders, have proven largely ineffective;

(3) anti-stalking legislation has been enacted or proposed by several of the States;

(4) the constitutionality of several of the States' anti-stalking statutes may be in question; and

(5) the Congress has an interest in assisting the States in enacting anti-stalking legislation that is constitutional and enforceable.

(b) EVALUATION.—The Attorney General, acting through the Director of the National Institute of Justice, shall—

(1) evaluate anti-stalking legislation and proposed anti-stalking legislation in the States;

(2) develop model anti-stalking legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as a result of the evaluation; and

(4) not later than 1 year after the date of enactment of this Act, report to the Congress the findings and the need or appropriateness of further action by the Federal Government.

(c) EXPENSES.—Expenses incurred in conducting the evaluation and developing model legislation under subsection (b) shall be paid out of funds that are available to the National Institute of Justice for fiscal year 1992.

Mr. COHEN. Mr. President, let me be very brief explaining this amendment. There are various types of emergencies that we are confronted with and talking about here today, and certainly the devastation afflicting Florida and Hawaii are principal among them. But there is another type of epidemic that is spreading across this country, and it is called stalking. It may come as a shock to my colleagues that today the leading cause of injury among American women is being beaten by a man. And nationally an estimated 4 million men kill or violently attack the women they live with or date.

We are seeing State after State rush to pass legislation dealing with anti-stalking laws. And the difficulty is that a number of the laws are drawn so broadly that they are unconstitutional. Others are drawn so narrowly they are ineffective.

Senators BIDEN, THURMOND, and others have joined me in sponsoring this amendment and my legislation on this issue has some 37 cosponsors.

The legislation would simply call upon the National Institute of Justice to examine the existing 23 or 24 stalking laws currently on the books in the various States, and to then develop a proposed model piece of legislation, so that States who are now considering this very serious subject matter can feel reasonably confident that their laws, if they pattern them and base them upon the model law, will survive constitutional scrutiny. It would be a tragedy for States to pass laws that they think will satisfy the requirements of constitutional provisions, and only to have them struck down at a later time.

Mr. President, this would call upon the Institute to formulate a model law. It would then have that legislation disseminated to the various States and require the Institute to report back to Congress within a year's time.

In early June, the dinner patrons of the Philadelphia Steak and Hoagie Shop in suburban Boston watched in horror as 21-year-old Kristin Lardner was shot to death by her ex-boyfriend in the street outside.

Kristin, a budding young artist and the daughter of veteran Washington Post reporter George Lardner, had tried to keep Michael Cartier away from her. Just 6 weeks before he murdered Kristin, Cartier had left her unconscious in a Boston street after he kicked her repeatedly in the head and legs.

After this incident, Kristin sought protection from the courts. A 1-year restraining order was issued in mid-May, ordering Cartier to stay away from Kristin's home and job, and to stop abusing her. Cartier had bragged to Kristin that restraining orders would do no good. On May 30, Michael Cartier proved to the world that he was right.

Kristin Lardner was an extraordinary young woman who died in what is becoming a disturbingly ordinary way. As I have mentioned, the leading cause of injury among American women is being beaten by a man.

Women who seek protection from this abuse often face a judicial system that has traditionally viewed such violence as domestic disputes. Even when protection is sought, there is no guarantee that the abuse will stop. Studies in Detroit and Kansas City reveal that 90 percent of all those murdered by their intimate partners called police at least once; more than half had called five times or more.

The difficulty that our legal system has in protecting individuals from former intimates also extends to cases where the abuse comes from a complete stranger.

Ten years ago in Vermont, Rosealyce Thayer's 11-year-old daughter, Caty, was stalked by a man for 19 months and the police did nothing. One day Mrs. Thayer found Caty organizing her dolls. When her mother asked her what she was doing, the little girl said she was deciding which dolls would go to various friends after the man killed her.

Despite Rosealyce Thayer's efforts to protect her daughter when the police would not, little Caty was kidnaped and later found dead. She had been raped repeatedly and stabbed.

Men can be victims to stalkers as well. Just last week, in my hometown of Bangor, ME, novelist Stephen King was the target of a California man who believed, after decoding secret messages in news magazines, that King, not Mark David Chapman, had killed John Lennon and that former Presi-

dent Reagan and others were part of a conspiracy to cover it up. Luckily, Maine law enforcement officials were alerted to the Berkeley man's cross-country odyssey when his van was pulled over in Maryland earlier in the week. But this bizarre incident indicates how the bubble of personal privacy, even for a public figure, can so easily be broken.

We do not need to comb through the headlines or flip through the channels to find stories about men and women being victimized by stalkers. As I have taken a closer look at this issue, I have discovered that at least two members of my staff have been pursued and harassed by complete strangers on a repeated basis. In one of these cases, the stalker placed a foreign substance in my staff member's gas tank, causing hundreds of dollars' worth of damage to her car.

Only recently have the States begun to enact legislation that gives law enforcement officials the power to act against stalkers before they reach their prey. The Nation's first antistalking law was enacted in California in 1990 after actress Rebecca Schaeffer was shot by a deranged fan. To date, 20 States have antistalking statutes and similar legislation is under consideration in may others.

I believe that responsibility for enacting and enforcing antistalking legislation should remain in the hands of the States. Unfortunately, I am concerned that many of these statutes are so broad that they may not pass constitutional muster. For instance, many observers have been critical of a Florida antistalking statute that allows police to make an arrest without obtaining a warrant or catching the suspect in the act of stalking. Others have called for modifications to the California statute because it is not strict enough.

Jeffrey Weiner, president of the National Association of Criminal Defense Lawyers, has followed this issue carefully. In a recent Chicago Tribune article he states: "Stalking is a serious problem that should be dealt with, but it [must be addressed] in a constitutional fashion. It does a disservice to those stalking victims to rush through a law that likely will not hold up in court."

The American Civil Liberties Union's Loren Siegel has questioned whether some perfectly legitimate activities could be curtailed under overly broad antistalking statutes. For instance, could an investigative reporter trying to do a story on a public figure be arrested for pursuing the subject of his or her report. Some statutes may also prevent a father who is being unfairly denied visitation rights from watching his children from a distance to make sure that they are all right.

Today, I am offering an amendment that will ensure that these difficult issues receive proper attention and action at the national level.

I would also note that all expenses related to enacting this legislation will be drawn from nonearmarked funds appropriated to the National Institute of Justice. The amendment provides for no new spending.

It is my hope that adoption of this amendment will help us to focus national attention on a very serious problem and ensure that our citizens are protected by enforceable antistalking statutes, no matter where they reside.

Justice Louis Brandeis identified the "right to be left alone as the most comprehensive of rights and the right most valued by civilized men." Kristin Lardner only wanted to be left alone. There should have been no need for little Caty of Vermont to bequeath her doll collection to friends. Indeed, no American should feel that they have no place to turn when they are the prey of stalkers.

My legislation represents a small but significant step in ensuring that our most comprehensive of rights is protected at the expense of no other right. I ask for the support of my colleagues and I urge them to join me in addressing this important issue.

I know of no objection to my amendment. It has strong bipartisan support. And I ask that it be considered by my colleagues.

To my knowledge, it has no objection from the minority side, and I am not aware of any objection on the majority side.

Mr. THURMOND. Mr. President, I rise today to join with my colleague, Senator COHEN, in offering an amendment to the bill pending before the Senate. I am pleased to be a cosponsor of this amendment. The amendment is identical to the antistalking legislation introduced by Senator COHEN, which I cosponsored earlier this term.

This amendment addresses the problems of ineffective antistalking statutes enacted by some States. Victims of stalkers are being denied basic rights to safety and protection from harassment guaranteed by our Government simply because current antistalking laws may be unenforceable. Convicted stalkers are often released on successful constitutional challenges and free to further harass their victims. This amendment directs the Department of Justice to draft model antistalking legislation.

I am pleased to be a cosponsor of the bill and of this amendment. This is very important legislation, and I urge my colleagues to adopt it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BYRD. Mr. President, I had previously indicated to the distinguished Senator that I had no problem with the amendment. I do not. But I think there are indications that I should contact the committee of jurisdiction and see if it has any problems. Therefore, if the distinguished Senator will indulge me, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, earlier I had asked consent that all of the committee amendments be adopted en bloc under certain conditions and there was an objection.

I understand now that there is no objection to the following request: I ask unanimous consent that the committee amendments as amended where amended be agreed to en bloc, that no points of order shall be considered to have been waived, that the request is agreed to, and that the amendments be considered as original text for the purpose of further amendment, with one exception, that exception being the amendment on page 16, lines 1 through 6. I make the request with the exception of the one committee amendment that I have referred to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments were agreed to en bloc, with the exception of excepted committee amendment on page 16, lines 1 through 6.

AMENDMENT NO. 2988

Mr. BYRD. Mr. President, I understand that there is an amendment proposed by Senator DOLE to H.R. 5620. It would read as follows:

On page 42, line 10, after "Iniki," insert the following: "the severe storms that caused damage to electrical cooperatives in the State of Kansas on June 15, 1992, and July 7 and 8, 1992."

Mr. President, this is cleared on my side of the aisle.

I ask unanimous consent that I may offer this amendment on behalf of Senator HATFIELD and myself, and on behalf of Senator DOLE, and that the pending amendments be temporarily set aside. I send the amendment to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. President, I ask unanimous consent that the amendment be agreed to and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2988) was considered and agreed to as follows:

On page 42, line 10, after "Iniki," insert the following: "the severe storms that caused damage to electrical cooperatives in the State of Kansas on June 15, 1992, and July 7 and 8, 1992,".

AMENDMENT NO. 2989

Mr. BYRD. Mr. President, I have an amendment by Senator REID, which was offered by Senator REID at the time of the Appropriations Committee markup of the bill. He indicated that he had an amendment, and that he would not offer it in committee but would offer in on the floor. This amendment is cleared on both sides of the aisle.

I ask unanimous consent that this amendment be in order at this time, that it be agreed to, the motion to reconsider laid on the table, and that a statement by Mr. REID in explanation thereof be included in the RECORD as though stated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2989) was considered and agreed to as follows:

At the appropriate place insert the following new section:

SEC. . Funds appropriated for the Office of Economic Adjustment at the Department of Defense for Fiscal Year 1992 are reduced by $1,000,000, and funds appropriated for the Office of the Secretary of Defense for fiscal year 1992 are increased by $1,000,000 for the purpose of making an economic impact grant to Nye County, Nevada.

NYE COUNTY GRANT

Mr. REID. Mr. President, last year, the Defense Subcommittee directed the Office of Economic Adjustment [OEA] to provide a grant to Nye County, NV, for impact assistance. The county had issued a $1 million school bond to support the children of employees at the Tonopah Test Range.

The Stealth fighter was moved to New Mexico, and Nye County was left holding the bag. The Defense Subcommittee recognized this and directed that a grant in the amount of $1 million be made to the county.

The Office of Economic Adjustment, however, has refused to make the grant. It appears that the report language directing them to do so was not good enough for them.

This is why I am offering this amendment reducing the fiscal year 1992 OEA appropriation by $1 million and transferring it to the Secretary of Defense so that he can make the grant.

Nye County has waited long enough for this money.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2987

Mr. BYRD. Mr. President, I have now resolved the matter which I wished to examine in connection with the amendment by Mr. COHEN. I am prepared on this side to accept the amendment. I understand that Mr. HATFIELD is likewise prepared to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

The amendment (No. 2987) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, it is my understanding, word having reached me by the proverbial grapevine, that there are some Senators who have amendments to the pending measure.

I urge those Senators, if they have amendments, to get to the floor and call them up. I will wait a reasonable length of time, after which I will move to go to third reading, and we will have a rollcall vote on that, probably.

I urge Senators to get to the floor and call up their amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, if Senators have amendments, they should come to the floor and call them up. This is a bill to bring relief to the people of three States who have suffered enormous losses, and Senators who have amendments should be prepared to call them up.

I suggest the absence of a quorum. This will be a live quorum, Mr. President. I hope it will bring Senators to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I am informed that Senator CRAIG is on his way to offer an amendment.

I will suggest the absence of a quorum so that Senator CRAIG may get here without the quorum having become a live quorum, but if I wait longer than 10 minutes, I will put in a quorum call again and it will be live. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, Senator CRAIG has an amendment which he is prepared to call up. I hope he would get recognition and offer his amendment or take whatever action he wishes.

The PRESIDING OFFICER. The Senator from Idaho [Mr. CRAIG] is recognized.

AMENDMENT NO. 2990

(Purpose: To strike provisions relating to the implementation of certain Davis-Bacon regulations)

Mr. CRAIG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If there is no objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 2990:

Beginning on page 15, strike out lines 21 through 25.

Mr. CRAIG. Mr. President, the amendment I am offering is very straightforward in dealing with this most important supplemental appropriations bill.

A year ago, when we passed the dire emergency supplemental, better known as Desert Storm, we acted to temporarily disallow funding the implementation of regulations from the Department of Labor, better known as the helper regulations, or the temporary helper regulations, that deal with the use of semi- or non-skilled labor in Davis-Bacon qualified projects. We were talking about the ability of a Davis-Bacon contractor to find and hire part-time help to fill the unskilled categories at less than prevailing wage. The action of a year ago banned us from doing that in a temporary way.

Since that time, the Court has ruled in the context of Davis-Bacon that in fact the Congress did act temporarily. The provision I am asking be stricken from this supplemental appropriation would not temporarily extend this prohibition but it would make it permanent.

It was argued that we should act temporarily a year ago because the standing committees were reviewing the regulations to see whether in fact they did comply or they would comply with Davis-Bacon and the prevailing wage requirements.

Those standing committees have not reviewed. Those standing committees

have in fact not acted in the fashion they should have acted, and they argued they would act, over a year ago during the supplemental on Public Law 102-27. That was April 10, 1991.

Now we are here in October, at a time when we have experienced major national disasters in this country, and this supplemental, as argued by the chairman of the Appropriations Committee, is very important to a lot of people. My colleagues from Florida recognize its importance, colleagues from Louisiana are going to recognize benefit from it, and Hawaii, which has now been swept by a major disaster. What we want to do, I think all of us want to do, is in an immediate way get as much money as we can on the ground in the States that have experienced a major national disaster to work as efficiently as it can under the conforms of the law itself.

Yet the thing that I find most fascinating in dealing with this issue is that simply will not be the case. One of the reasons we find this most complicated in dealing with the issue is the question of the efficiency of the dollars involved. For example, in the billions of dollars that are utilized in this supplemental which will actually go into construction as it relates to the compliance itself, we are going to find certain kinds of complications.

We are not talking about doing something extraordinary or something that is not done in practice today. It is a very widespread practice in private construction in the use of temporary help. It has been disallowed in Federal Davis-Bacon jobs because of the definition of semiskilled or unskilled. And yet the Department of Labor over the last good number of years has worked to conform these rules and regulations to make sure that they were within the compliance of Davis-Bacon itself.

What this amendment is attempting to do is allow these regulations to go forward, not to ban them at a time when we need to arrive at efficiencies, when we need to put local people to work in their own communities again.

Another thing that is interesting as it relates to these kinds of prohibitions is that we will find that where Federal dollars are involved in construction and/or reconstruction, Mr. President, and there needs to be a compliance with Davis-Bacon, my amendments would allow regulations that fit the norm of the local environment, that are not outside or extraordinary. If semiskilled or nonskilled workers are used in the local environment, then the regulations would allow that to happen. If they are not, then they would be disallowed. So these kinds of conformities are in existence and would fit. Labor is allocated inefficiently without this. The costs generally rise.

Here is an interesting figure for 1993 general federally sponsored construction. This does not deal with the tremendous increase we are going to have in the State of the chairman, or in the State of Florida, or in the State of Louisiana because of these natural and national disasters where there is going to be even an acceleration beyond what was projected in 1993. So the figure I am about to give you is a phenomenally conservative figure of increased costs if we disallow these regulations from going into effect.

For fiscal 1993, it is estimated that approximately $735 million in budget authority and about $162 million in outlays could be saved if these regulations were allowed to go on the books so as to become implemented in compliance with the Court cases and in compliance with the effort of the Department of Labor over the last several years. Now, that is outside the extraordinary money we are beginning to spend at this time to meet the construction from the disasters this country has experienced.

If we expand that—and this is just over projected federally sponsored or federally participated in construction cost—over the next 5-year period, we would reduce by $3.8 billion the budget authority and about $2.6 billion in outlays.

I am not talking about anything but semiskilled and unskilled helpers, not the professionals, not the union people who are truly skilled in their profession and that are necessary and important on the job with their skills and with their talents to make sure the quality of construction or reconstruction goes forward.

I am talking about people that pack the lumber around; I am talking about being able to hire a local, unskilled person at a time when we are going to have a major labor shortage in Florida for the purpose of bringing this State back on line and the area where Andrew swept out literally thousands of homes and thousands of small businesses; being able to ask and being able to employ those people. It cannot be done today. It cannot be done where Federal dollars will be involved, where Davis-Bacon will have to be complied with. The rules and regulations by this supplemental appropriation will be disallowed by a permanent ban.

I ask: Does the Congress want to ban in a permanent way that which we have worked to bring into compliance over the last 5 years and which the appropriate committees have not even reviewed?

I would suggest that is not the case. Last year we chose to do a temporary ban for the purpose of reexamination, to see whether it fit. Since that time there has been a court test that has loudly argued in behalf of the regulation itself.

In April of this year, in building and construction trades departments in AFL-CIO versus Mark, the U.S. Court of Appeals for the District of Columbia found that Public Law 102-27 which was the supplemental of April of last year was in fact a limitation of temporary nature that would expire at the end of fiscal 1991. It was under that that my colleagues on this floor a year ago argued that we would deal with it after the temporary disallowing of funding went into place. Nothing has happened since that time.

Now we have in this supplemental an effort to ban in a permanent fashion. It is for this reason at a time when this Nation and its taxpayers are stressed beyond their capability, at a time when there is a tremendous desire on the part of all taxpayers to help their fellow persons in Florida, in Louisiana, and now in Hawaii, that we should at best work with local authorities for maximum cooperation, work with qualifying Davis-Bacon contractors in those States, to hire the help they can and must have in a temporary and unskilled way and save as many dollars as we can to do as much as we can.

I have already once cited those figures, and I would suggest that anything less than that would be adding undue costs and unnecessary costs to this very important issue. It is with that in mind that the amendment is offered.

I reserve the remainder of my time.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I rise to inquire if it would be possible to get a time agreement on this amendment.

Mr. CRAIG. I appreciate the urgency with which the chairman is attempting to move this, and yes, I would agree to some time limitation.

Mr. HARKIN. If the distinguished Senator will yield, I think I would desire no more than 10 minutes. I do not know if anyone else on this side wishes to speak.

Mr. President, if the distinguished chairman might, I wonder if I might be recognized to make my remarks, and I will not speak for any longer than 7 or 10 minutes. By that time I think Senators may be here who may want to speak on it. I do not know yet. I am told a couple of Senators may want to speak on this amendment.

Mr. CRAIG. Mr. President, I have a couple of Members on this side who have asked to speak. I am sure there is no need for any great extension of time, but I to do want to accommodate them within reason.

Mr. BYRD. Could we agree on 1 hour, equally divided?

Mr. CRAIG. Yes.

Mr. HARKIN. I would be more than happy to do that.

Mr. BYRD. Very well.

Mr. CRAIG. Did the chairman say 1 hour, equally divided?

Mr. BYRD. One hour, equally divided, in accordance with the usual form,

with the time to be controlled by Mr. CRAIG and Mr. HARKIN.

Mr. HARKIN. I think that would be more than adequate.

Mr. BYRD. If Senators want to include any provision with respect—this is amendment to the amendment, to the committee amendment, or did the Senate give consent to set aside the committee amendment?

The PRESIDING OFFICER. The pending amendment is a motion to strike.

Mr. BYRD. That is my request, equally divided, 1 hour, in accordance with the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that no amendment be in order to the language proposed to be stricken.

Either that, or we should put a time limit on the amendment to the language proposed to be stricken. I would rather not do that.

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

Mr. BYRD. Mr. President, I thank both Senators.

The PRESIDING OFFICER. The Senator from Iowa [Mr. HARKIN] is recognized.

Mr. HARKIN. Mr. President, I wish to speak in opposition to the amendment offered by the distinguished Senator from Idaho.

Mr. President, in April of 1991, the President signed Public Law 102-27, the dire emergency supplemental appropriations bill, which contained a provision prohibiting the Secretary of Labor from implementing regulations that would have created a new class of "helper" workers on Federal construction projects under the Davis-Bacon Act.

This proviso also bans the implementation of proposed apprenticeship regulations under the National Apprenticeship Act. I want to say the President signed this bill. The House voted 244 to 173 and the Senate voted 63 to 37 to reject motions to strike the provision.

I say that is the Senate that is sitting today. It was just a year and half ago. So it was this Senate in this Congress that voted 63 to 37 to reject the motion to strike the provision.

Mr. President, over the last decade, the Senate has repeatedly rejected attempts to weaken rules governing apprentice trades in the construction industries. In the fiscal 1992 Labor-HHS appropriations bill under my jurisdiction, both the House and Senate versions took the position that the language in the supplemental is a permanent provision of law and therefore it was not repeated.

The Senate version specifically deleted $750,000 requested for the Employment Standards Administration to implement helper regulations. In conference, the House receded to the Senate and cut the $750,000.

Let me read the conference language:

> The conference agreement reflects the permanent prohibition on implementation of the Davis-Bacon helper regulations enacted in section 303 of Public Law 102-27.

Nonetheless, Mr. President, the Labor Department is proceeding to implement the helper regulations. Therefore, the House-passed fiscal year 1992 supplemental, H.R. 5620, once again includes a bill language prohibition, but this time more clearly stipulating that the provision is a permanent ban in implementing new helper and apprenticeship programs.

That is the recap of the history on this matter. As I said, we passed it last year. Numerous times we voted to reject motions to strike this provision. And just like a bad bed of weeds, it comes up every year, and someone offers this amendment.

Mr. President, these regulations would have had a devastating impact on hundreds of thousands of journeymen employed in the construction industry. Employers would have been allowed to hire low-wage, low-skilled workers for many jobs now performed by journeymen, bypassing the traditional apprenticeship system that has protected high quality in Federal construction projects.

Shoddy construction may be cheaper in the short run, but it is certainly more costly in the long run for our taxpayers. Since 1937, we have had these apprenticeship programs.

Over 30 States have apprenticeship councils and programs, and all of the building trades have these apprenticeship programs. I heard the Senator from Idaho talk about undue costs and unnecessary costs in construction. Well, Mr. President, you know what wastes money? What wastes money is shoddy construction. That is what wastes money. Shoddy construction projects that do not last very long. That is what you are going to get if you strike these provisions and enact these helper regulations. What we have had for a long time is an apprenticeship program that takes young people into the trades and says if you learn how to do menial jobs like carry the bricks and push the wires through the walls, and you learn bit by bit the construction industry, or perhaps the electrical part of it, or the masonry part of it, or the dry wall part of it, or the carpentry part of it, you can progress up and be a journeyman, and later on somebody else could come as an apprentice and learn that trade also.

It has benefited us well in this country to have an apprenticeship program, Mr. President. I daresay that the other industrialized countries in the world all have these programs. It gives a young person a start in life, lets them know they are not going to have a menial job, and if they learn the trade, they can become a journeyman carpenter, or electrician, or bricklayer, or whatever trade they are interested in.

But this amendment offered by the Senator from Idaho basically would establish a whole subculture of helpers with subminimum wages, low wages, with no hope of ever climbing up that ladder of apprenticeship and being a journeyman.

So, again, Mr. President, it is shoddy construction that wastes our money. You can go out and look for yourself. I am telling you, if my taxpayers—and myself as taxpayer—if I am going to be paying money to build something under the auspices of the Federal Government, I want it built well, and I want it built to last a long time. I want it to be built with journeyman labor and skilled labor.

If you want to waste money, adopt this amendment of the Senator from Idaho. You will waste a lot of money. Oh, you will get a cheap building. It will cost a little less in the short run, and it will cost a heck of a lot more in the long run.

So, again, penny-wise and pound-foolish, that is what I call this amendment by the Senator from Idaho. You will save a penny today, and it will cost you a lot of money tomorrow. That is not in the best interest of our taxpayers, Mr. President.

So that is why I oppose this amendment. Because I think we have an obligation to our taxpayers, to make sure that the Federal construction projects are built the best, built to last and not built with shoddy construction.

Second, because I think we have an obligation to the working men and women of this country to say if you are willing to start at the bottom, you can climb to the top. Start as an apprentice and learn this trade, every aspect of it, and you can become a journeyman carpenter or bricklayer, or whatever it might be, and then somebody can start to learn it after you. That has been the system since 1937, and it has served us well, Mr. President. It is not time to throw it out.

I urge my colleagues to reject the amendment of the Senator from Idaho.

Mr. President, I reserve the remainder of my time. How much time do I have?

The PRESIDING OFFICER. The Senator from Iowa has 22 minutes remaining.

Mr. HARKIN. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, I have heard my colleagues from Iowa say, well, the President signed 102-27, the dire supplemental, better known as Desert Storm supplemental. The President signed that supplemental recognizing the temporary—the temporary—prohibition of the two areas that we are discussing today in my

amendment, the helper provision and the apprenticeship and training, better known as the HAT regulations, recognizing that they were temporary and for that argument to be confirmed by a U.S. court of appeals decision here in the District in April of this year is to argue that it was the intent of this Congress and the appropriate committees to go in and examine these regulations as proposed by the Department of Labor, and those committees have not done that.

Now we find, without that kind of responsible and thorough examination at a time when no one can argue that we need to stretch the Federal dollar as thin as we can stretch it, while accommodating those people in need in Florida and Louisiana and Hawaii, that we at least ought to allow these regulations to go into place. Shoddy construction? Are you suggesting that union construction is shoddy construction? Most assuredly, it is not. And we are talking about Davis-Bacon jobs and union workers, but we are also talking about journeymen today that are doing unskilled tasks, when in fact they could be doing the other types of things they are most qualified to do while, under them, the bricks that would be brought to them would be by the local unskilled labor that is dying to have a job in these areas where jobs simply do not exist today because of the conditions and the situation.

That is really the issue at hand. This is an argument that we have heard for 10 years in court test after court test, and in all of those tests, the courts have found that the Department of Labor's helper regulations are absolutely consistent with the Davis-Bacon Act, that they do conform, that they are clearly within those provisions, and that is why today I have in front of me a letter from the Secretary of Labor, Lynn Martin, and she says:

> The purpose of this letter is to express the administration's strong opposition to the provisions which would ban enforcement of the Davis-Bacon helper regulations. If this legislation were enacted with this provision, I and other senior advisers would urge the President to veto the bill.

This Senate will say, surely, Mr. President, you would not veto this bill. You would not veto the aid going to Florida. I think our President knows that the aid going to Florida is going to get to Florida, and I think our President knows that the aid going to Louisiana is going to get there. But what our President recognizes, and what the American people recognize, is that these regulations will save at least $700 million in fiscal year 1993 and could well save $1 billion, and at the same time, the construction would be just as safe and just as sound; it would be inspected by inspectors, and it would be dealt with within the confines of Davis-Bacon contractors. To use that old worn out argument that somebody who can pack bricks and pack lumber to a site is somehow by their presence is going to produce shoddy construction is just that, Mr. President, a worn-out argument.

I will tell you that a $357 billion deficit and the need to supply help to our friends in Florida, Hawaii, and Louisiana, and the needs of billions of dollars, and to be able to save a little money while putting local people to work and local contractors who can comply with Davis-Bacon to work, is not a shoddy argument. And that is why the Secretary of Labor today says she will recommend a veto on this legislation, if this amendment does not pass.

I ask unanimous consent that the entirely of her letter be printed in the RECORD.

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

DEPARTMENT OF LABOR,
Washington, DC, September 15, 1992.

Hon. ROBERT DOLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: It is my understanding that on September 15, 1992, the Senate is expected to consider H.R. 5620, the 1992 Supplemental Appropriations bill. The purpose of this letter is to express the Administration's strong objection to the provision which would ban enforcement of the Davis-Bacon helper regulations. If this legislation were enacted with this provision, I and other senior advisors would urge the President to veto the bill.

This provision would once again prohibit the Department of Labor from expending funds to administer regulations governing the use of semi-skilled helpers on federally financed and assisted construction contracts subject to the Davis-Bacon and Related Acts [DBRA]. Helpers are semi-skilled workers who directly assist and are supervised by skilled journeymen.

The Administration opposes the Davis-Bacon helper regulations provision for substantive and procedural reasons. Substantively, this provision destroys job opportunities just when they are vitally needed in Florida, Hawaii and Louisiana. Procedurally, I oppose legislating substantive labor policy in an appropriations bill, which is not an appropriate vehicle for introducing significant reversals in established governmental policies.

The issues underlying the DBRA regulations have been extensively examined over the past decade. The objections to these regulations were considered in the courts and were rejected.

After many legal challenges, the Court of Appeals for the District of Columbia recently upheld the validity of all but one of the challenged helper provisions. The court invalidated the regulatory provision that set a maximum allowable ratio of helpers to journeymen on covered construction projects, but sustained the remaining portions of the helper regulations, which are not dependent upon the ratio requirement. Moreover, the court did not enjoin their implementation. We understand that a petition for certiorari has been filed with the Supreme Court.

We believe that it is important for the government to move forward and implement these long overdue regulatory improvements. Permitting the use of helpers according to local construction industry practices will:

Provide increased job opportunities for semi-skilled workers and encourage their use in a manner which provides training;

Eliminate outmoded constraints under Davis-Bacon in order to reflect widespread industry practices, thereby enhancing private sector competition on Federal construction projects;

Reduce Federal expenditures on construction projects by approximately $550 million per year; and

Allow the victims of the recent hurricane who have skills not related to construction, but are unemployed as a result of these natural disasters, to help rebuild their own communities.

Since the Court of Appeals decision, the Department has been moving expeditiously to implement these regulations. We have issued a memorandum to all Federal contracting agencies, notifying them of the Court of Appeals' recent decision and providing additional implementing instructions. We have also revised the regulations by removing the section that was invalidated by the court.

The provision would also enjoin the Department from promulgating final regulations pertaining to revisions to the apprenticeship programs in the construction industry. Regarding the apprenticeship program, on August 24, 1990, following two years of research, review and discussion, the Department of Labor published proposed changes to the regulations governing the registration of apprenticeship programs under the National Apprenticeship Act. The proposed changes would:

Ensure that all registered programs meet consistent high quality standards;

Ensure that all potential program sponsors are treated fairly, through a Departmental appeals process; and

Establish uniform Federal standards for registering apprenticeship programs, with allowances for State flexibility for specific State purposes.

There has been extensive interest in the proposed regulations. The Department received over 59,000 letters on the proposed changes, the vast majority of which are favorable. Since publication of the proposed amendments, the Department has held long and productive conversations with organized labor and others in the apprenticeship community. The issues of concern have been thoroughly discussed.

For the foregoing reasons, the Administration strongly urges the provision banning implementation of the apprenticeship and Davis-Bacon helper regulations be removed from the bill.

The Office of Management and Budget advised that there is no objection to the transmittal of this letter from the standpoint of the President's program.

Sincerely,

LYNN MARTIN,
Secretary of Labor.

Mr. CRAIG. Mr. President, with that, I will reserve the remainder of my time.

Mr. HARKIN. Mr. President, rather than having time run, I respond to my friend from Idaho by quoting from a former Republican Secretary of Labor, John Dunlop, I am sure my friend remembers him.

In spite of the claim that the helper regulation will save some $600 million in Davis-Bacon costs, this claim has been categorically rejected by former

Secretary of Labor, John Dunlop, a Republican, whose own economic analysis of the issue concluded:

> There is simply no sound basis for gratuitously assuming that lower wage rates in the construction industry generally mean lower costs to the public, without looking at the total costs of the system used.

So, again, a former Secretary of the Department of Labor saying that there is no sound basis for assuming you are going to get lower costs to the public, without looking at the total system. I believe what he is talking about is what I just alluded to.

Again, the Senator from Idaho said there is no basis to assume that we are going to get shoddy construction if we have these helpers packing the bricks and pulling the wire and stuff like that. If allowed to remain in force, Mr. President, these higher regulations will, according to the associated builders and contractors, the people who are supporting the amendment of the Senator from Idaho, the associated builders and contractors said that his amendment would replace up to 40 percent of the current Davis-Bacon work force with lower paid and lower skilled workers.

That is really what we are talking about. Again let us be clear what we are talking about. We are talking about Davis-Bacon Federal building projects, not private. It does not cover private. It covers Federal building projects, projects where we had asked taxpayers to give their money to build something.

It may be a bridge. Think about that. We are going to use taxpayers money. We are going to use your money, Mr. President, to build a bridge. You are going to drive over that bridge; your kids are going to school in a school bus over that bridge.

You tell me, who would you like that bridge built by? Unskilled, low skilled, low paid workers who have not gone through an apprenticeship program and do not know how to do all the intricacies of putting a bridge together, from the pilings down below the piers, to the girders up on top; or would you rather have that bridge built by people who have experience, or journeymen, who started out as apprentices working on bridges before, and learned the trade, learned how to build the bridges, and then they became skilled workers later on?

I know what your answer would be, Mr. President: You want that bridge built well; you do not want it falling down. That is what we are talking about here; it is safety. Yes, it is safety. A lot of the projects the Federal Government is involved in is building facilities that require safety.

We are also talking about investing the taxpayers' money wisely.

That is why I say sure, you will save. If the amendment of the Senator from Idaho is adopted, you will save some money. I grant you will save some money, probably in year 1. But in year 2 and year 5 and year 10, when this shoddy construction starts to fall down and you have to patch it up and fix it, that is when it is going to cost you the money.

Let us quit being pennywise and pound foolish around this place. Let us protect the taxpayers' dollars. Let us keep the apprenticeship programs in there, whereby our taxpayers know when their dollars are used for Federal building projects, they are going to be built well and last and not going to fall down; and they are going to be safer.

Mr. President, that is why I oppose the amendment of the Senator from Idaho. Again, I point out that we have spoken repeatedly on this in the Senate. The Senate has repeatedly rejected the provisions to try to strike these apprenticeship programs. They have served us well for over 50 years, and I say now is not the time to throw them out the window.

Mr. President, how much time do I have remaining?.

The PRESIDING OFFICER (Mr. DIXON). The Senator from Iowa has 17 minutes remaining.

Mr. HARKIN. Mr. President, I yield 10 minutes to the distinguished chairman of the Labor Committee.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I oppose the motion to strike offered by my colleague from Iowa.

The issue before us was considered and fully debated in the first session of this Congress when the Department of Labor first announced its intention to implement its proposed new helper regulations and the proposed changes to the longstanding apprenticeship regulations. For reasons that are as valid today as they were then, the members of this body voted overwhelmingly against the new regulation. I urge my colleagues today to reaffirm that vote.

The provision my colleague seeks to strike from this bill would prohibit the Department of Labor from implementing regulations whose combined effect would be to undermine the craft apprenticeship system which has proved so effective in producing a well-trained, highly skilled construction work force. At a time of deep national concern about the skill levels of the American work force, it is highly disturbing that this administration should be promoting measures like these.

If these helper regulations are allowed to go into effect, contractors working on federally funded and federally assisted construction projects will be permitted to replace apprentices enrolled in certified training programs with low-wage, low-skilled helpers who get no employment training and have no opportunity for career advancement.

At the same time, implementation of the proposed apprenticeship regulations would downgrade Federal standards for apprentice training programs and prevent States from enforcing standards that are higher than the Federal standards.

Mr. President, it is particularly ironic that the Department of Labor should be pressing these initiatives, when its own research and reports underscore the value and the importance of building trades training programs.

The Department's 1990 Report on Work-Based Learning, completed under the direction of then Secretary Elizabeth Dole, states for example that we need more, not fewer, Government incentives to encourage employers to adopt structured word-based training programs. The report also notes that among the few Government incentives we do have to encourage employers to provide training for their workers are the prevailing wage requirements in the Davis-Bacon Act, which "have traditionally been a strong incentive to train within the construction industry."

It simply makes no sense for the administration to be pursuing a course that seeks to eliminate those incentives by allowing employers on Davis-Bacon projects to replace up to 40 percent of the existing trained work force with workers in low-paid helper classifications that need not be provided with any form of training whatsoever.

Mr. President, there are a number of myths that are frequently circulated about the Davis-Bacon prevailing wage requirements.

One of those myths is that construction workers are overpaid, and that the Davis-Bacon Act requires that they be paid inflated wages that unfairly enrich these workers at the expense of Federal taxpayers.

This is simply untrue. The Davis-Bacon Act merely requires that construction workers on Federal projects be paid the prevailing wage—that is the wage that is paid to the majority of workers doing similar work in the community.

Construction workers are not overpaid. In fact, the average hourly wage of a construction worker in this country is $14.16 an hour. Because construction workers work on a project-by-project basis, and are affected by weather and other conditions, the typical construction worker—even in the best of times—is likely to find work only about 1,400 to 1,600 hours a year, which, at $14.15 an hour, produces annual earnings ranging from $19,800 a year to $22,600 a year.

This is hardly the kind of income that any family lives royally on.

And we all know that these are hardly the best of times for construction workers. In August the unemployment rate among construction workers nationwide was a whopping 17 percent,

and I know for a fact that in some construction locals in my own State of Massachusetts the unemployment rate is well in excess of 50 percent. They have members who have not been able to find any work for more than a year.

For the Department of Labor to be seeking to drive down their earnings still further is, in my mind, simply unconscionable.

There is another myth about Davis-Bacon which is that the act requires all workers on federally funded construction to be paid full journeyman wages, even if they are performing unskilled work, and that the helper regulations are necessary in order to provide job opportunities for unskilled or low-skilled workers. Again, this is simply untrue.

On every federally funded construction project, there are workers employed who are of varying skill levels. The most skilled work is performed by journeymen craft workers who, in most cases, have completed years of training, on the job and in the classroom. But there are also large numbers of laborers, apprentices, and trainees who are paid a fraction of the journeyman's wages to perform the less skilled work on the job.

All that Davis-Bacon requires is that the less skilled laborers be paid the wage that is prevailing in the community for workers performing work at that level. Apprentices and trainees may also be paid substantially less than the journeyman wage, but only if they are enrolled in registered training programs.

The provision we are debating would in no way prohibit contractors on Federal construction projects from continuing to employ unskilled or semi-skilled workers as laborers and apprentices at below journeyman wage rates. It will, however, prevent employers from being able to force those workers into lower paid helper classifications with reduced wages and benefits and no opportunity to obtain the training necessary to advance to a higher paid classification.

These lower paid helpers would be performing the very same work that is currently performed by laborers, apprentices and trainees. The only difference is that they would earn less and be denied the opportunity for training that would help them acquire the skills to advance up the career ladder to higher paid status.

One of the other big myths about these helper regulations is that they will somehow enhance employment opportunities for minorities and women.

But, in fact, experts in the construction field have concluded just the opposite.

Perhaps the leading expert on construction labor markets and employment in the construction industry is Dr. John Dunlop, a Republican who served as Secretary of Labor under President Ford and who currently heads the Business and Government Center of the John F. Kennedy School of Government at Harvard.

Dr. Dunlop, I might add, also served the Nixon administration in the early 1970's as chairman of the Construction Industry Stabilization Committee, which sought to control and moderate labor costs in the construction industry.

Because of Dr. Dunlop's stature and unchallenged expertise, his analysis of the impact of the Reagan administration's helper proposal on minority employment is well worth repeating.

This is what Dr. Dunlop had to say in an affidavit submitted to the court in connection with litigation challenging the regulation. Dr. Dunlop said:

> I would disagree with the unsupported conclusion that providing financial incentives to introduce the helper classification throughout the entire construction industry will enhance work opportunities for minorities, youth or women.
>
> My experience teaches that formal training programs are essential to recruit and train minorities for the construction industry. Indeed, this is how progress has been made.

If the helper regulations are implemented, Dr. Dunlop predicted:

> It is clear what will happen is that minority laborers will now find work in the construction industry drastically reduced, and that the concept of a "construction laborers" union with various classifications developed to improve the lot of persons on the bottom rung of the economic ladder will be undermined by administrative fiat.

Mr. President, a substantial percentage of the existing construction laborer work force that will be displaced if these helper regulations are implemented are women and minorities. Indeed, in recent years, a full 40 percent of the laborers trained by the Laborers Union-Associated General Contractors Joint Educational and Training Fund have been women and members of minority groups.

Implementation of the proposed new helper regulations will either displace those laborers or allow contractors to require those laborers to perform the same work at lower wages and will severely limit the employment standards and opportunities of that segment of the construction work force.

That is why Judge Harold Greene of the U.S. District Court for the District of Columbia concluded, when he examined the proposed helper regulations, that far from enhancing minority employment, the regulations were "likely to have the effect of allowing contractors to replace higher wage minority laborers with lower wage minority helpers."

As Norman Hill, president of the A. Philip Randolph Institute has stated, minority workers are "particularly vulnerable to exploitation such as the Davis-Bacon Act is designed to prohibit." That is why it is so important that we keep those protections against exploitation intact.

It seems to me, Mr. President, somewhat ironic that, as I mentioned earlier, we have former Secretary of Labor Dole identifying building trades apprenticeship programs as just the type of programs that are necessary to enable our work force to obtain higher skills and earn higher wages in our country—and that is not one of us on this side of the aisle making those claims, that is a former Secretary of Labor in the Bush administration identifying these kinds of programs as being the most effective programs in terms of training. And then we hear on the campaign trail, in the last few weeks or so, how the President of the United States wants to spend $10 billion more for training programs to bring skills to American workers so that they can be internationally competitive. But at the same time we have an attempt by this administration to try to dismantle the very programs that have been tried and tested and found effective in providing opportunities for advancement to millions of workers on the bottom rung of the economic ladder.

Mr. President, this amendment should be defeated.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. CRAIG. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator from Idaho has 25 minutes. The opposition has 6 minutes and 25 seconds.

Mr. CRAIG. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Idaho yields himself 5 minutes.

Mr. CRAIG. Mr. President, when we are dealing with finite dollars and wanting to expand the opportunity not only for the recipients of the dollars but for those who participate in the delivery of the service, then we ought not stand here today and suggest that we would do anything less than what my amendment would propose.

For 10 years, the Department of Labor has pursued expanding and offering greater opportunity in the area. Our President is talking about greater training programs. And while he talks about that and while he talks about bringing more people into the system and while some would suggest on the floor today that if we vote for this amendment, we are voting against minorities, that we are discriminating, let me suggest that the National Association of Minority Contractors has criticized Davis-Bacon for excluding helpers and thereby shutting out small minority firms and minority employees.

Now that is a quote from their organization. And the reason that happens is because of the complications that

this Congress, through rule and regulation, have put down on the Federal dollar that is expended for construction under Davis-Bacon.

What we find across the country today are a limited number of very large contractors who chase the Davis-Bacon dollar. They are not interested in putting minorities to work. They do not do it in the way that we are talking about.

We are talking about expanding the use of the Federal dollar, giving greater opportunity to the local work force, and doing it in such a way that we are going to save money at the same time.

It is now projected by CBO that these proposed regulations, both the helper regulation and the apprenticeship program regulation, would save about 1.2 percent on Federal construction projects.

But the apprenticeship program that this amendment would allow to go forward for discussion and formulation under regulation is just that at this moment. Mr. President, we are only talking about proposed regulations on which the Department of Labor would continue to talk to unions and affected and affiliated parties for the purpose of formulating that regulation to become part of the process.

And yet what we are hearing today is they do not even want to talk about it. They do not want to talk about expanding opportunity for all people and stretching the Federal dollar so that we can lessen the deficit, while reasonably meeting those kinds of obligations that I think collectively this Congress needs or wants to respond to, where Federal construction is direly needed in Florida, Louisiana, and probably in Hawaii. That is the issue at hand today.

We can talk about the logic of 1932 or we can talk about the realistic practicalities of 1992: A President who wants to expand opportunity, under the confines of Davis-Bacon, meeting the standard of the Federal regulation, meeting the standard of the inspector, making darn sure that construction is as sound and safe as any construction in which the Federal dollar is spent. And this Congress is saying, no, we do not want to do that. That is exactly what it is saying by this supplemental appropriation, unless you accept this amendment.

Now those are the issues at hand today. Ten years in court—10 years—to clarify and confine and conform to Davis-Bacon, and those regulations are not now being allowed to go on the books, not even in a temporary fashion. That is the issue at hand.

Would my colleague from Oklahoma at this time wish to speak?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Oklahoma.

Mr. CRAIG. I yield 10 minutes to my colleague.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

Mr. NICKLES. I thank the Senator. I may not take the full 10 minutes.

Mr. President, I wish to compliment my colleague and friend from Idaho, Senator CRAIG, for his leadership in trying to strike a provision that does not belong in the supplemental appropriations bill.

I thought when we were taking up the supplemental appropriations bill, we were going to be dealing with assistance to people who really needed it, people in Florida and Louisiana who suffered a real natural disaster, one of the largest and most expensive natural disasters in our Nation's history. And yet we find a provision in here that is basically a power grab by some of the leaders in organized labor to prohibit the employment of helpers.

I thought we were going to try to help people in Louisiana and Florida, yet we find some people are trying to say we do not want helpers to be involved in this work, not just in this work but in any work. This is a permanent—permanent—statutory change.

It does not belong in a supplemental appropriations bill. Frankly it does not belong in any appropriations bill, and it certainly does not belong in this urgent supplemental where we are trying to help the people who need the help.

The net result of it would be that we are going to deny the opportunity for a lot of people who are unskilled from getting work on rebuilding southern Florida and Louisiana. We are going to tell them the Federal Government says it is "Katie, bar the door. You do not get a job." The Federal Government says, too bad, we are sorry that you are unskilled but we are going to insist the contractors pay prevailing wage. That means very high union scale wage. And therefore if you are unskilled, if you happen to be 18 years old, unemployed, black, in southern Florida, or Hispanic, or Cuban, and you are unemployed: Tough luck because you do not get a job. Need not apply. We do not want helpers in these jobs.

I heard my colleague from Iowa say that is going to mean there is going to be shoddy workmanship. I disagree. Maybe my colleague thinks that every building that is built in private, non-Federal Government construction is shoddy. I disagree. I happen to think that private construction holds up quite well as compared to Federal construction or Government construction or construction that has to comply with all the Federal Government rules and regulations.

I believe that a contractor, working with employees, can hire and decide who should be paid what. They should mutually decide what their wages should be. It should not be dictated and mandated by Washington, DC. Why in the world should we insist on a policy that goes all the way back to 1935, that says that all wisdom comes from Washington, DC, and that Washington, DC, Department of Labor, should set wage rates on every single little item, every single piece of work that is done dealing with Federal construction if the project amount exceeds $2,000? That is absurd, that is obsolete; it does not belong; it is discriminatory.

It hurts the blacks. It hurts the minorities. It hurts the Cubans. It hurts the Hispanics. Those are the populations with the largest unemployment rate. Those populations are very large in southern Louisiana, in southern Florida, and basically we are putting up a sign that says: "Need not apply. Do not apply unless you qualify for prevailing wage."

What contractor will go out and hire unskilled people, "in the helper classification," if they have to pay journeyman rates? They will not do it. They are not likely to go out and pay an unskilled, 18-, 19-, 21-year-old worker $17 an hour to do carpentry work. The chances are they are not going to do it.

If we allow this provision to stay in this bill, we are going to pass a law and make it a permanent law—it does not belong in a temporary urgent supplemental, but we are going to make it permanent law—that says you cannot hire helpers. The net result for taxpayers is too bad, too, because the 5-year cost is over $2.5 billion.

Some people around here—maybe a few people around here—are still concerned about the deficit. My concern about Davis-Bacon is financial for one but probably more so because it excludes so many people from the work force. It says if you cannot make this so-called prevailing wage doctrine, "need not apply." You are out of luck. The Federal Government rules and regulations prohibit you from working on this.

We have the same thing, same issue, same discussion, same debate, and probably the same result as when we debated the assistance to Los Angeles County as a result of the riots. This Senator tried to make the same exception as the Senator from Idaho. I looked up the prevailing wages in Los Angeles county. They are some of the highest wages anywhere in the country. The lowest wages in Los Angeles County, for unskilled labor, still was $25 an hour, $30 an hour in some cases. I thought, wait a minute, we are going to be asking Oklahomans who possibly are making $7 or $8 or $9 or $10 an hour to pay more taxes to pay off the debt, at least pay the interest on debt to be giving some jobs in Los Angeles County for $20, $25, $30 an hour. And we are telling a lot of people who lived in Watts, who lived in the burned-out areas, too bad, you do not get a job.

So they are going to sit by, unemployed. They have an unemployment rate in that part of Los Angeles Coun-

ty, I believe, of about 75 percent. We are going to tell them to sit back and watch as an outside contractor brings in high-skilled, high-wage workers to build up and rebuild these projects. Then they will have no investment in those projects. They will have no sweat equity in those projects. And unfortunately they will not have had the opportunity to learn a skill to start climbing that economic ladder.

One of the things that is good about a helper classification is they get a job, they get started, they know what it means to work, and they can become skilled. They work through the process. We are passing a law, if we allow this provision to stay in this urgent supplemental, that says "need not apply." Frankly, if you cannot make prevailing wage we do not want you to have a job. And we are going to be denying economic opportunity for hundreds of thousands of workers and, primarily, I will say, hundreds of thousands of minority workers in many areas of the country.

I think that is a serious mistake. I think it is a doubly serious mistake as it applies to Los Angeles, but also to the victims of the recent disasters of Hurricane Andrew. Certainly, if you look in southern Florida and Louisiana and now Hawaii, this makes no sense.

So, the Senator from Idaho is exactly right. I compliment him for his excellent argument. I wish we would have the votes to prevail. I do not know we do, but I think he is right.

When people see the outcome of this vote I hope they will come back to their Congressman or Senator and say: Wait a minute, do you believe in free enterprise? If someone says they believe in the free enterprise system and they vote against the Craig amendment, I think they are speaking with a forked tongue. Because his amendment is a free enterprise amendment. His amendment says that employers and employees should set wages instead of having it dictated by the Department of Labor, using, in many cases, obsolete, inaccurate, so-called prevailing wage surveys; surveys that do nothing but increase the cost of Federal construction and deny countless thousands of people economic opportunity.

I hope the amendment of the Senator from Idaho will be adopted and I thank him for yielding me the time.

The PRESIDING OFFICER. The Senator from Oklahoma yields the floor. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator from Idaho controls 12 minutes and 45 seconds. The Senator from Iowa has 6 minutes and 25 seconds.

Mr. CRAIG. Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I will use 3 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I heard my friend from Oklahoma describe how he seems to think the Davis-Bacon statute operates, but he is not describing the law accurately. There is room in every Federal construction project for unskilled and semiskilled workers. The only thing that Davis-Bacon is saying is, if you hire that unskilled or semiskilled worker, rather than the Federal Government using its spending power to drive wages down, you should pay those workers what other employers in the community are paying to workers performing that kind of work.

So this idea that the Davis-Bacon Act prevents employers from hiring unemployed and unskilled workers, that just does not happen to be accurate.

I hope my friend from Oklahoma will identify where he gets his claim that unskilled workers are getting wages of $25 to $30 an hour. The average construction wage in this country, as I mentioned, is $14 an hour. And the average annual earnings for construction workers are between $18,000 and $21,000. Obviously, construction laborers and others at the lower end of the skill spectrum make, on average, even less than that. Our Republican friends want to go after people who are trying to provide for their families on $18,000 and less per year. That is really wonderful—very courageous. They are not after all those CEO's whose salaries have gone right through the roof, and who are passing those costs on down to the consumer. No, they do not talk about that. They are saying, let us go after construction workers that are trying to provide for their families on $15,000, $20,000 or even $25,000 a year. Let us get those workers and put their earnings at risk.

There is one final myth about these helper regulations which also needs to be exposed, and that is the myth that implementation of the helper regulations will save the Federal taxpayers millions of dollars by lowering the cost of Federal construction.

This myth is based on the premise that lowering the wages of workers on Federal construction projects necessarily results in lower construction costs.

Mr. President, let me go back on this question of how Davis-Bacon affects Federal construction costs to John Dunlop, the Republican former Secretary of Labor, who has studied this issue exhaustively. This is what Dr. Dunlop has said:

> There is simply no sound basis for gratuitously assuming that lower wage rates in the construction industry generally mean lower cost to the public.

The administration's conclusion that increased use of helpers will save tax dollars "was reached by use of a simplistic formulation which is wanting from an economists' point of view and which I find to be totally insupportable." Dr. Dunlop has stated:

> Its methodology is based on a formula which utterly fails to take into account of all the real economic factors and forces which contribute to costs on a construction project.

Dunlop continues:

> [I]n the real world helpers are used in a system which requires more supervisors and uses less journeymen than the system that does not use helpers. While in the former, wage costs may be lower, labor costs may be higher because of the greater costs of supervision.

In other words, you are going to need more supervisors with less trained and less skilled people.

> Also, increased use of the helpers quite frequently leads to lower productivity of workers, or inferior products.
>
> When more supervisors are needed, that will tend to balance off any assumed helper savings. If helpers cannot do the job as quickly as a qualified mechanic, then there may be no cost savings in fact.
>
> These and myriad other inquiries suggest that cost savings can only be arrived at after a comparative cost determination on the increased use of helpers, taking into account all relevant factors.

These are the statements of a Republican Secretary of Labor. And yet the argument being made in favor of this amendment is that you are being un-American unless you support it.

Mr. President, these helper regulations did not make sense before. They do not make any sense now.

The PRESIDING OFFICER. The distinguished Senator from Idaho is recognized. He has 12 minutes and 31 seconds.

Mr. CRAIG. Mr. President, my colleague from Massachusetts is spending a fair share of the time this afternoon quoting a John Dunlop. Let me quote a Ralph Thomas, executive director of the National Association of Minority Contractors, when he said Davis-Bacon is poison to minority contractors. Why? Because they tend to hire helpers. They tend to try to bring in those who are truly out of work. In areas where there are high levels of unemployment, they themselves suggest that if you wish to expand the pie and bring more people into it, that these are the kinds of regulations they need to be able to effectively operate and to meet the criteria of Davis-Bacon.

Remember, we are talking in the area of helper regs, final regulations. We are talking in the area of apprentice programs proposed regulations and yet this supplemental appropriation will wipe them both out, will not even allow the Department of Labor to engage in discussions, to engage in decisionmaking with labor unions as to how we might take a 1931 concept and make it a 1992 expanded, modern concept that brings more of those people into the work force who are currently underemployed, who are unemployed or who are minorities locked inside of the

poverty of an inner city. That is the issue at hand.

Mr. President, when Andrew swept through Florida a Democratic Senator from Florida and a Republican Senator from Florida and a Democrat Governor and a Republican President said we are going to help. People of Idaho and other States asked, "Where are you going to get the money? You have already $357 million in deficit. Where are you going to get the money?"

I said, "Well, we are going to borrow the money."

And that is what we are doing today. We are borrowing from the taxpayers of this country billions of dollars to help our citizens.

All I am suggesting is that when we do that we ought to be able to expand that dollar just a little more, make it do just a little more. CBO scores this and CBO says you can save 1.2 percent on all Federal construction with these regulations or it might suggest that you could build that many more homes, that many more federally assisted or federally funded projects for the dollars involved.

Mr. President, that is the issue at hand. All of the other arguments are arguments that have been used for 30 years. Let us look at the problems today. Let us look at the people who are out of work. Let us look at an opportunity for them to be employed, to be given or provided something meaningful with which they can learn and begin the upward process instead of to be denied because they simply cannot be afforded based on their level of skill. That is really the issue at hand.

I say save the helper, and the reason I am saying that is because without these amendmends, you will not save the helper; you will deny them the opportunity. You will force a level of wage that will ultimately produce a relatively small number of contractors who are not local, they travel the Nation, they do not put local people to work oftentimes, they bring their labor force with them.

Yes, my colleagues from Massachusetts said Federal regulations require a certain amount of training in apprenticeship programs, and that it does, and I am not arguing that. But I am also arguing it denies the helper because that is the regulation finally we are looking at that is banned. We are not looking at the proposal that is now banned.

In other words, this Senate today is saying you cannot talk about it: "Department of Labor, you cannot engage yourself in discussions that will expand and modernize the apprenticeship program even with the cooperation of organized labor in this country today."

That is phenomenally blind sighted. It is not even narrow sighted, it is blind sighted. But we will not even talk about trying to improve something that probably would expand the opportunity.

That is why I have offered this amendment, and I think the taxpayers of this country cry out for this kind of reform. It is reform that would save literally hundreds of millions of dollars annually and billions of dollars over a 5-year period and would allow us to do more for less.

That is the issue at hand, under the same standards of quality construction, under the same inspection standards. We are not talking about waiving any of that. We are talking about making sure that the job is done right, but when the job is done with the Federal dollar that we include more of our citizens in the process.

With that, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho yields the floor.

The distinguished Senator from Iowa.

Mr. HARKIN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Iowa has 2 minutes, 32 seconds. The Senator from Idaho has 7 minutes, 23 seconds.

Mr. HARKIN. I yield 1½ minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 1½ minutes.

Mr. WOFFORD. Mr. President, since 1937, the Federal and State governments have shared the regulation of apprenticeship programs. This amendment would permit the U.S. Department of Labor to preempt the authority of State apprenticeship programs to set standards.

Before coming to the Senate, I was the Pennsylvania Secretary of Labor and Industry. For firsthand experience in overseeing Pennsylvania's apprenticeship programs, I know that the proposed Department of Labor regulations would undermine over 50 years of hard work in building quality apprenticeship programs in Pennsylvania.

At a time when we should be training our youth with increased skills, the proposed Labor Department regulations do the opposite. For example, if these regulations go into effect, the current minimum requirement of 144 hours of annual instruction, in addition to time on the job, is eliminated. In its place, the Department proposes to merely recommend that instruction approximate one-twelfth of on-the-job training time. Mr. President, this proposal will frustrate the training of skilled workers and creation of a highly skilled work force.

In addition, this proposal reduces the role of the States in apprenticeship training to an essentially meaningless one. State apprenticeship councils would be abolished. States would no longer have the authority to establish higher standards than the Federal minimum ones. Furthermore, under this proposal employers can temporarily employ apprentices in States other than where they are registered. This provision denies States and their apprenticeship councils any voice over apprenticeship standards and programs that will work in their own States.

So from personal experience, I ask that this amendment, which undercuts the ability of States like Pennsylvania to establish and maintain high quality apprenticeship programs, be defeated.

Mr. President, let us keep apprenticeship training at a high quality and reject this amendment and the Labor Department's proposed regulations. We need to build up our training programs and worker skills, not tear them down.

I ask unanimous consent that a letter on this amendment from the Pennsylvania Secretary of Labor and Industry be printed in the RECORD following my remarks.

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

DEPARTMENT OF LABOR AND INDUSTRY,
Harrisburg, PA, September 15, 1992.

Senator HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR HARRIS: It is my understanding that the Senate will vote today on an amendment which would strip language from the HHS/Labor appropriations bill which prohibits the Federal Department of Labor's apprenticeship regulations from going into effect.

I am writing to urge your active opposition to this amendment and to encourage you to support language in the bill which ensures the continuation of the Pennsylvania Apprenticeship Council and the integrity of apprenticeship programs in Pennsylvania. The attempt to "nationalize" the apprenticeship program will in effect preempt the programs of some 30 states, and will undermine the quality of apprenticeship programs in Pennsylvania.

Pennsylvania has an active apprenticeship council which has been able to successfully train thousands of highly skilled workers. The regulations proposed by the Department of Labor will only result in lower standards and a less skilled workforce for Pennsylvania.

I believe that it is essential for states like Pennsylvania who are proactive and are working to strengthen the skill level of our workforce to be given the flexibility needed to achieve those goals, as opposed to Federal standards which may be acceptable in some regions of the country, but inappropriate for others.

Sincerely,

THOMAS P. FOLEY,
Secretary.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I will close by saying, first of all, the Senator from Oklahoma is in the wrong. We do not pay journeyman's wages for apprentices. He is talking about hiring minorities. Sure, I suppose you could hire more minorities if, according to them, they want to hire them at substandard wages and keep them there without any hope of climbing up the ladder.

Mr. President, I mentioned about $20 an hour for some of these carpenters

and others in Los Angeles County. If they are working about 1,400 hours a year, that is $28,000 a year.

Let us keep in mind what we are talking about. For laborers, the average national wage is $9 an hour. We are talking about less than $14,000 a year, Mr. President. Let us keep that in mind. Let us not destroy a good apprenticeship program that lets them make more money and feed their families.

Mr. DURENBERGER. Mr. President, I oppose the amendment offered by my distinguished colleague Senator CRAIG. The supplemental appropriations bill prohibits the Department of Labor from implementing the so-called helper regulations for Davis-Bacon, federally funded projects, and the Craig amendment seeks to strike that provision from the bill.

Mr. President, I have long been a supported of the Davis-Bacon Act. Under that law, contractors that perform public works construction projects must pay their workers the prevailing wage. This assures that the Federal Government does not undercut local wage conditions. At the same time, by assuring that workers receive the prevailing wage, the Davis-Bacon Act promotes quality construction. This is an important reason why I support Davis-Bacon. The American public should be assured that their tax dollars are well spent.

In the early 1980's, a question arose whether nonskilled construction workers could receive less than the journeyman rate. After a lengthy rulemaking process and litigation in the Federal courts, a determination was made that a contractor could pay less than the journeyman prevailing rate to nonskilled workers when the use of such helpers was the prevailing practice in the area.

The Craig amendment seeks to allow contractors to use helpers. In my view, this would have an unfortunate result. I believe that union-made products are generally of higher quality. Sometimes they cost a little bit more, but I have no doubt that the quality more than compensates for the cost. Employers claim that they could save millions of dollars by paying nonskilled workers less than the prevailing rate. But the American public gets what it pays for. By not paying the prevailing rate for construction work, the public receives inferior work product. In the long run, that ends up costing more money than would be saved by paying helper wages.

Mr. President, I support Davis-Bacon and, therefore, will vote against the Craig amendment.

The PRESIDING OFFICER. The distinguished Senator from Iowa yields the floor. His side has used its time. The distinguished Senator from Idaho has 7 minutes, 13 seconds.

Mr. CRAIG. Mr. President, let me conclude this debate on my amendment that would strike the provision to make permanent the ban on funding necessary for the implementation of the helper regulations and prohibit the ongoing proposed regulations on apprenticeship programs.

It has been argued that we are changing Davis-Bacon. I argue just the opposite. I suggest that the courts have already said the regulations on temporary helpers that my colleague from Iowa is attempting to ban at this moment and that this legislation would ban do conform.

I ask unanimous consent that we place in the RECORD the arguments of October 30, 1991, in the U.S. Court of Appeals for the District of Columbia. And those arguments say it does conform with Davis-Bacon. It reflects the intent of Davis-Bacon as it was proposed and argued decades ago, that it would work to develop the practices for local and private sector to improve those kinds of programs and that it would enhance the local environment.

The helper regulations move us in that direction. Denial of the implementation of those regulations moves us away from the very principle involved with this, so I suggest that the ban in the balance does change the Davis-Bacon Act, whereas my proposed amendment brings us back into conformity with the intent.

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

(Notice: This opinion is subject to formal revision before publication in the Federal Reporter or U.S.App.D.C. Reports. Users are requested to notify the Clerk of any formal errors in order that corrections may be made before the bound volumes go to press.)

[U.S. Court of Appeals for the District of Columbia Circuit, No. 90-5345]

BUILDING & CONSTRUCTION TRADES DEPARTMENT, AFL-CIO, ET AL., APPELLANTS *v.* LYNN MARTIN, SECRETARY OF LABOR, ET AL.

Argued October 31, 1991; decided April 21, 1992.

Appeal from the United States District Court for the District of Columbia

(Civil Action No. 82-01631)

Terry R. Yellig for appellant Building and Construction Trades Department, Inc.

Robert J. Connerton, with whom Paul Greenberg was on the brief, for appellant Laborers' International Union of North America, AFL-CIO.

Robert M. Loeb, Attorney, Department of Justice, with whom Stuart M. Gerson, Assistant Attorney General, Jay B. Stephens, United States Attorney, and Anthony J. Steinmeyer, Attorney, Department of Justice, were on the brief, for appellees.

Jerry L. Hill and Mark Bredemeier were on the brief for amicus curiae Landmark Center for Civil Rights, urging that this Court uphold the validity of the helper regulations.

Maurice Baskin and Patrick J. Stewart were on the brief, for amicus curiae Associated Builders and Contractors, Inc., urging that the District Court's decision be affirmed.

Before D.H. Ginsburg, Sentelle and Henderson, Circuit Judges.

Opinion for the Court filed by Circuit Judge Sentelle.

Sentelle, Circuit Judge: The Building and Trades Department, AFL-CIO, and the Laborers' International Union, AFL-CIO, (the "unions") appeal from an order of the District Court vacating its injunction of the implementation of five regulations promulgated by the Secretary of Labor pursuant to the Davis-Bacon Act. The provisions in question regulate the wages and use of the "helper" class of workers on federal construction projects. We uphold four of the challenged provisions, but strike down as arbitrary and capricious a formula for calculating a cap on the ratio of helpers to journeymen on federal construction projects.

BACKGROUND

In 1931, Congress enacted the Davis-Bacon Act (the "Act"), 40 U.S.C. §276a et seq. (1986), to ensure that workers on federal construction projects were paid no less than prevailing wage rates in the locality of such projects. 74 CONG. REC. 6510 (1931) (statement of Sen. Bacon). As noted by this Court,

"[t]he evil sought to be remedied was that, with the precise specifications set out in federal contracts and the increasing standardization of building-material prices, the low-bidding contractor on a federal job was generally the one who paid the lowest wages. . . . The contractor would accomplish this by taking advantage of widespread unemployment in the construction industry and hiring workers at substandard wages, often bringing a low-paid crew in from distant areas."

Building and Construction Trades' Dept., AFL-CIO v. *Donovan*, 712 F.2d 611, 613-14 (D.C. Cir. 1983) (citations omitted), *cert. denied*, 464 U.S. 1069 (1984). Under the Act, the advertised specifications for each federal construction project in excess of $2,000 must contain minimum wage provisions for each class of laborer and mechanic based upon prevailing wages in the locality of performance as determined by the Secretary of Labor. 40 U.S.C. §276a(a) (1986).

Pursuant to the broad statutory mandate to set wages and classify workers, the Secretary of Labor has by regulation recognized several categories of workers and set out rules governing their employment on federal construction projects. Prior to 1982, the regulations permitted the use of the helper classification only where the tasks to be performed by helpers were defined and coud be differentiated from the duties of journeymen, and where the helper classification prevailed in the area where the contract was to be performed. Regulatory changes proposed in 1982 attempted to redefine helper as a "semi-skilled worker (rather than a skilled journeyman mechanic) who works under the direction of and assists a journeyman." 29 C.F.R. §5.2(n)(4) (1991). The new regulation went on to permit an overlap of duties between those of a helper and those of a journeyman. Where the older regulations had permitted the use of the helper classification in areas where that job title prevailed, the new regulation permitted the use of the classification where the use of helpers was an "identifiable" local practice. 47 Fed. Reg. 23,655 (1982). The regulation further permitted the use of no more than two helpers for every three journeymen. 29 C.F.R §5.5(a)(4)(iv) (1991).

The unions immediately sued to enjoin implementation of the 1982 helper regulations and several other of the Secretary's new proposals. Finding for the unions in part, the District Court enjoined implementation of the helper provisions. *Building and Construction Trades Dept., AFL-CIO* v. *Donovan*, 553 F. Supp. 352 (D.D.C. 1982). On appeal, we af-

firmed the District Court's judgment in part and reversed in part. *Building and Construction Trades' Dept.*, 712 F.2d at 633. We agreed that the Secretary had improperly permitted the use of helpers in localities where their actual use was merely "identifiable" as opposed to "prevailing." *Id.* at 624–26. However, we found acceptable the Secretary's broad definition of helper. *Id.* at 626–30. The District Court modified its judgment accordingly by rescinding its injunction as to the definition of helper, while leaving in place its injunction as to the test for whether helpers are "prevailing" and as to the other helper provisions. *Building and Construction Trades Department, AFL-CIO* v. *Donovan*, 102 Lab. Cas. (CCH) ¶34,648 (D.D.C. 1984). The District Court expressed its willingness to consider rescinding its remaining injunction if the Department of Labor ("DOL") revised the helper regulations. *Id.*

The Secretary proposed new helper regulations on August 19, 1987, 52 Fed. Reg. 31,366 (1987), and gave notice of their adoption on January 27, 1989, 54 Fed. Reg. 4234–44 (1989). Obedient to our holding in *Building and Construction Trades' Dept.*, that a "prevailing" use of helpers is more than merely an "identifiable" use, the new proposal set forth two alternative tests for determining whether the use of helpers "prevails" in a particular locality. The regulation provides:

"(1) If the prevailing wage for a particular journeyman classification is a wage that is paid to the majority of the journeymen . . ., then the practice followed by those contractors whose rates are adopted as prevailing for the journeyman shall also be deemed the prevailing practice in determining whether to issue a helper classification. Any ambiguity with regard to such practice, will be resolved by following the rule in paragraph (d)(2) of this section with respect to those contractors.

"(2) If the prevailing wage for a particular journeyman classification is the average of the wages paid to the journeymen, weighted by the total number of journeymen . . ., then the total number of workers in the classification employed by contractors utilizing helpers (journeymen plus apprentices, trainees, and helpers as defined in §5.2(n)(4) of this chapter) on reported projects will be compared to the total number of workers in the classification employed by contractors not utilizing helpers . . ., and the practice which covers the majority of such workers shall be deemed the prevailing practice in determining whether to issue a helper classification." 29 C.F.R. §1.7(d)(1)–(2) (1991).

In other words, where the Secretary verifies that the prevailing journeyman wage in a locality where a federal construction project is to be situated is the wage paid to the majority of journeymen in that locality, then the helper classification is deemed to prevail if contractors who pay the prevailing wage use helpers. The classification is deemed not to prevail if contractors who pay the prevailing journeyman wage do not use helpers. Second, if the Secretary has used a weighted average method to determine the prevailing wage for journeymen, then the Secretary compares the total number of workers employed by contractors in the area who use helpers to the total number of workers employed by contractors who do not. The practice followed by the employers of the larger number is deemed the prevailing practice. *Id.* In the present appeal the unions attack these new tests.

The 1989 regulations also revised the "conformance" procedure prescribed by the Secretary. The conformance procedure is a long-used device for adding an employee classification to the specifications of an existing government contract. Generally, the conformance procedure provides that whenever an existing contract does not contain a classification otherwise necessary to perform a government contract, the contracting officer may propose the appropriate classification and wage rate to the Administrator of the Wage and Hour Division, who is authorized to approve, modify, or disapprove the contacting officer's action within thirty days. *See* 29 C.F.R. §5.5(a)(1)(ii) (1991).

The revised conformance procedure provides that the contracting officer may approve an additional classification and wage rate only when the work to be performed is not already performed by a classification in the existing wage determination, the proposed classification "is *utilized* in the area by the construction industry," and the proposed wage rate bears a reasonable relationship to the wage rate contained in the determination. 29 C.F.R. §5.5(a)(1)(ii)(A) (emphasis supplied). The 1989 revision excepted the helper classification from the prohibition against performance of work already assigned to another classification in the contract. 29 C.F.R. §5.5(a)(1)(ii)(A)(*1*) (1991). Additionally, the Secretary of Labor, in a new provision, expressly added the requirement that "with respect to helpers . . . such a classification *prevails* in the area in which work is to be performed," 29 C.F.R. §5.5(a)(1)(ii)(A)(*4*) (emphasis supplied), not merely is "utilized."

On September 24, 1990, the District Court vacated the remaining portions of its injunction. It thereby rejected all of the unions' challenges, concluding that our prior opinion compelled it to uphold these regulations. *Building and Construction Trades Department, AFL-CIO* v. *Dole*, 116 Lab. Cas. (CCH) ¶35,395 (D.D.C. 1990). Subsequently, the unions appealed to this Court. The unions contend that the "prevailing" test undermines the purpose and objectives of the Act by, among other things, recognizing "non-prevailing practices." They further argue that the DOL's definition of helper subverts the purpose of the Act by allowing two or more worker classes to perform the same task. The unions also object to both of the 1989 modifications to the conformance procedures and to the cap of two-to-three on the ratio of helpers to journeyman employable on federal construction projects, 29 C.F.R. §5.5(a)(4)(iv) (1991), which remained unaffected by the 1989 modifications.

DISCUSSION

A. The appropriations bill rider

Before discussing the substance of the regulations, we first note that the unions object to the authority of the Secretary to implement the helper regulations. On April 10, 1991, Congress attached a rider to an emergency supplemental appropriations bill making funds available for the United States military operation in the Middle East. Dire Emergency Supplemental Appropriations for Consequence of Operation Desert Shield/Desert Storm, Food Stamps, Unemployment Compensation Administration, Veterans Compensation and Pensions, and Other Urgent Needs Act of 1991, Pub. L. No. 102–27 §303, 105 Stat. 130, 151 (1991). The rider prohibited the Secretary from spending any funds to implement the helper regulations, stating:

"Notwithstanding any other provision of law, no funds shall be expended by the Secretary of Labor to implement or administer the [helper definition, the 2:3 ratio, the test for when helpers are prevailing, and the revised conformance provision] . . . or to implement or administer any other regulation that would have the same or similar effect."

Id. The unions argue that the rider is permanent legislation—a congressional directive barring implementation. They note that the rider has no expiration date apparent on its face and submit that when a rider's language suggests a congressional intent that it be made permanent law, this Court must respect that intent. See, e.g., *Elizabeth Norcross* v. *United States*, 142 Cl. Ct. 767 (1958). The difficulty with the unions' argument is that we see no evidence of a congressional intent that this rider be made permanent law.

While appropriation acts are "Acts of Congress" which can substantively change existing law, there is a very strong presumption that they do not, see *TVA* v. *Hill*, 437 U.S. 153, 190 (1978), and that when they do, the change is only intended for one fiscal year. See *Minis* v. *United States*, 40 U.S. 132, 15 Pet. 443 (1841); *National Treasury Employees Union* v. *Devine*, 733 F.2d 114, 120 (D.C. Cir. 1984); General Accounting Office, Principles of Federal Appropriations Law, 2–34 (1982). In fact, a federal appropriations act applies only for the fiscal year in which it is passed, unless it expressly provides otherwise. See 31 U.S.C. §1301(c)(2) (1991). Accordingly, a provision contained in an appropriations bill operates only in the applicable fiscal year, unless its language clearly indicates that it is intended to be permanent.

The unions argue that a clear intent to establish a permanent bar in this case is present in Congress' statement that "no funds shall be expended by the Secretary of Labor to implement or administer" the disputed regulations. The unions claim that the location of this statement in a rider attached to an act that did not appropriate any funds for that purpose further establishes clarity of intent to bar implementation permanently.

It is true, as the unions note, that the General Accounting Office (the "GAO"), in its publication, GAO, Principles of Federal Appropriations Law, recognizes that the absence of an appropriation for the purpose limited by the rider is some indication of permanence. Id. at 2–34—2–37. However, while the absence of such an appropriation may be useful in ascertaining congressional intent, standing alone it is not enough to indicate permanence. As the GAO has also stated, "the presence or absence of words of futurity remains the crucial factor, and the additional factors have been used for the most part to support a conclusion based primarily on this presence or absence." Id. at 2–37. Similarly, as GAO has explained, "a proviso or general provision [in an appropriations act] that does not contain words of futurity will generally not be construed as permanent." See id. at 2–34—2–35. Principally, courts have recognized that when Congress intends a provision in an appropriations bill to have permanent effect, it uses words of permanency or futurity (such as "to apply in all years hereafter"). See *Minis*, 40 U.S. at 134, 15 Pet. at 445; *Norcross*, 142 Cl. Ct. at 768. In this case Congress used no words of futurity or permanency. Consequently, we do not infer from the absence of an appropriation standing alone that Congress intended to impose a permanent ban.

The unions offer snippets of legislative history in support of their argument for futurity, but legislative history can only help to explain a statute; it cannot reconstruct it. The unions also stress the presence of the words "notwithstanding any other provision of law . . ." in the rider. Pub. L. No. 102–27, §303, 105 Stat. 130, 151. This language, how-

ever, goes to the breadth of the amendment's effect, not its duration.

In short, nothing in the rider affects the ability of the Secretary to promulgate the present regulations at any time other than during the 1991 fiscal year. The record before us indicates that the Secretary did not expend any funds to implement or administer the new helper regulations during the 1991 fiscal year. Therefore, the presence of the appropriations rider offers us no reason to find error in the District Court's order.

B. The content of the regulations

Having determined that the Secretary retains the statutory authority to implement the regulations, our function remains the same as it was for our previous review of these regulations. As we stated then, "our task is limited to ensuring that the new definition [of helper] is not one 'that bears no relationship to any recognized concept of [the statutory term] or that would defeat the purpose of the [statutory] program.'" *Building and Construction Trades' Dept.*, 712 F.2d at 616, quoting *Batterton* v. *Francis*, 432 U.S. 416, 428 (1977). In other words, we must ensure that the Secretary "is acting consistently with the purposes of the statute and that his choice is not arbitrary." *Building and Construction Trades' Dept.*, 712 F.2d at 618.

1. The Revised Tests for "Prevailing" Use of Helpers

The unions have in no way demonstrated that the Secretary acted arbitrarily in designing the new tests, or that the tests defeat the purpose of the Act by recognizing "non-prevailing practices." In striking the old "identifiable" standard, we concluded that it defeated the purpose of the Act. That is, if a federal project could use the helper classification in a locality where it merely could be "identified," but in which, for example, the majority of workers were on union projects not employing the helper category and were receiving higher wages than helpers, then according to any definition of "prevailing," the contractor on the project "would not be paying the wage prevailing for the corresponding class of workers in that city." *Building and Construction Trades' Dept.*, 712 F.2d at 625.

The new tests do not suffer from the same defect, especially as, between them, they cover each possibly applicable concept of "prevailing." Any federal project employing the helper category will reflect either the practice of contractors employing a majority of journeymen in the locality or a majority of workers engaged in relevant employment in a weighted average locality. In neither instance can the Secretary's determination that a practice prevails be said to be arbitrary or contrary to the Act's purpose of aligning wages on federal projects with local rates.

2. Definition of "Helper"

Under the rubric of "underclassification," the unions renew an attack on the definition of helper rejected by this Court in Building and Construction Trades' Dept., 712 F.2d at 626–30. The underclassification theory holds that the Act's attempt to mirror the local wage is subverted when a regulatory definition allows members of a lower paid and lower skilled class to be hired to perform tasks which a higher class normally performs in cases where tasks overlap. The unions contend that the supervision-based helper definition now proposed by the Secretary, rather than one based on task surveys, will bring work performed in the past by unionized laborers into the job description of lower paid helpers.

The short answer to this objection is that we already approved the definition in Building and Construction Trades' Dept. and, consequently, it will, as the law of the case, survive the present challenge. See 712 F.2d at 629–30. Furthermore, we remain fully satisfied with our treatment of this issue in our previous decision. As we discussed at length in the earlier opinion, the Secretary's statutory authority does not require task-oriented definitions. Id. Insofar as the unions' objection is based on the failure of the Secretary to employ task surveys in implementation of the regulation, that question is not before us. In this case we review its validity, not its implementation.[1]

The argument that the regulation sweeps "higher paid" laborers into the category of "lower paid" helpers is illusory. There is no reason in reviewing the facial validity of this regulation to believe that the unions' assumptions are accurate. That semi-skilled helpers will be paid less than unskilled or semi-skilled laborers is far from a foregone conclusion. In any event, the whole argument focuses on the styling of workers rather than either what they do or who supervises them, and, as we have noted, nothing in the statute requires the Secretary to implement "the union[s] classification scheme." Building and Construction Trades' Dept., 712 F.2d at 627.

The argument also ignores the proposal by the DOL before us here, which would give full weight to the wages normally paid to unionized laborers when calculating the "prevailing wage" to be paid to helpers. First, it would count as helpers all unionized workers who fit the helper definition. Then, if a helper classification is determined to prevail in the area, the wages normally paid to unionized laborers would be given "full weight" in the calculation of the prevailing helper wage. "Full weight," according to the DOL, means that "if these union workers are the majority of the helpers in the area, then, generally, their 'majority wage' will be paid to all helpers. And if they are not the majority, their union wage will still be accounted for in the weighted average used to establish the prevailing wage." Brief of Appellees Secretary of Labor, *et al.*, at 34.

We approve of, and consider this proposal a necessary interpretation of, the "prevailing" test. Thus laborers will be counted as helpers, and the helper wage will be either that paid to the majority of the average of the wages paid to the total employed in the helper class. This method is not only sensible, it is consistent with relevant provisions of the regulations. 29 C.F.R. §1.2(a)(1) (1991) in its entirety states:

"The *prevailing wage* shall be the wage paid to the majority (more than 50 percent) of the laborers or mechanics in the classification on similar projects in the area during the period in question. If the same wage is not paid to a majority of those employed in the classification, the *prevailing wage* shall be the average of the wages paid, weighted by the total employed in the classification."

3. Conformance Provision

The unions raise several challenges to the revised conformance regulation. First, they contend that under the regulation a helper classification can be added when it is not "prevailing" in the area. However, the regulation expressly refutes that contention: "The contracting officer shall approve an additional classification . . . only when . . . [w]ith respect to helpers . . . such a classification *prevails* in the area in which the work is performed." 29 C.F.R. §5.5(a)(1)(ii)(A)(*4*) (1991) (emphasis supplied).

Second, the unions assert that a contracting officer could add a helper class without DOL approval. This assertion also is simply incorrect. The conformance regulation expressly requires DOL approval before a helper class can be added, *see* 29 C.F.R. §5.5(a)(1)(ii)(B)-(C) (1991)—approval the DOL cannot grant unless the class prevails in the area.

They further object to the regulation's excepting the helper classification from the requirement that the work performed by the requested classification not be performed by a class already in the wage determination. They fear that his provision will allow a lower-paid helper classification to replace a higher-paid class of semiskilled laborers already in the wage determination and working under the supervision of a journeyman.

As explained by the Secretary upon adoption of the regulation, however, the revision to the conformance regulation accommodates the helper definition by allowing a helper's duties to overlap with a journeyman's duties. 54 Fed. Reg. 4240–41 (1989). At the same time, the regulation specifically prohibits the addition of a lower-paid classification to replace an existing classification of semiskilled workers, by providing that: "any class of laborers or mechanics, including helpers, *which is not listed in the wage determination* and which is to be employed under the contract shall be classified in conformance with the wage determination." 29 C.F.R. §5.5(a)(ii)(A) (1991) (emphasis supplied). By the terms of this section, if a class of workers whose members meet the helper definition is already listed in a wage determination (regardless of the name given to the classification in the wage determination), an additional helper classification would not be issued. Thus, if a laborer subclassification listed in the wage determination meets the helper definition, an additional helper classification would not be added to the contract. We therefore agree with the District Court that the revised conformance regulations survive the unions' challenge.

4. The 2:3 ratio

In 1982 the Secretary added to the helper regulations a cap of 2:3 on the ratio of helpers to journeymen. *See* 29 C.F.R. §5.5(a)(4)(iv) (1991). Neither this Court nor the District Court has ruled on the validity of the 2:3 ratio, but we noted in 1983 that we would not be barred from considering the issue later if it remained a part of any reissued regulations. *Building and Construction Trades' Dept.*, 712 F.2d at 624 n.7. Today we conclude that the regulation setting the ratio reflects a purely arbitrary choice without rational decisionmaking.

The basis upon which the forty percent cap was selected by the Secretary as the numerical limit on the use of helpers on Davis-Bacon projects is unexplained. Neither the 1982 regulations nor the Notice of Proposed Rulemaking which preceded the final rulemaking, *see* 52 Fed. Reg. 31,366 (1987), explains its origin. At oral argument, counsel suggested that the Secretary may have relied on a ratio of nonjourneymen to journeymen found in a particular project agreement negotiated by the Building and Construction Trades Department, AFL-CIO, but the Secretary has provided no justification for making it a national standard. The administrative record shows little consideration of the ratios appearing in the industry and only

[1] We do not understand the use of the supervision-based definition to preclude any role for task-based surveys in implementation.

minimal experimentation with a 1:5 ratio. *See* 46 Fed. Reg. 41,463 (1981).

Such an unsubstantiated imposition of a fixed ratio in a regulatory scheme based on a statute designed to implement prevailing practices represents the very essence of arbitrariness. It is true that a regulation must be sustained as long as the agency has articulated a reasonable basis for its decision. *American Trucking Associations, Inc.* v. *ICC*, 697 F.2d 1146 (D.C. Cir. 1983). Here, however, all the agency has done is to state that a 2:3 ratio better reflects industry use of helpers than did the 1:5 ratio. 55 Fed. Reg. at 50,148–49 (1990). To state a conclusion is not to reason. We therefore reverse the District Court's vacation of its injunction as to the 2:3 ratio.

CONCLUSION

We affirm the District Court's vacation of the injunction against enforcement of 29 C.F.R. §§1.7(d), 5.5(a)(1)(ii)(A)(*1*), and 5.5(a)(1)(ii)(A)(*4*). In so doing, we uphold the revisions of the "prevailing" test and of the conformance provision. However, we reverse the District Court's vacation of the injunction against the enforcement of 29 C.F.R. §5.5(a)(4)(iv), the formula of 2:3 for calculating a cap on the ratio of helpers to journeymen on federal construction projects, and invalidate this one provision as arbitrary and capricious.

Affirmed in part and reversed in part.

Mr. CRAIG. What are we talking about? The ability to take billions of Federal dollars, taxpayers' dollars, deficit dollars, borrowed dollars, and spend them wisely to build for people who are in need, to put people who are out of work to work, to give them meaningful skills and meaningful tasks to be able to provide for themselves and their families, and to do so in a cost-effective and a cost-efficient way, to save 1.2 percent annually on all federally paid for construction or to be able to use that money for expanded purposes, to save hundreds of millions of dollars annually or billions of dollars over the 5-year proposal.

That is the intent. You can use all of the other arguments you want that have been used on the floor for years and years.

Mr. President, let me suggest that this is a new time and I would hope a different place. When this Nation and its people cry out for fiscal responsibility from this body, when we are $300-plus billions in deficit and $4 trillion, give or take a few billion, in debt, that we would try to be wise and judicious while trying to help all others. And that is the reason this administration has moved these regulations; that is the reason the Secretary of Labor has said she will recommend to our President a veto of this supplemental until this Congress cleans it up and they clean it up by taking off the ban.

So we are talking about a little flexibility, a change in place and a change in time for Federal contracts to be operated in 1992 versus the context of the 1930's.

Those are the issues at hand. That is why the amendment is offered. With those thoughts, I yield back the remainder of my time.

The PRESIDING OFFICER. The distinguished Senator from Idaho yields back the remainder of his time. All time has expired.

The question now is on agreeing to the amendment offered by the distinguished Senator from Idaho.

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 were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

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

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Indiana [Mr. LUGAR], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—37

Bentsen	Graham	Nunn
Bond	Gramm	Pressler
Boren	Grassley	Roth
Brown	Hatch	Rudman
Burns	Helms	Seymour
Chafee	Jeffords	Simpson
Coats	Kassebaum	Smith
Cochran	Kasten	Symms
Cohen	Lott	Thurmond
Craig	Mack	Wallop
Danforth	McCain	Warner
Dole	McConnell	
Garn	Nickles	

NAYS—58

Adams	Fowler	Moynihan
Akaka	Glenn	Packwood
Baucus	Gorton	Pell
Biden	Harkin	Pryor
Bingaman	Hatfield	Reid
Bradley	Heflin	Riegle
Breaux	Hollings	Robb
Bryan	Inouye	Rockefeller
Bumpers	Johnston	Sanford
Byrd	Kennedy	Sarbanes
Conrad	Kerrey	Sasser
Cranston	Kerry	Shelby
D'Amato	Kohl	Simon
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Wellstone
Dodd	Lieberman	Wirth
Durenberger	Metzenbaum	Wofford
Exon	Mikulski	
Ford	Mitchell	

NOT VOTING—4

Domenici	Lugar
Gore	Murkowski

So the amendment (No. 2990) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, no action having been taken on the committee amendment which appears on page 16 of the bill, lines 1 through 6, under the rules the manager of the bill has the right to withdraw the amendment if he is authorized by a majority of the Appropriations Committee to do so.

Twenty-four out of the 28 members of the committee have authorized me to withdraw that amendment and I so withdraw it.

The PRESIDING OFFICER. The Senator has that right as chairman of the committee and the amendment is withdrawn.

Excepted committee amendment on page 16, lines 1 through 6, was withdrawn.

Mr. BYRD. Mr. President, I will very shortly yield to the distinguished majority leader, but I want to say to Senators that I think we can wrap up final action on this bill within 10 minutes if we have everybody's cooperation.

I yield to the majority leader without losing my right to the floor.

The PRESIDING OFFICER. The majority leader is recognized.

APPOINTMENT OF THE CHAIRMAN OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask that it be read and immediately considered.

The PRESIDING OFFICER. The clerk will read the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 340) to appoint the chairman of the Committee on Environment and Public Works.

S. RES. 340

Resolved, That the Senator from New York, Daniel Patrick Moynihan, be and he is hereby, appointed chairman of the Committee on Environment and Public Works.

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

There being no objection, the Senate proceeded to consider the resolution.

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

The resolution (S. Res. 340) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution 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. MITCHELL. Mr. President, we are moving toward completion of the supplemental appropriations bill and I will, therefore, be brief in my remarks.

I merely want to say that this action reflects the confidence which all Members of the Senate have in the ability, the integrity and the leadership of the distinguished Senator from New York [Mr. MOYNIHAN] and I take particular pleasure as a member of that commit-

tee in welcoming and congratulating our distinguished colleague for his chairmanship.

I ask my colleagues to join me in that.

[Applause, Senators rising.]

Mr. MOYNIHAN. Mr. President, I would like to express with less emotion than I feel my thanks to the Senate, thanks to my colleagues of the caucus, and my dear friends Senator CHAFEE and Senator SYMMS who are here. I join a succession that goes back to 1819, as the President pro tempore knows. In this committee the most recent chairmen include our beloved Jennings Randolph, Bob Stafford and, of course, the late Senator Burdick. If I dare not hope to equal their achievements, I shall hope I might equal their standards. I certainly shall attempt to do so.

I thank the Senate and I thank the President pro tempore.

The PRESIDING OFFICER. (Ms. MIKULSKI). The Senator from Rhode Island.

Mr. BYRD. I have the floor. I yield to the distinguished Senator from Rhode Island.

Mr. CHAFEE Madam President, I want to say as the ranking Republican on the Committee that we are absolutely delighted that Senator MOYNIHAN will be our chairman. He has been an outstanding leader on this committee. He has been on it I believe ever since he has been in the Senate. We both came to the Senate the same time, 16 years ago and, Senator MOYNIHAN has been a very, very valuable leader of that committee and we are proud of that committee.

We are delighted that the majority leader is on it. We are delighted that the Republican whip is on it. And we are absolutely certain that under the leadership of Senator MOYNIHAN it will continue the high standard of those who have gone before since we have been on it. As the Senator from New York mentioned Jennings Randolph was our leader for many, many years and then Bob Stafford and then Senator Burdick.

I must say I am not getting into how long Senator MOYNIHAN will be the chairman of the Committee, because those things go, as we know, in cycles. One party or the other party takes over. But as long as he is there we have absolute confidence he will do a superb job and we wish him well.

Mr. BYRD. Madam President, Plato thanked the gods for permitting him to live in the age of Socrates. I thank the benign hand of destiny for permitting me to live and serve in the Senate at a time when the distinguished Senator from New York [Mr. MOYNIHAN,] has served on that committee and will now serve as the chairman of the committee with a degree of dignity, fairness, aplomb and poise so rare as a day in June. And I personally commend my good friend, the Senator whose heart is as stout as the Irish Oak and as pure as the lakes of Killarney.

SUPPLEMENTAL APPROPRIATIONS, TRANSFERS, AND RESCISSIONS ACT, 1992

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2991

AMENDMENT NO. 2992

AMENDMENT NO. 2993

(Purpose: To make agricultural producers who have suffered damages as a consequence of a microburst wind occurrence eligible for disaster assistance from Emergency Crop Loss Assistance, Emergency Livestock Feed, and loan guarantees from the Rural Development Insurance Fund)

AMENDMENT NO. 2994

(Purpose: To require the Director of the National Institute for Occupational Safety and Health to conduct a study of the prevalence and issues related to contamination of workers' homes with hazardous chemicals and substances transported from their workplace and to issue or report on regulations to prevent or mitigate the future contamination of workers' homes)

Mr. BYRD. Madam President, I offer on behalf of Senator HATFIELD, my colleague, four amendments en bloc: One by Mr. SANFORD, one by Mr. LEAHY, one by Mr. JEFFORDS, and one by Mr. INOUYE and Mr. STEVENS and I ask unanimous consent that they be considered en bloc, agreed to en bloc, the motion to reconsider laid on the table and statements in explanation of the amendments be included in the RECORD.

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

Mr. BYRD. Madam President, these have been agreed to on both sides.

So, the amendments (No. 2991, No. 2992, No. 2993, and No. 2994) were agreed to en bloc as follows:

AMENDMENT No. 2991

On page 2, line 24, after the word "Jersey." insert the following new paragraph:

"Notwithstanding section 318(d) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464(d)), amounts provided pursuant to Public Law 101-162 for the acquisition of Buxton Woods shall remain available to the State of North Carolina through September 30, 1993.".

BUXTON WOODS AMENDMENT

Mr. SANFORD. Madam President, I want to thank the distinguished Chairman Senator BYRD and Senator HATFIELD for agreeing to include my National Oceanic and Atmospheric Administration [NOAA] amendment to H.R. 5620.

This amendment is very simple. It allows the State of North Carolina an additional year to receive its Federal share of a NOAA Coastal Zone Management Act grant to preserve a portion of the Buxton Woods on Hatteras Island. This amendment has no spending impact since the funds appropriated in fiscal year 1990 were made available until expended.

Madam President, this is a small amendment, but a very important amendment. Buxton Woods is a unique maritime forest standing on the Outer Banks. Preservation of this forest was a high priority to my good friend, Congressman WALTER JONES. As chairman of the House Merchant Marine and Fisheries Committee he worked tirelessly to help preserve this environmentally sensitive habitat.

I know all of my colleagues were saddened to learn that Chairman JONES passed away earlier today. And, I think it is appropriate to honor our good friend today with the passage of this amendment.

AMENDMENT NO. 2992

On page 6 of the committee reported bill beginning on line 16 strike the matter up to the period on line 17 and insert in lieu thereof: "shall remain available until September 30, 1993".

Mr. INOUYE. Mr. President, this amendment will extend the availability of funds provided in title II of this act for environmental funds for the Defense Department.

Mr. President, the House included an amendment which would require that the funds provided for environmental restoration and compliance be obligated and expended prior to the end of the fiscal year. The Defense Department originally stated that it could meet this requirement if the legislation was enacted by around September 15 to September 20. Therefore, the committee agreed with the House provision.

We now are informed that the Defense Department will not be able to obligate all of these funds prior to the end of this fiscal year. Therefore, the amendment I am offering would extend the availability of these funds so that they could be used effectively by the Department of Defense for environmental cleanup.

Mr. President, this amendment will decrease outlays in the current year and increase them in fiscal year 1993. Therefore, the committee will be required to lower its planned 1993 outlays. Even though we will be forced to make adjustments in our fiscal year 1993 bill, the benefits gained by allowing these funds to be obligated more judiciously instead of rushing to spend the funds in the next 15 days outweigh the adjustments in the 1993 bill.

AMENDMENT NO. 2993

At the end of the line 2, page 32 add:

"Notwithstanding any other provision of law or statute, any producer of crops and livestock who has suffered at least 40 percent loss to a program crop, 25 percent loss of livestock, and damage to building structures in 1992 as a consequence of a microburst wind occurrence shall be eligible for Emergency Crop Loss Assistance and Emergency Livestock Feed assistance as set forth in the Disaster Assistance Act of 1990, Public Law 101-624 (7 U.S.C. 1421 note), and loan guarantees from the Rural Development Insurance Fund program (7 U.S.C. 1929a)."

AMENDMENT NO. 2994

At the appropriate place, insert the following new section:

SEC. . WORKERS' FAMILY PROTECTION

(a) SHORT TITLE.—This section may be cited as the "Workers' Family Protection Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) hazardous chemicals and substances that can threaten the health and safety of workers are being transported out of industries on workers' clothing and persons;

(B) these chemicals and substances have the potential to pose an additional threat to the health and welfare of workers and their families;

(C) additional information is needed concerning issues related to employee transported contaminant releases; and

(D) additional regulations may be needed to prevent future releases of this type.

(2) PURPOSE.—It is the purpose of this section to—

(A) increase understanding and awareness concerning the extent and possible health impacts of the problems and incidents described in paragraph (1);

(B) prevent or mitigate future incidents of home contamination that could adversely affect the health and safety of workers and their families;

(C) additional information is needed concerning issues related to employee transported contaminant releases; and

(D) additional regulations may be needed to prevent future releases of this type.

(2) PURPOSE.—It is the purpose of this section to—

(A) increase understanding and awareness concerning the extent and possible health impacts of the problems and incidents described in paragraph (1);

(B) prevent or mitigate future incidents of home contamination that could adversely affect the health and safety of workers and their families;

(C) clarify regulatory authority for preventing and responding to such incidents; and

(D) assist workers in redressing and responding to such incidents when they occur.

(c) EVALUATION OF EMPLOYEE TRANSPORTED CONTAMINANT RELEASES.—

(1) STUDY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health (hereinafter in this section referred to as the "Director"), in cooperation with the Secretary of Labor, the Administrator of the Environmental Protection Agency, the Administrator of the Agency for Toxic Substances and Disease Registry, and the heads of other Federal Government agencies as determined to be appropriate by the Director, shall conduct a study to evaluate the potential for, the prevalence of, and the issues related to the contamination of workers' homes with hazardous chemicals and substances, including infectious agents, transported from the workplaces of such workers'.

(B) MATTERS TO BE EVALUATED.—In conducting the study and evaluation under subparagraph (A), the Director shall—

(i) conduct a review of past incidents of home contamination through the utilization of literature and of records concerning past investigations and enforcement actions undertaken by—

(I) the National Institute for Occupational Safety and Health;

(II) the Secretary of Labor to enforce the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(III) States to enforce occupational safety and health standards in accordance with section 18 of such Act (29 U.S.C. 667); and

(IV) other government agencies (including the Department of Energy and the Environmental Protection Agency), as the Director may determine to be appropriate;

(ii) evaluate current statutory, regulatory, and voluntary industrial hygiene or other measures used by small, medium and large employers to prevent or remediate home contamination;

(iii) compile a summary of the existing research and case histories conducted on incidents of employee transported contaminant releases, including—

(I) the effectiveness of workplace housekeeping practices and personal protective equipment in preventing such incidents;

(II) the health effects, if any, of the resulting exposure on workers and their families;

(III) the effectiveness of normal house cleaning and laundry procedures for removing hazardous materials and agents from workers' homes and personal clothing;

(IV) indoor air quality, as the research concerning such pertains to the fate of chemicals transported from a workplace into the home environment; and

(V) methods for differentiating exposure health effects and relative risks associated with specific agents from other sources of exposure inside and outside the home;

(iv) identify the role of Federal and State agencies in responding to incidents of home contamination;

(v) prepare and submit to the Task Force established under paragraph (2) and to the appropriate committees of Congress, a report concerning the results of the matters studied or evaluated under clauses (i) through (iv); and

(vi) study home contamination incidents and issues and worker and family protection policies and practices related to the special circumstances of firefighters and prepare and submit to the appropriate committees of Congress a report concerning the findings with respect to such study.

(2) DEVELOPMENT OF INVESTIGATIVE STRATEGY.—

(A) TASK FORCE.—Not later than 12 months after the date of enactment of this Act, the Director, in cooperation with the National Institute of Environmental Health Services, shall establish a working group, to be known as the "Workers' Family Protection Task Force". The Task Force shall—

(i) be composed of not more than 15 individuals to be appointed by the Director from among individuals who are representative of workers, industry, scientists, industrial hygienists, the National Research Council, and government agencies, except that not more than one such individual shall be from each appropriate government agency and the number of individuals appointed to represent industry and workers shall be equal in number;

(ii) review the report submitted under paragraph (1)(B)(v);

(iii) determine, with respect to such report, the additional data needs, if any, and the need for additional evaluation of the scientific issues related to and the feasibility of developing such additional data; and

(iv) if additional data are determined by the Task Force to be needed, develop a recommended investigative strategy for use in obtaining such information.

(B) INVESTIGATIVE STRATEGY.—

(i) CONTENT.—The investigative strategy developed under subparagraph (A)(iv) shall identify data gaps that can and cannot be filled, assumptions and uncertainties associated with various components of such strategy, a timetable for the implementation of such strategy, and methodologies used to gather any required data.

(ii) PEER REVIEW.—The Director shall publish the proposed investigative strategy under subparagraph (A)(iv) for public comment and utilize other methods, including technical conferences or seminars and a review by the National Research Council, for the purpose of obtaining comments concerning the proposed strategy.

(iii) FINAL STRATEGY.—After the peer review and public comment is conducted under clause (ii), the Director, in consultation with the heads of other government agencies, shall propose a final strategy for investigating issues related to home contamination that shall be implemented by the National Institute for Occupational Safety and Health and other Federal agencies for the period of time necessary to enable such agencies to obtain the information identified under subparagrpah (A)(iii).

(C) CONSTRUCTION.—Nothing in this section shall be construed as precluding any government agency from investigating issues related to home contamination using existing procedures until such time as a final strategy is developed or from taking actions in addition to those proposed in the strategy after its completion.

(3) IMPLEMENTATION OF INVESTIGATIVE STRATEGY.—Upon completion of the investigative strategy under subparagraph (B)(iii), each Federal agency or department shall fulfill the role assigned to it by the strategy.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 4 years after that date of enactment of this Act, and periodically thereafter, the Secretary of Labor, based on the information developed under subsection (c) and on other information available to the Secretary, shall—

(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed to protect workers and their families from employee transported releases of hazardous materials; and

(B) prepare and submit to the appropriate committees of Congress a report concerning the results of such determination.

(2) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate such regulations or standards as determined to be appropriate not later than 3 years after such determination.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

Mr. BYRD. Madam President, as far as I know there is only one amendment that remains to be acted upon, an amendment by Mr. GRAHAM, and that as far as I am concerned will be accepted on the part of both managers. So that has been agreed to.

How much time does the Senator need?

Mr. GRAHAM. Madam President, I am delighted as what the chairman just said to do this in very quick time. I would like 2 minutes and then my colleague from Florida and I believe the Senator from Georgia would like to

make a few comments on this amendment.

Mr. BYRD. Madam President, I ask unanimous consent that the time on the amendment be limited to 6 minutes to be equally divided between Mr. GRAHAM and Mr. MACK in accordance with the usual form, that on disposition of that amendment, only one amendment, one possible amendment remain, an amendment by Mr. SPECTER. We should know shortly as to whether or not he intends to offer that amendment. So it is with the understanding that I am not asking for a time limitation on the Specter amendment; I am simply seeking to limit further amendments to one amendment by Mr. SPECTER.

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

The Senator from Florida.

AMENDMENT NO. 2995

(Purpose: To make an additional appropriation for the Department of Defense for military construction activities at Homestead Air Force Base, FL)

Mr. GRAHAM. Madam 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 Florida [Mr. GRAHAM], for himself, Mr. MACK, and Mr. NUNN, proposes an amendment numbered 2995.

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

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

The amendment is as follows:

On page 67, between lines 12 and 13, insert the following:

For an additional amount for "Military Construction, Air Force", $66,000,000, for the limited purpose of restoring airfield operations, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of the funds are available for the construction of facilities to support the 31st Tactical Fighter Wing or any other active Air Force units or missions pending completion of the 1993 Base Closure process.

Mr. GRAHAM. Madam President, this amendment focuses on the two functions which are currently being conducted at Homestead Air Force Base. One of those functions is the operation of an active Air Force wing, the 32d Tactical Fighter Wing.

This amendment expressly states that no funds under this amendment are available for construction of facilities to support those active Air Force uses. The future of those activities will be determined by the Base Closure Commission of 1993. It will be in the hands of that impartial entity to determine what the future of Homestead Air Force Base as an operational mission base shall be.

However, Homestead Air Force Base serves an important second function as the landlord, the hosts, of some 30 other civilian and defense missions ranging from major customs facilities, which are used for drug interdiction, to a Federal prison site. This will provide the funds for the restoration of those necessary functions to allow those tenant activities to continue at Homestead Air Force Base while a judgment is being reached on its future function as an operational Air Force facility.

Madam President, I wish to particularly thank our distinguished chairman, Senator BYRD. I also thank Senator NUNN; my colleague, Senator MACK; as well as Governor Chiles, staffs of all of the above, and others who have been actively involved in developing this important amendment, for which I urge the Senate's adoption.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Florida.

Mr. MACK. Thank you, Madam President.

First of all, I had intended to offer an amendment restoring the entire $480 million for construction at Homestead Air Force Base in order to get it back to its condition prior to Hurricane Andrew.

I understand the sentiments of the Senate. And I want to say at this point that I appreciate the efforts that have been made on behalf of Homestead Air Force Base and the citizens of south Florida. I thank Senator GRAHAM and Governor Chiles for their efforts, as well as their staffs. And I would like to extend particular thanks to Senator BYRD, the distinguished chairman of the Appropriations Committee, for his sensitivity in working through these issues and extending vital help to the people of the State of Florida.

I have focused particularly on the importance of Homestead Air Force Base, because I see it as the anchor economic activity in this storm-ravaged region. We must move forward to someday restore that base to full operation, because it is again a shining symbol of hope for the people of Homestead and the surrounding area. Eight thousand small businesses were destroyed by Hurricane Andrew, and thousands of homes were demolished. If we are in fact, going to offer the people of south Florida a brighter future, we must commit ourselves to rebuilding Homestead Air Force Base back to the full strength and capability with which it has served America so long and so well.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. BYRD. Madam President, I ask unanimous consent that I may speak for 2 minutes.

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

Mr. BYRD. Madam President, I am willing to accept the amendment offered by the distinguished senior Senator from Florida [Mr. GRAHAM] and cosponsored by the distinguished junior Senator from Florida [Mr. MACK] to provide $66 million in order to restore airfield operations at Homestead. It is my understanding that the money will be used for, and only for the restoration of the aircraft control tower, navigational aids, fuel facilities, and runway, and associated environmental rehabilitation in order to put the airfield into operational condition. This does not authorize the Air Force to operate the facility as an active military base, and I am assured that the amendment specifically excludes that contingency so as not to preclude the decision-making process and power of the Base Closure Commission.

Thus, the amendment reads that none of the $66 million is "available for the construction of facilities to support the 31st Tactical Fighter Wing or any other active Air Force units or missions pending completion of the 1993 Base Closure process." It may well be, Madam President, that this airfield will in the future be utilized for civilian operations. We are not prejudicing the case with this amendment one way or the other. We are only putting back into operation the basic airfield facilities which will allow it to be used for air operations in the future. This is one task that can be performed without being included in the planning process for the overall base that I alluded to in my earlier remarks, that is part of the base closure process, and so I am pleased to accept the diligent work of the Senator from Florida in his efforts to attend to repairs which can be done in this urgent supplemental, over the next 6 months.

I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I rise to support the amendment that has now been offered by the Senators from Florida, Senator GRAHAM and Senator MACK.

I visited Homestead Air Force Base and the surrounding community about 10 days ago. I witnessed firsthand the devastation of Hurricane Andrew on the entire region. It was a sobering experience and one that helps me appreciate the serious needs—both short-term damage repair as well as long-term economic redevelopment—of the people of the area.

I also appreciate the important role which Homestead Air Force Base plays in the economy of the region, and I can certainly sympathize with those who would restore the base to its full mission capability.

However, Madam President, as I stated last week, I do not believe that the decision to rebuild Homestead Air Force Base should be made at this time. The expected drawdown of Air

Force units around the country and the anticipated closure of additional air bases both argue that the future of Homestead AFB as a major Air Force operating location ought to be decided within the overall context of Defense Department needs. This is exactly what the defense base closure and realignment process is meant to do. A new commission will be nominated early next year, and I would expect that it would carefully consider the difficult question of the future of Homestead Air Force Base.

I do support the amendment to restore the airfield operations, because it does not prejudge the work of the Base Closure Commission.

Madam President, let me state what I understand the amendment does do, and what it does not do. If I am in error on this, I would certainly invite the correction.

First of all, what the amendment would not do:

It would not fund restoration of the base to its "prestorm" status as a major F-16 base for the active and reserves.

Second, it would not reconstruct the mission facilities supporting other Defense Department activities, or those of other Federal agencies.

Third, it would not prejudge the 1993 recommendations of the Secretary of Defense regarding needed base closures or realignments, nor the independent deliberations of the Defense Base Closure and Realignment Commission.

Madam President, what the amendment would do, as I understand the amendment, is it would restore the airfield—that is, the runway, air traffic control complex, utilities, and aviation support infrastructure—to an operational status.

Second, it would fund the environmental cleanup associated with storm damage. This is a governmental liability, whether the base is restored to its former military mission or converted to civilian use, or redeveloped for other purposes. Timely cleanup usually saves money. And that is what we would be doing in this instance.

Third, it provides the Air Force and the Homestead community with an operational aviation asset upon which to plan the return of some or all previous military activities, or to plan redevelopment as a civil airport, possibly supporting some lesser military presence, or to provide industrial development possibilities with a very significant asset and very powerful sales tools.

Madam President, those are my understandings of the amendment.

I congratulate the Senator from Florida, as well as the Governor of Florida, who have worked diligently to reach this point.

I know they would prefer to have the full restoration but I think they have made the best possible and constructive step here that is possible to offer at this time.

I yield the floor.

Mr. BYRD. Madam President, I ask unanimous consent that Mr. LAUTENBERG be permitted to offer an amendment to the bill.

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

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. All time on this amendment has expired. Therefore we will now move to the adoption of this amendment.

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2995) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD. Madam President, the bill is open to amendments by Mr. LAUTENBERG and by—and/or by Mr. SPECTER. I hope that those two Senators will decide not to offer their amendments but they certainly have a right to do so. I would, therefore, hope that we would see the door open and also see coming through that door, one or both Senators with their amendments in hand.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Madam President, I am advised there is a desire to have a rollcall on final passage. I, therefore, so that all Senators will be on notice there will be a rollcall, 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.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BREAUX. Madam President, I think it is appropriate to note at this moment, as the Senate moves to a conclusion of this supplemental appropriations bill, that there are an awful lot of people throughout this country that those States deserve to say a big thank you to. I think Americans are unique in times of natural disasters or in times of emergencies, in the sense that all Americans respond to natural disasters and all Americans show a desire to be of help.

In my State of Louisiana, as well as the State of Florida, we saw countless thousands of individuals getting in their own vehicles, in their own trucks, and driving to my State of Louisiana just to be helpful—not getting paid, not particularly doing it for any reason other than out of the kindness of their hearts.

That is the true spirit of America that I think we saw so clearly in these two tragic events, and now the event in the State of Hawaii.

I think we all owe a particular debt of gratitude for the prompt response that the Appropriations Committee under the very able leadership of the chairman has shown in presenting to this Congress, in such a quick fashion, the moneys that are needed to reach out to those countless thousands of people who are in destitute circumstances because of events that are beyond their control. The committee, under the leadership of the Senator from West Virginia, shows that the Congress really in a sense belongs to all of us, in the sense that every American can feel very proud of their Government and the response they are getting from the appropriate committees that address these issues in the Congress.

Over half of my State of Louisiana is a declared disaster area. Thousands and thousands of people have had their lives changed, their businesses destroyed, their homes lost, and even countless injuries that they have experienced during these tragic times. So, while dollars are never going to replace some of those memories that have been lost, certainly funding in an adequate fashion is a major part of that recovery that they need so desperately.

i just want to say, as one Member of the Senate, a particular note of appreciation for my colleagues who have supported and will support this legislation and in particular the distinguished chairman of the Appropriations Committee for his very prompt response in a manner that we can only say thank you, as well, to.

I yield the floor.

Mr. BYRD. Madam President, I thank the distinguished junior Senator from Louisiana for his overly charitable remarks. I want to thank him and his staff for their efforts, which were most helpful and which made it possible for us to expedite the work in such a fashion.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. BYRD. Madam President, the hour is late. The Sun is rapidly descending toward the western hills. The shadows are lengthening. If a Senator is not on the floor within 15 minutes to call up his amendment, I will move to third reading and get the yeas and nays on that motion. And so the time is, I believe, 20 minutes of 6 o'clock?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Only two amendments are in order. One of the Senators has indicated he will not call up his amendment if the other Senator does not call up his. So we will wait 15 minutes. And if no Senator appears on the floor by that time, then I will move to go to third reading and, if necessary, ask for the yeas and nays on that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS FOR 15 MINUTES

Mr. BYRD. Madam President, with the foregoing statement very much in mind, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 5:42 p.m., recessed until 5:55 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. MIKULSKI].

Mr. SANFORD. Madam President, I rise in support of the emergency supplemental appropriations bill that is directed toward assisting the victims of natural disasters. The hurricanes, storms, and typhoons that ripped through Florida, Louisiana, Hawaii, and Guam, left many folks homeless, and their businesses completely destroyed. Devastation by natural disaster demands cooperation from everyone. As only fate would have it, a natural disaster occurred in North Carolina on September 10, 1992. An unexpected freak cloudburst shed tremendous amounts of rain in western North Carolina severely flooding the Cherokee Reservation in Swain County, NC.

The ravages of the flood destroyed major aquaculture projects located on the reservation—the livelihood of many of the folks. I am pleased to note that this important emergency legislation has a provision under the Department of Agriculture's Commodity Credit Corporation that covers "the incremental costs arising from the consequences of Hurricane Andrew and other natural disasters during 1992, up to $100,000,000 for payments to aquaculture producers * * *." Madam President, I am particularly pleased to see that this bill recognizes the importance of helping folks suffering from all natural disasters, not just those of Hurricane Andrew. I am pleased that the folks of North Carolina will be able to take advantage of this disaster funding to help them recover their businesses.

Mr. BREAUX. Madam President, I rise in support of the supplemental appropriations bill and thank the distinguished chairman of the Appropriations Committee for his expeditious consideration of this bill.

We all watched with dismay as Hurricane Andrew devastated areas of Florida and Louisiana, and recently as Hurricane Iniki struck Hawaii. These hurricanes made war zones out of the impacted areas. The damage from Hurricane Andrew is estimated to be the costliest in history.

In Louisiana alone:

Nearly half the State has been declared a disaster area with 23,121 disaster assistance applications filed;

Nearly $300 million in agricultural losses have been documented; and

Over 200 million fish have been killed.

The provisions in this bill will provide much needed assistance to the citizens of Florida, Louisiana, Guam, and now Hawaii, to rebuild their lives. The bill contains important assistance for individuals, small businesses, and farmers in the forms of grants, loans, and loan guarantees. The bill provides $7.5 billion in emergency funding, which is the level of support requested by the President. In addition, this bill contains many other assistance payments that can be released only after the President makes an emergency determination and requests the funds. Unfortunately, the tight Federal budget precludes full funding of all the need that is out there.

Clearly, these disasters have created an emergency. I am hopeful that when Congress clears a bill for the President, and if the final version of that bill contains this type of conditional funding, that the President will quickly make the emergency determinations necessary to release the funds so that farmers, fishermen, and other small businessmen can get back to work.

This bill is vitally important, and I commend the chairman of the Appropriations Committee for a fair bill given the high level of need and tight budget constraints. After the damage is repaired, Congress needs to take a long hard look at the Federal disaster relief system. I have contacted both Senator MOYNIHAN, chairman of the Environment and Public Works Committee and Senator RIEGLE, chairman of the Banking Committee, both of which have jurisdiction over FEMA, requesting hearings on our current emergency response system.

After Hurricane Hugo ravaged the South Carolina coast in 1989, victims complained bitterly that the Federal Emergency Management Agency [FEMA] was slow to respond to the catastrophe. Now, 3 years later, similar criticism has been leveled against FEMA in the face of a natural disaster which is the costliest in our Nation's history. In fact, the committee report accompanying this bill, expresses the dissatisfaction of the committee with FEMA and the current response system. Although, in Louisiana I witnessed good cooperation between the Federal officials working with Governor Edwards and local officials to assist our citizens, I do believe that the system itself can be improved. In Florida, we have seen real confusion and delays that have caused unnecessary suffering.

There is confusion over who is in charge. Is it FEMA, the Department of Defense or the Department of Transportation? Such confusion has led to spoilage of donated food and the discard of clothing left lying in mud puddles. Although FEMA is a civilian agency whose primary mission is to develop Federal response plans to disasters, it is not equipped under the current system to launch a relief effort in the immediate aftermath of a disaster. A closer look may reveal that the fault of a slow Federal response does not solely lie with FEMA, but lies with the disaster relief system currently in place.

Immediately after Andrew hit Florida and Louisiana, those areas resembled war zones. When a hurricane like Andrew hits, there are no communication services since telephone lines, radio and television facilities are rendered inoperable. There are injured citizens. There is no food, shelter, or fresh water. In Florida, there are real personal security risks posed by looters and other criminals. FEMA clearly does not have the resources to make an immediate response to these needs, the Department of Defense [DOD] does.

In the Oil Pollution Act of 1990 the Congress established an emergency oil response system. Strike teams are in place that can be immediately dispatched when an oil spill has occurred. Oil spill equipment is strategically placed so that it is readily available in the case of oilspills. Oil spill response plans are developed by vessel owners and operators and by areas that are at the greatest risk of oilspills. We can use this law as a possible model for disaster response and establish strike teams, staffed by DOD for National Guard personnel, that have the clear authority and resources, without FEMA's or any other agency's direction, to provide immediate relief to the impacted areas. Also needed, are prepositioned emergency supplies that can be readily accessed in the event of a disaster.

I am hopeful that once this bill is signed by the President, we can begin

looking at improving the disaster response system. Once again, I thank the distinguished chairman from West Virginia and yield the floor.

WORKERS' FAMILY PROTECTION ACT

Mr. JEFFORDS. Madam President, I know there is great pressure to keep this bill clean so as to speed aid to the victims of recent disasters. It is not my wish to impede enactment of this bill. However, the year is coming to an end and many important issues have not been addressed by this Congress. This may be one of the last bills the President signs; thus, I see little choice but to offer an amendment to this bill.

Before discussing this amendment, however, I would like to make one point about the recent disasters. While I feel compassion for the victims, I must also express my concern that citizens of many States time and time again have to pay for the foreseeable disasters in other States. We are forced to subsidize the mistakes of others. Let me give an example.

Many homes were destroyed in south Florida. Many of these same homes, however, were not built in compliance with local building codes designed to prevent hurricane damage. Habitat for Humanity built, I believe, 15 homes in south Florida that were directly in the hurricane path. They were built to code. They are still standing. Why should citizens of my State continue to have to pay to replace shoddy construction? Every one knows hurricanes hit Florida, that is why tourist rates are lower this time of year. Hurricanes are not unexpected. I question whether or not it is fair for Vermonters, or South Dakotans, or Oklahomans to have to pay billions to rebuild houses not built properly in the first place.

Wait until the big earthquake hits Memphis. Everyone knows it is coming, but building codes in this area are much less restrictive than, say, California's codes even though because of the soil characteristics the potential for damage is far greater. Someday we will be back on this floor providing emergency relief in the billions for Memphis, TN. It seems to me that before we are called on to provide billions, the State and local governments have to do their part to enact and enforce effective legislation to reduce the potential costs of disasters. We do not give States their highway funds if they do not meet any number of conditions, why not have some basic criteria for disaster relief assistance. How about some assurance that Florida is going to enforce its building codes so that the next time a hurricane strikes, Vermonters are not paying for Florida's mistakes? I urge my colleagues, in conference, to place some conditions on this money, such as some guarantee that rebuilt homes will meet codes.

Now for the amendment at hand. This amendment has passed the Senate three times, the last time as part of the NIH conference report which was vetoed. I know of no opposition to this bill from labor, industry, the administration, or anyone else. In fact, labor, environmental groups, childrens' groups, health groups all support enactment of this amendment.

So what is the amendment? It is the Workers' Family Protection Act which is based on a bill cosponsored by Senators CHAFEE, CONRAD, DODD, D'AMATO, MOYNIHAN, GLENN, LEVIN, LIEBERMAN, REID, SASSER, METZENBAUM and others. The amendment is identical to S. 353 which first passed the Senate on February 19, 1992. I realize a few staff are now scrambling to find out what they can about this bill. The text of the bill can be found on page S1699 of the February 19 CONGRESSIONAL RECORD. The House also agreed to inclusion of the measure in the NIH bill; thus, both Houses have acted favorably on the bill. Unfortunately, it became a casualty of the abortion debate when it was contained in the NIH bill. I fear the same result when NIH comes before the Senate again.

What problem does the amendment address? It addresses the problem of workers inadvertently carrying toxic materials out of the workplace on their clothing into their homes. Exposure to family members results sometimes with disastrous results. Let me give a few examples.

In Arizona, a 3-year-old girl died from liver cancer resulting from arsenic exposure in the home. The father worked with arsenic at a copper smelter. In Hawaii, pesticide workers had 10 times the levels of arsenic in their homes than nonpesticide workers' homes.

In Kentucky, workers at a laundry contaminated their homes with asbestos as a result of removing insulation at work. They asked their employer for permission to change their clothes at work before going home and were told "no." Then they were fired when their homes were found to be contaminated. Auto workers in Michigan have had their homes contaminated with asbestos, as have North Carolina textile workers, Mississippi paper mill and shipyard workers, and Florida airport workers. Many people have died as a result of home exposure to asbestos.

Lead has been found in homes many, many times as a result of workplace exposure. Home contamination incidents involving lead have occurred in Minnesota, South Carolina, Oregon, Iowa, Alabama, Indiana, Texas, Pennsylvania, North Carolina, Kentucky, New Jersey, Colorado, Tennessee, Virginia, and my home State of Vermont. The dangers of lead are well-known, but did my colleagues know that the blood from newborn babies' umbilical cords have significantly higher blood lead levels when the fathers work with lead than when the fathers are not involved with lead? I have found documented cases where babies had to be hospitalized because of home exposure to workplace lead.

These are not the only contaminants that have been transported from the workplace to the home. Mercury, PCB's, dioxins, pesticides, even radionuclides from the workplace have been found in homes. Wives of PCB workers, for example, have been found to have PCB's in their blood. Many cases where family members have died or have been permanently injured have been documented. Children have even been poisoned by exposure to contaminants left by the previous occupant of a home or by their parents before they were even born. I have even found cases of home contamination dating back to the 1930's and in most States of the union. Thus, to my colleagues, this is a problem that most certainly affects your constituents.

I do not know the extent of this problem, though some experts have estimated that 1 million workers may be endangering their families. Numerous studies have been done showing a relationship between a parent's occupation and cancer in their children. Exposure to workplace chemicals in the home is one hypothesized exposure route. Given that this problem was identified as early as 1935, in Pennsylvania I might add, it's well past time we started addressing it.

So what does this bill do? This bill simply asks the five agencies with some responsibility for preventing or responding to home contamination to work together on a defensible strategy to first assess the scope of the problem, and then to act to prevent future incidents. The National Institutes for Occupational Safety and Health, or NIOSH, is given the lead role. NIOSH is to collect the available information on this problem. I plan to make my files on this subject available to NIOSH to assist in this effort. Then, experts from various professions from industrial hygiene to medicine are to review this information and determine what if any data gaps exists and how best to fill these data gaps. This strategy for assessing the problem is then to be peer reviewed, finalized, and implemented.

As I mentioned, at least five agencies have a role in this problem. They are OSHA, EPA, the Department of Energy, NIOSH, and the Agency for Toxic Substances and Disease Registry, the ATSDR. Each of these Agencies have some program underway to investigate or respond to this problem. Would not it be a good idea if they cooperated on a joint strategy to save time and money? That's really what this amendment accomplishes. It asks the various agencies along with technical experts to sit down at the same table and work on a joint response. Then, when all the data is collected, OSHA is simply asked to figure out how to prevent future incidents.

Well, I have mentioned a few agencies that may give some of my colleagues heartburn, like EPA and OSHA. I want to make it clear, no new statutory authority to issue regulations or standards is provided by this bill. None. The maximum cost of this bill is estimated to be roughly $200,000. That is right, for a few hundred thousand dollars we can put an end to the endangerment of the American worker's family. There has been much discussion of family values. What better statement on the value of families could be made today. In a year when we have not accomplished as much as we would have liked here is a simple measure that will protect families in every State.

As you can imagine, home contamination is a very volatile and sensitive issue. This amendment, however, is a responsible approach to addressing this problem supported by both labor and industry. Neither I nor to my knowledge any of my colleagues know the extent of this problem. This approach will provide the answers we need without taking money from other health programs. I wish I did not have to offer this amendment on this bill, but I see little choice. Not much is left this year. Not much remains that will be enacted. I feel for the families struck by the recent disasters and do not wish to impede progress on this bill, but if you asked any family to whom home contamination has occurred if they felt as if disaster has struck, you would get a definite yes. Why overlook their needs?

I know of no one that opposes this bill. As I mentioned, it has passed the Senate three times, once by unanimous consent. The House has even acted on it favorably. The only thing left is to find a vehicle, and this is one of the few remaining. I strongly believe we need to enact this measure, and I believe most if not all of my colleagues want to see American families protected. In my view, there is no reason why this amendment should not pass and survive conference. To ensure this end, I urge my colleagues to go on record as being in support of protecting American families from exposure to toxic materials.

Thank you, Madam President.

Mr. KENNEDY. Mr. President, I support the pending emergency supplemental appropriations bill. I commend the action by the Appropriations Committee last week, under the leadership of Senator BYRD. The committee included $500 million for critically needed public investments in enterprise zones and other low-income communities. Expenditure of these funds is contingent on passage of the enterprise zone legislation.

Last spring, Congress provided funds in an earlier supplemental appropriations bill for time-sensitive job, education, and community programs targeted to inner-city youth. As a result of that initiative, 400,000 more teenagers earned a paycheck this summer—nearly doubling the Federal summer jobs program.

That was a worthwhile bipartisan step toward reinvesting in America, and I hope that we can take the next step in the bill now before us.

The provision that we are considering is designed to enhance the enterprise zone concept by incorporating the basic principle that tax breaks alone are not enough to make the concept work.

This provision assures that we will also invest directly in the people in the enterprise zones, and that these investments in people will be approximately equal in dollar amount to the tax incentives offered to businesses that invest in the zones.

The provision has two parts. Part 1 appropriates $200 million a year for proven approaches to urban and rural revitalization, with funds available to eligible communities throughout the country, not just to enterprise zones. Funds are included under this part for Head Start, Job Corps, and Community Health Centers.

Also incorporated in part 1 is additional funding for community development corporations to make technical and financial assistance available to small businesses suffering from the continuing credit crunch.

Part 2 of this provision assures that the new tax benefits to encourage private investment in enterprise zones will be accompanied by $300 million a year in new public investments in jobs, job training, housing rehabilitation, education, and health care in the zones, so that the residents themselves can participate more effectively in the benefits of the businesses that move in.

Funding is also provided to improve law enforcement in the zones through programs that encourage neighborhood policing and alternative sentencing options, such as boot camps and community service.

Again, I commend the leadership of Senator BYRD and I thank Senators RIEGLE, SASSER, MITCHELL, and BIDEN for their effective work on these revisions, and I urge the Senate to approve it.

Mr. DURENBERGER. Madam President, I rise today in opposition to H.R. 5620, the emergency supplemental appropriations bill for the residents of Florida and Hawaii who have been affected by disasters caused by hurricanes during the past month.

In coming to the floor today, I do not seek to engage in debate as to whether the destruction caused by these disasters warrant Federal emergency funds. The victims of these hurricanes deserve assistance, just as victims of hurricanes, droughts and earthquakes have deserved our assistance in the past.

When we spent more than $1 billion for homeowners and businesses who suffered damage from Hurricane Hugo, I do not remember any Senator voting "no" because the victims chose to build their homes on perilous ocean vistas.

When tornadoes destroy homes on Tornado Alley, none of us vote "no" because the residents should have known that tornadoes regularly hit that area.

When we voted more than $2.8 billion to assist the victims of the 1989 San Francisco earthquake, none of us stood up here and voted "no" because the residents of the area should have known better than to build their houses so near the San Andreas fault.

When drought hit the Midwest 2 years ago, I do not remember any Minnesota Senator voting against emergency assistance for farmers who failed to purchase crop insurance.

And when we spent $2 billion to rebuild the cities of Los Angeles and Chicago, few of us stood up and voted against the funding—despite the fact that we did not have the money to spend.

The fact is, it is right to help the victims of this disaster—and any other disaster. Including those that are caused by man himself—like the Los Angeles riots a few months ago.

But is wrong for us not to pay for this assistance within our existing budget, and instead to pass on the costs to our children and our grandchildren.

Earlier this year we charged up to $2 billion on our children's credit card for the Los Angeles riots and Chicago flood. Today we are going to burn another $7.7 billion of our children's plastic. That is wrong and every Senator knows it.

Unfortunately, Mr. President, the Committee on Appropriations has compounded our collective fiscal irresponsibility. They have seen these tragedies of Florida, Louisiana, and Hawaii as an open door for more spending.

This bill contains $300 million for block grants in tax enterprise zones, $40 million for the Job Corps, $40 million for the Head Start Program, $10 million for the High Risk Youth Program, and $40 million for Kurdish humanitarian relief operations.

It seems to me, Madam President, that all we have to do to avoid any sense of fiscal restraint is to have the President declare an emergency. We just send the bill to our children.

Madam President, when our Nation has been confronted with domestic and international emergencies and disasters the best in our people's spirit has always come through. Many times in the 203-year history of our Republic we have asked our citizens to make personal and financial sacrifices for the good of our Nation. And they always have. That is the American way.

But the unchecked spending habits of the President and the Congress have

changed the American way to one of waiting for the Government check—a check that is borrowed from the future viability of our country. Can we not ask Americans who were not devastated to pay for those who are? Isn't that the American way? Yes, a very minuscule and modest increase in any number of taxes could easily pay for this supplemental appropriation.

I asked in June during the Los Angeles riots supplemental, and I ask again, do not these disasters merit a change in spending or taxing policy, or have we as a nation become so politically paralyzed that we refuse to ever ask our citizens to sacrifice?

That is not to say that this bill is unnecessary. This bill contains excellent provisions that are needed not only by the victims of these disasters, but also by others across this land who have been affected by disasters all year, such as our Nation's farmers.

This bill increases the disaster aid for farmers through the U.S. Department of Agriculture from $755 million to $1.075 billion. These funds are wisely not earmarked only for farmers in Florida, Hawaii, and Louisiana because there are farmers throughout the Nation who need these funds badly.

In my own State of Minnesota, I have farmers who lost everything in the spring to tornadoes and hail. The estimated crop damage from that storm is more than $40 million. And now I have wheat farmers in the northwest part of my State who can't get in their fields to harvest because of extensive rains. The wheat is rotting in the fields. This is expected to cost Minnesota farmers an additional untold millions of dollars.

My farmers in Minnesota need help just as the victims in Florida and Hawaii do. And they ought to get every penny that they need.

My point here today is not to debate who is more deserving of aid—or who should sacrifice to help who during times of disaster. Every victim of a disaster is equally deserving of aid. The point is that our Federal budget this year is $1.5 trillion dollars. We should be able to find a way to pay for these disaster programs without saddling our kids with the bill.

Our refusal to tax ourselves and our refusal to reduce consumption to pay for the natural and other disasters that areas of our country have endured perpetuate our irresponsibility as servants of the public. I cannot take part in this fiscal foolishness and will vote against this bill.

Mr. DOLE. Madam President, I would like to congratulate the Appropriations Committee for moving at light speed on disaster assistance for Florida, Guam, Louisiana, and Hawaii. There has been a lot of talk about partisan gridlock, but this bill proves that Congress and the President work quickly to pass needed legislation.

Aside from all the good that is in this legislation, there is one provision that must be addressed in conference.

Specifically, if the language precluding the implementation of the so-called helper regulations is not deleted, I will encourage the President to veto this legislation and I will support that veto.

At this point, however, I am assuming that this provision will be remedied and therefore I shall vote for this bill.

We should not be playing politics with disaster relief. This type of provision has absolutely no place in this important legislation.

Those who want to stop the implementation of the regulations should do so through separate legislation—not on the backs of those who are suffering.

Then a proper debate of these issues can take place. I for one strongly support the helper regulations which are a step in the right direction of getting rid of the antiquated Davis-Bacon Act and of opening up Federal contract projects to less skilled workers and those most in need of help such as minorities and women.

Again, it is my hope and expectation that this provision will be deleted in conference.

HAZARDS PREVENTION ASSISTANCE

Mr. HARKIN. I wonder if the distinguished chairman of the Appropriations Committee would engage me in a brief colloquy relative to this bill?

Mr. BYRD. I would be pleased to do so.

Mr. HARKIN. I want to draw attention to the very significant public health hazards that now exist, and which will continue, as the relief, demolition, and reconstruction of homes, businesses, and other public buildings progress in the aftermath of Hurricanes Andrew and Iniki and Typhoon Omar. A substantial number of health and safety hazards will be faced by the thousands of family members, by relief workers, by demolition workers, and by the thousands of members of the several construction trades that will be working in these disaster areas. These individuals will be at increased risk to electrocution and burns from electrical hazards, drowning from floodwaters, lacerations and puncture wounds from storm debris, injury from use of unfamiliar equipment such as chain saws, crush injuries and death from motorized construction equipment and other motorized vehicles, and exposure to toxic gases from sump pumps and generators in confined spaces. All of these people will also be at increased risk to a number of other medical conditions because of fatigue, stress, and lack of readily available medical care.

Mr. BYRD. I agree with my colleague from Iowa that there are indeed significant occupational and public health risks to workers and family members alike. It is my understanding that the number of deaths from these hazards in the aftermath of Hurricane Hugo were actually greater than from the storm itself.

Mr. HARKIN. The Senator from West Virginia is correct in his understanding regarding the several deaths following Hurricane Hugo. To prevent a similar tragedy following Hurricanes Andrew and Iniki and Typhoon Omar, I propose that the Federal Emergency Management Agency enter into an interagency agreement with the National Institute for Occupational Safety and Health to provide technical assistance in areas of hazard identification, hazard information and education, industrial hygiene and occupational medicine assistance, medical surveillance, and hazard prevention. It is my understanding that up to $5,000,000 will be needed for NIOSH to provide such technical assistance, and I would hope that FEMA would enter into an interagency agreement with NIOSH to provide this technical assistance.

Mr. BYRD. I agree with my colleague that there is a clear need for this technical assistance, and I would encourage FEMA to enter into an interagency agreement with NIOSH.

Mr. HARKIN. I thank my friend from West Virginia for his understanding of the importance of this public health problem and for his support of this initiative.

Mr. McCONNELL. Madam President, a few weeks ago, the only storm people associated with the name "Andrew" was the supermarket tabloid account of the rocky marriage of Andrew Windsor and Sarah Ferguson, the Duke and Duchess of York. I can only imagine Buckingham Palace gasped when it read the cover of Newsweek's September 7 edition—"Andrew's Wrath: Did It Have To Be So Bad?"

People on this side of the Atlantic knew exactly what the headline meant, and what destruction Mother Nature unleashed on Florida and Louisiana. Madam President, Hurricane Andrew left billions of dollars' worth of damage in its wake, and destroyed the homes of countless Americans.

The bill before us today, H.R. 5620, provides disaster relief for distressed communities in those States. In addition, it contains relief for the havoc of Typhoon Omar in Guam, and of Hurricane Iniki in Hawaii. While we can measure the property losses in billions of dollars, there is no way to quantify the lost hopes and dreams of Americans whose earthly possessions were destroyed by high winds and rain.

While I come to the floor to express my appreciation to the President and the administration for their quick response to the natural disasters, I would be terribly amiss if I also did not recognize the genuine concern and generous contributions of the American people to their fellow countrymen. The outpouring of food and supplies will no doubt quicken the recovery for victims of the storms.

I want to take this opportunity to extend my personal thanks to the many Kentuckians who gave generously to the relief effort. Their actions are further proof of the unity of the United States, and of the deep concern we all have for our fellow men. Kentuckians take to heart our State's motto, which proudly declares "United We Stand, Divided We Fall."

Madam President, I intend to vote for this bill, and urge my colleagues to do the same.

Mr. SEYMOUR. Madam President, Hurricane Andrew was a tragedy for thousands of homeowners living in south Florida, along the Louisiana coast and in Hawaii. While it is difficult to downplay this loss, there is at least one saving grace for these homeowners: nearly all of them had private insurance. Most of these families will receive a check from their insurance companies, which will allow them to repair or rebuild their homes. The almost universal availability of private insurance for windstorm damage also greatly diminishes the amount of Government disaster assistance that could have been included in this supplemental appropriations bill.

I am afraid, Madam President, that the situation would have been substantially more devastating for homeowners and the Federal Government without insurance. But this is precisely the scenario we face in California with the earthquake risk. Only about 25 percent of California homeowners have earthquake shake insurance because of high premiums and deductibles. Unlike the case of Hurricane Andrew, when the big one occurs in California, most homeowners will not receive an insurance check to pay for repairs and rebuilding. These homeowners will have little recourse but to seek Federal disaster aid which seldom affords quick and complete compensation. This reliance on disaster assistance also represents an additional drain on the Federal Treasury.

There is a better way to deal with the earthquake risk. It is legislation (S. 2533) I have sponsored with Senator INOUYE and several others which creates a Federal earthquake insurance program. The legislation makes earthquake coverage available and affordable to earthquake-prone States, which scientists say could be about 39 States. This legislation, in effect, would reduce the amount of any disaster and supplementals that would need to be enacted following a major earthquake.

The 1989 World Series earthquake in the bay area provides an illustration. The Congress quickly passed a supplemental appropriations bill to provide disaster assistance to these earthquake victims, most of whom did not have insurance. One estimate is that every taxpayer paid $17 for this supplemental appropriation. This need for disaster aid would clearly have been lower if earthquake insurance were universally available, as it is for the windstorm peril and would be if S. 2533 were enacted by Congress.

For these reasons, I believe the experience with Hurricane Andrew underscores the need to enact earthquake insurance legislation like S. 2533. I urge the Senate to act on this legislation in the next Congress so that we may reduce human loss and reliance on Federal disaster assistance.

EXTENSION OF DEFENSE CONVERSION FUNDS

Mr. RIEGLE. Madam President, I am pleased that this legislation contains a provision to ensure the continued availability of funds appropriated 2 years ago for defense conversion programs.

In 1990, I chaired a Senate Democratic Task Force on Defense Conversion. The result of that task force was an amendment to the 1991 Defense bill by myself and the distinguished Senator from Rhode Island [Mr. PELL] to help communities and workers hurt by defense cutbacks and base closings. That amendment established an advanced warning function in the Defense Department to give communities adequate notice of possible cutbacks. More importantly, it transferred $150 million from the Defense Department to the Labor Department for worker retraining programs and $50 million from the Defense Department to the Economic Development Administration [EDA] of the Commerce Department for community adjustment assistance.

Under these programs, workers who lose their jobs directly due to defense cutbacks or base closing would be eligible for job training, adjustment assistance, and employment services. Communities hurt by cutbacks or base closings would be eligible for planning grants to help them make the transition from a defense to civilian based economy.

These programs were funded in the Department of Defense Appropriations Act for fiscal year 1991. That act stipulated that the funds were to be available until September 30, 1993—a not unreasonable time period. However, the administration has been very low to utilize these funds. Thus, there is a danger of the time period elapsing before these very much needed funds can be utilized. Section 206 of the bill we have before us today extends the availability of the funds from September 30, 1993 until September 30, 1997. Such an extension was one of the items recommended by the recent Senate Democratic Task Force on Defense/Economic Conversion, which was so ably chaired by Senator PRYOR.

I would like to thank Senator BYRD, the chairman of the Appropriations Committee, Senator INOUYE, the chairman of the Defense Appropriations Subcommittee and my colleagues on the committee for including this provision in the supplemental appropriations bill.

Mr. RIEGLE. Madam President, I rise in support of the supplemental appropriations bill that we are considering today. The devastation inflicted by Hurricane Andrew has caused great suffering for many Americans. I applaud the bipartisan response reflected in the more than $7 billion of Federal relief assistance in today's bill.

In addition to hurricane relief, provisions relating to Operation Desert Storm and general 1992 supplemental appropriations, this bill also appropriates, contingent on the passage of authorizing legislation, $500 million for programs to help American cities and their residents. I want especially to speak in support of this last provision. This provision reflects the first year costs of a public investment program to provide the other half of the strategy needed to give the Federal enterprise zone experiment the chance to make a difference in some of our most distressed communities.

This spring, I visited Benton Harbor, an inner city community in Michigan that is home to the State's only enterprise zone. The lesson that Benton Harbor has learned from its experience is one that Washington must listen to as we craft Federal enterprise zone legislation: tax incentives alone do not generate sufficient new investment to turn around our inner cities.

Benton Harbor's experience has been shared by enterprise zones in 35 other States and the District of Columbia. Studies of State zones have shown that infrastructure quality, labor force skills, and community characteristics like public safety are at least as important in business location decisions as taxes.

In July, I introduced S. 2998 to create enhanced enterprise zones by pairing tax incentives with targeted investments in housing, infrastructure, public safety, job training, economic development and other needed services. Based in part on that bill, and with the assistance of Senators SASSER, BIDEN, LEAHY, and MITCHELL, Senator KENNEDY and I have crafted a program of investment in distressed areas. I will offer this authorizing legislation as an amendment to the enterprise zone bill when the Senate resumes consideration of that bill. Contingent on the passage of our amendment, the supplemental appropriations bill we are considering today appropriates the funds needed to pay for the program in 1993.

The urban aid program that we will attempt to add to the enterprise zone bill reflects an agreement reached through negotiations between Congressional leaders, led by House Majority Leader GEPHARDT, and the President that the tax-side incentives for enterprise zones would be matched by equivalent Federal investments. The $500 million for 1993 is equivalent to the amount included in H.R. 11 when it passed the House with broad bipartisan support.

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Of the $500 million for 1993, $300 million would be allocated to a block grant program for enterprise zones. The money would be evenly divided among the zones in proportion to each zone's relative share of low-income people. Zones would be able to choose from a menu of Federal programs in five areas on which to spend the money: First, crime and community policing; second, job training; third, child care and education; fourth, health, nutrition and family assistance; and fifth, housing and community development.

The remaining $200 million would be reserved for nationwide programs that empower local communities through public-private partnerships between Government and community-based organizations: The Head Start Preschool Education Program would receive $40 million. Community health centers, which provide primary care in low income areas, would receive $20 million. Job Corps, which trains disadvantaged youth in a boot camp-like environment, would receive $40 million. The High Risk Youth Program, which targets social services to youth likely to become involved in crime and drugs, would receive $10 million. The Neighborhood Reinvestment Corporation, which makes grants to community-based groups that develop affordable housing, would also receive $10 million. Youthbuild—a new program developed by Senator KERRY and included in the housing reauthorization bill in which community groups educate and train low-income youth while they rehab and construct affordable housing—would receive $15 million.

Two new programs to increase the availability of capital for business development would also be funded: The Enterprise Capital Access Program, which was included in my enhanced enterprise zone bill, would be funded with $25 million to make grants to nonprofit, community-based lenders to provide loans for business and other community development in distressed communities. And a National Community Economic Partnership Program would be funded with $40 million to provide grants to community development corporations to capitalize revolving loan funds for business development lending.

With this investment program, the enterprise zone tax breaks present a promising experiment to address the challenges confronting some of our most distressed inner city and other communities. But Federal enterprise zones are only an experiment and will reach, at least initially, only a few communities.

As chairman of the Senate Democratic Task Force on Community and Urban Revitalization, I have heard from local leaders about hopelessness and frustration in our inner cities that are reaching the breaking point. We saw in Los Angeles what happens when that point is past, and I am afraid that, if we do not act quickly with more resolve and more forcefulness, we will see more Los Angeles in communities across the Nation.

In July, I outlined a $6.7 billion program of investment in our cities and other distressed communities. I continue to support that program, but I believe we are better off accepting what little urban aid the administration will allow us to provide now rather than prompt a veto. Nonetheless, I will continue working as chairman of the Banking Committee and chairman of the Task Force on Community and Urban Revitalization for a full scale effort to provide the investment in our infrastructure and our people that we need to make our cities and our Nation healthy and competitive.

IMPACT AND SCHOOL DISTRICTS

Mr. DIXON. Madam President, I want to take a moment of the Senate's time to discuss Department of Defense funding for impact aid school districts.

I would hope that the committee will consider receding to the House language which provides $50 million to support community social services and education to school districts receiving impact aid. Although these funds are not included in the Senate committee reported bill, I applaud the Honorable JOHN MURTHA, chairman of the House Defense Appropriations Subcommittee, for his efforts on the House side.

However, I would like to express my concern over one very important aspect of the House language—the designation of these impact aid funds for construction purposes.

As we all know, most of the revenues used to support public school districts come from local property taxes and State taxes. However, this system creates unique revenue problems for public schools located near military bases. Military members stationed on the base, whose dependents attend these schools, are not required to pay property taxes. Also, if the military member's official residence is outside of the State where he or she is stationed, that military member does not pay taxes to the State where he or she is temporarily living. The result is a school with a lower tax base, but more students.

Although the Impact Aid Program was created to offset the revenue losses borne by these schools, the last administration and this one have reduced impact aid funding. In fact, this administration is recommending a $250 million cut for fiscal year 1993. Clearly, this is not the time to cut education assistance to our schools. Impact aid funding has not kept pace with inflation. Troop realignments associated with base closings and the drawdown of U.S. forces in Europe further burden school budgets. Where impact aid does not meet all the costs of education, communities often must pick up the difference. Many public schools with large concentrations of military dependents are in a financial crisis. This is unfair to the school districts, and unfair to our military personnel and their families.

Just recently, as chairman of the Readiness Subcommittee of the Senate Armed Services Committee, I worked to authorize $58 million for fiscal year 1993 to provide additional financial assistance to public schools serving students who are dependents of the Armed Forces or civilian employees of the Department of Defense.

Madam President, military dependent students who attend these public schools are there to acquire an education. Money should not be designated for both education and construction with the assumption education will benefit. Construction might well exhaust the bulk of these funds.

In order to direct the Defense Department on how the funds should be allocated, I would urge my good friend the honorable Senator from Hawaii to recede to the language contained in the House version of this bill providing $50 million in impact aid funds, and to replace the language pertaining to construction with language employed in the fiscal year 1993 defense authorization bill as approved by the Senate Armed Services Committee.

Thank you, Madam President.

DEFENSE TRANSITION

Mr. PRYOR. Madam President, today we are considering a bill which will attempt to provide some needed relief to the victims of Hurricane Andrew and Typhoon Omar. This massive relief effort is not only necessary but timely and I would like to express my appreciation to Senator ROBERT C. BYRD and the Appropriations Committee for the expedient manner in which they worked to bring this measure before the full Senate for prompt consideration.

Upon reading this legislation, I came across section 206 on page 14 of the bill. Section 206 is related to another important relief effort in our country, the defense conversion relief effort. This section addresses the extension of funds previously approved for economic devastation grants for defense-impacted communities and retraining assistance for defense workers.

The defense conversion relief effort is the ongoing challenge of easing the transition for defense workers, communities, and businesses who won the cold war for our country, but now must accept the reality of reduced defense budgets.

Reduced defense budgets means fewer defense contracts, fewer bases, fewer soldiers, and fewer sailors. The impact of our military downsizing is already being felt. Just last week, the Hughes Corp. announced plans to consolidate their missile production operations, thus terminating thousands of jobs in

California and hundreds more in my hometown of Camden, AR.

Madam President, thanks to the foresight of Senator RIEGLE and Senator PELL back in 1990, there are programs in place to help displaced defense workers find and develop a new skill and a new profession. There is also a program in place which promotes economic development in communities like Camden, AR, that must fill the economic void created by defense reductions.

Specifically, back in 1990 the Congress approved a measure to transfer $150 million in DOD funds to the Department of Labor and $50 million in DOD funds to the Commerce Department. This program, initiated by the Congress, began our nation's defense conversion relief effort.

Unfortunately, this important initiative was slowed by the Bush administration, and the money was not released by the Pentagon until recently. As a result, when the Democratic task force, which I chaired, issued our report in May of this year, only $150,000 of the $50 million in Commerce Department funds had actually reached distressed defense communities. In addition, only $22 million of the $150 million in Department of Labor funds for job retraining had been disbursed. To date, the Commerce Department has released $1.9 million to committees for economic development, while the Labor Department has spent $30 million on retraining defense workers.

Obviously, as defense transition takes place, workers and communities will need more help. The task force recommended extending funding for these programs through the end of fiscal year 1997. I am pleased that this bill includes these extensions, and I wish to again thank Senator BYRD for including this measure in the supplemental bill.

MINNESOTA CROP DAMAGES

Mr. WELLSTONE. Madam President, I rise to engage in a brief colloquy with my colleague, the senior Senator from my State, Senator DURENBERGER, and also with Chairman BUMPERS of the Agriculture, Rural Development and Related Agencies Subcommittee of the Appropriations Committee.

I understand that this supplemental appropriations bill includes $320 million for additional disaster assistance as authorized by previous congressional actions. I appreciate the Chairman's efforts on this matter, and I earnestly hope that this amount, when combined with the $755 million released in recent weeks by the President's declaration of emergency, will be sufficient to provide adequate relief to all of this country's farmers who have suffered damages from hurricanes, tornadoes, and other natural disasters during the past 2 years.

My colleague, Senator DURENBERGER, and I, however, are concerned, by the fact that we really do not know what the crop damages will be from the hurricanes in Florida, Louisiana, and Hawaii. Therefore, we do not yet know whether claims from those damages might actually exceed the amount of new agricultural disaster relief money we are appropriating today. Of course, if those damages do exceed our appropriation, then farmers in our State, in the Chairman's State, and in others, would receive less relief than they are rightly expecting under the terms of the recent release of the $755 million.

I believe Senator DURENBERGER would like to mention briefly one or two of the situations in Minnesota that lead us to worry about this matter. But we both would like the Chairman's assurance that, should the amount we appropriate here today prove, once all the claims have been totaled, clearly inadequate to address the problems of the many farmers who have suffered terrible losses, then we will have his cooperation in returning to this issue next year in the context of another supplemental spending bill.

We were considering proposing an amendment to this bill, increasing the appropriation for agricultural disaster relief. But because we can not know for certain whether or not the amount will be adequate, we chose not to take action at this time.

Mr. DURENBERGER. I thank my colleague. I share his hope that the additional funding of $320 million, which will bring total funding to $1.075 billion of agricultural disaster relief, that is provided in H.R. 5620 will be appropriate to help farmers in Minnesota, as well as other States that have more recently been devastated by natural disasters.

Last spring more than 200 tornadoes ripped through southwestern Minnesota, devastating the farms, as well as leveling three entire towns. Though the Federal Emergency Management Agency, Small Business Administration, and Farmers Home Administration were helpful in rebuilding structures that were lost, the President had not yet released the disaster aid for crop losses.

It has been estimated that farmers in southwestern Minnesota lost $40 million to the tornadoes—almost none of which has been recouped. This disaster aid is badly needed not only for the farmers themselves, but for the small communities and businessmen who rely on them.

To illustrate the magnitude of the loss, I will use Nobles County, MN, as a specific example. Nobles County suffered a tornado on June 16, and hail storms on July 1 and August 17. The resulting damage to the corn and soybean crops was $12.5 million.

In other Minnesota counties, Yellow Medicine County suffered $22 million in crop losses; Murray County lost $147,000 in livestock, $1.3 million in crop losses, and $6.6 million in farm buildings and machinery; Redwood County lost $3 million in crops and $4.25 million in farm buildings and machinery; Rock County lost $2.85 million in crops; and Pipestone County lost $2.5 million in crops.

Furthermore, northwest Minnesota wheat and barley growers are now unable to get into their fields to harvest as a result of heavy rains. With the prospect of an early frost these farmers also could suffer untold millions of dollars of damages.

Minnesota farmers have enjoyed excellent crops for the past several years. Now they have suffered some hardship and are in need of Federal support. It is my hope, as it is Senator WELLSTONE's that if the $1.075 billion of assistance for farmers who have suffered crop losses is not enough, we will revisit this issue at a later date and provide adequate funding.

Mr. BUMPERS. I thank both of my colleagues, and assure them that I both understand and share their concerns. Our committee provided an amount of agricultural disaster relief that we believe addresses the problems of the Nation's farmers. We certainly hope that it is enough to do so. The farmers in my state also have suffered losses as a result of natural disasters in recent years, and they are able only partially to recover some of those losses through the disaster relief programs that we have funded. I do not wish to diminish further the amount they can recover, or to add to their financial suffering.

If, for the reasons the Senators both mention, the amount of agricultural disaster assistance in this bill proves clearly inadequate, I will certainly be willing to return to this matter early during the next session as they requested, and I will be happy to cooperate with them both on this issue at that time.

EDUCATION IMPACT AID

Mr. JOHNSTON. I draw the distinguished Labor/HHS Subcommittee chairman's attention to page 57 of the committee's report, and specifically to the committee's recommendation of an additional $10 million for Department of Education, impact aid. This is a very important program, one which I strongly support, and I commend the chairman for approving $22.5 million for this badly needed component of the disaster assistance program included in the committee's recommendations.

St. Mary Parish in Louisiana was one of the areas most severely impacted by Hurricane Andrew. Sadly, the library of this parish's largest public high school was destroyed, including over 20,000 volumes used by the 1,200 high school students and students from other public schools in the area. In addition, other educational materials used by the St. Mary Parish school system were destroyed, including materials in a number of elementary and middle schools. This is a terrible loss,

at the very beginning of the new school year, for this small rural area of 58,000, which had a prehurricane per capita income of about $8,700, almost $6,000 below the Nation's average per capita income. In addition, I would point out that almost one-quarter of this Parish's population is school-aged children.

My concern is this: On page 57, a number of purposes for which the $22.5 million provided can be used are specifically described. I assume that these purposes are intended to be examples of the types of assistance which can be provided through this fund, and that this is not an exclusive list. Is it the chairman's understanding that impact aid funds can be used to replace library books, textbooks, and other educational materials and that St. Mary Parish could apply for funds from this impact aid program to help finance replacement volumes for this library and to replace other necessary educational materials which were lost?

Mr. HARKIN. Yes, it is my understanding that the impact aid program can help fund needs such as this in addition to those purposes specifically described in the committee's report. I would encourage the Department of Education to consider a request for assistance from St. Mary Parish expeditiously since the new school year has begun and these materials are needed for classwork which is underway. I certainly understand the Senator's concern about the need to replace these books and materials as soon as possible given the beginning of the new school year.

Mr. JOHNSTON. I thank the Senator for this very important clarification and know that the children, their parents and teachers in the St. Mary Parish school district will also be grateful for his assistance in this very important matter.

GAG RULE

Mr. SPECTER. Madam President, when the chairman of the Senate Appropriations Committee polled members of the committee to obtain their support for striking the gag rule provisions from the supplemental appropriations bill, I strongly objected, because I believe this is an appropriate item for this bill. The provision contained in the bill placed a moratorium on the implementation of regulations promulgated by the Department of Health and Human Services which would prevent federally funded family planning clinics from answering a pregnant patient's questions about her options when facing an unintended pregnancy. Unfortunately, only 3 out of my 28 colleagues on the committee joined me in objecting to removing the gag rule prohibition from the bill.

Madam President, this proposed moratorium would last only through the final resolution of the Government's appeal of NFPRHA versus Sullivan, a case decided in U.S. district court, in which the court ruled that the implementation procedures developed by HHS were unlawful. If the district court decision is upheld, HHS could be forced to reverse implementation of the gag rule as early as mid-November. In my view, it would be absolutely negligent to spend scarce health care dollars implementing a policy which could very well be reversed in the next 2 months. In addition, imposing drastic changes on the patient care procedures in nearly 4,000 clinics in the United States, only to have those procedures reversed within a few weeks, is not in the best interest of providing consistent patient care.

In my view, the proposed implementation of the gag rule is untimely, and unwise. If the administration is unwilling to place a moratorium on the implementation of the gag rule pending the appeals court decision, Congress must act to ensure quality health care services for all pregnant women.

Mr. BREAUX. Madam President, I rise today for the purposes of a colloquy on the supplemental appropriations, transfers, and rescissions bill, 1992, for hurricane relief to recognize the extent of the disaster that struck a major segment of industry, the commercial fisherman. Fishermen have been severely damaged by Hurricanes Andrew, Hugo, and Iniki, and face huge losses not adequately covered by other disaster programs. I would like to ask if my esteemed colleague, the Senator from South Carolina [Mr. HOLLINGS], knows of the disaster experienced by commercial fishermen?

Mr. HOLLINGS. I would assure the Senator from Louisiana that I know of the losses experienced as a result of another hurricane, Hurricane Hugo. Hurricane Hugo caused massive destruction to South Carolina and substantial losses to all industries, including commercial fishing.

I understand that the Senator from Louisiana [Mr. BREAUX] has been working with my staff on an amendment to provide assistance to commercial fishermen who have suffered losses as a direct result of the Hurricane Hugo and Andrew disasters. An amendment to provide Federal assistance to commercial fishermen for natural disaster relief requires authorization from my Commerce Committee, and also the Appropriations Committee. As I also understand, Senator BREAUX, you obtained the necessary clearances but were unable to obtain those clearance in sufficient time to present the amendment?

Mr. BREAUX. Yes, that is correct. I thank the chairman for his help. I am hopeful we can continue to work to have the conference approve this needed assistance. I would like to explain the provisions of the amendment if I may.

The Louisiana Department of Wildlife and Fisheries estimates that over 300 million freshwater and 10 million saltwater fish were killed as a result of this unprecedented disaster. The dollar value of the fish lost to the commercial fishermen for the Hurricane Andrew fishery disaster is estimated to exceed $52 million. With losses of this magnitude to commercial fishermen, many of these fishermen will be driven out of the industry.

When natural disaster hit farmers and the farming industry, farmers are provided Federal grants to maintain their families and farms until the next harvest season. These farmers provide the food for this Nation and we rely on their tradition of farming to maintain the food supply. Fishermen also provide food to this Nation.

Hurricane Andrew has devastated the Louisiana fishing industry and caused fish kills of staggering proportions. Without assistance, commercial fishermen will be forced out of the fishing industry because of this recent natural disaster. It is only fair that commercial fishermen be compensated for losses, just as is the farmer.

I wished to introduce this amendment to bring parity to the commercial fishermen who, like farmers, have suffered losses as a result of natural disasters. Hurricanes Andrew, Iniki, and Hugo, devastating natural disasters to Louisiana, Florida, Hawaii, and South Carolina, will force commercial fishermen out of business should assistance not be provided.

Under my proposed amendment, the Secretary of Commerce would determine the extent and the beginning and ending dates of the commercial fishery natural disaster, and would identify the disaster as a fishery resource disaster. All fishery resource disasters, including Hurricanes Andrew, Hugo, and Iniki, and as determined by the Secretary, would be eligible for this grant program.

My amendment will provide Federal grants, under the Interjurisdictional Fishery Act, to commercial fishermen for up to 75 percent of their direct, uninsured losses. Total grants to any fisherman are limited to $100,000. In addition, the Secretary will establish necessary guidelines to establish this grant program.

I would like to continue to work with you and the conference committee to obtain agreement on the provisions of the amendment to assist commercial fishermen who have suffered losses as a result of these recent natural disasters.

Mr. HOLLINGS. It would be a pleasure to continue working with the Senator on disaster relief for our commercial fishermen.

Mr. BREAUX. I thank my colleague, the esteemed Senator from South Carolina and the chairman of the Commerce Committee, for his efforts to save our threatened commercial fishing industry and the individual commercial fishermen who have lost so

much in Hurricane Andrew, Hurricane Hugo, Hurricane Iniki, and the other recent natural disasters.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, under the unanimous-consent order that was entered, Senators SPECTER and LAUTENBERG are accorded privileges of offering one amendment each. Senator LAUTENBERG indicated he will not offer his amendment, if Senator SPECTER does not offer his.

Senator SPECTER is now on the floor. I am informed by Senator SPECTER that he does not plan to offer his amendment. Does he wish to speak briefly?

Mr. SPECTER. Madam President, if the distinguished chairman of the Appropriations Committee will yield, I would like to make a very brief statement.

Mr. BYRD. Madam President, I ask unanimous consent therefore that the order providing for amendments to be offered by either Senator SPECTER or Senator LAUTENBERG be vitiated; that there be no further amendments; and that upon the conclusion of the remarks by Mr. SPECTER, the Senate proceed to the third reading of the bill and final passage.

Mr. SPECTER addressed the Chair.

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

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, there had been consideration given on my part to two amendments on this supplemental appropriations bill. One involved the issue of trash in my State, which is the recipient of the tremendous influx of trash. A bill was passed by the Senate by an overwhelming majority dealing with the subject. But it appears that bill will not be, consideration having been given by the distinguished Senator from Indiana [Mr. COATS] and myself, of putting that issue on this bill. The decision has been made not to proceed at this time, to await the later bill.

I have given consideration also to a possible amendment on weed and seed where the expectation had been that it be agreed to, but I had wanted to reserve the opportunity to offer the amendment to both if necessary. But that will not be done at this time. It may be taken up on a later bill.

The circumstances there are that the expectation has been for agreement. But that did not occur when some Members felt that it would not be in accordance with the agreement already made on enterprise zones.

The thought on my part, on the administration's part, is the request would be made directly by Attorney General Barr, and that the funding would go to weed and seed which would be very similar on the enterprise zone legislation. But we cannot reach agreement on that issue as well. So that amendment will not be offered.

I thank my colleague from West Virginia for his courtesies.

I yield the floor.

Mr. BYRD. Madam President, I thank the distinguished Senator from Pennsylvania for his decision. I likewise thank the distinguished Senator from New Jersey [Mr. LAUTENBERG].

I ask unanimous consent that the third reading of the bill be waived, and that the Senate proceed immediately without further debate or amendment to vote on the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, shall the bill pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Indiana [Mr. LUGAR], and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

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

The result was announced—yeas 84, nays 10, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—84

Adams	Ford	McCain
Akaka	Fowler	McConnell
Baucus	Garn	Metzenbaum
Bentsen	Glenn	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Nunn
Boren	Grassley	Packwood
Bradley	Harkin	Pell
Breaux	Hatch	Pryor
Bryan	Hatfield	Reid
Bumpers	Heflin	Riegle
Burns	Hollings	Robb
Byrd	Inouye	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Rudman
Cochran	Kassebaum	Sanford
Cohen	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Seymour
D'Amato	Kerry	Shelby
Danforth	Kohl	Simon
Daschle	Lautenberg	Simpson
DeConcini	Leahy	Specter
Dixon	Levin	Stevens
Dodd	Lieberman	Thurmond
Dole	Lott	Wellstone
Exon	Mack	Wofford

NAYS—10

Brown	Nickles	Wallop
Craig	Pressler	Warner
Durenberger	Smith	
Helms	Symms	

NOT VOTING—5

Domenici	Lugar	Wirth
Gore	Murkowski	

So the bill (H.R. 5620), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and 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. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. HATFIELD, Mr. STEVENS, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. BOND, and Mr. GORTON conferees on the part of the Senate.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

MISCELLANEOUS APPROPRIATIONS ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 554, S. 3008, the Older Americans Act reauthorization.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 3008) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a White House Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; 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.

Mr. COCHRAN. Mr. President, I am pleased to support S. 3008, which reflects a compromise on the differences in the bills to reauthorize the Older Americans Act as passed by each body in the last session.

This legislation also accommodates some concerns that were raised by the administration with regard to several provisions in one or the other versions of the legislation. I am pleased that some of those concerns are accommodated in this compromise agreement.

I am especially pleased that this bill does not contain a provision proposed in the House bill as reported last year that would have granted subpoena power to a new Federal ombudsman officer within the Administration on Aging. I share the administration's

concerns that such a grant of power is unnecessary and would duplicate the existing authority of the Office of Inspector General at the Department of Health and Human Services.

Reauthorization of the White House Conference on Aging was another issue on which the administration expressed concerns. The approach to the White House Conference issue as passed by the Senate last year was preferred by the administration, and I am pleased that the bill before us today includes a modification of the earlier House language so that the President will have more discretion in the appointment of members to the new policy committee established for the White House Conference.

Although S. 3008 does not resolve all concerns to the satisfaction of the administration and others, I believe that all who were involved in the process agree that its provisions will continue and improve the delivery of services to help meet the nutrition, health and social needs of many older Americans. As my colleagues know, the Older Americans Act has become the major vehicle by which federally supported nutrition and social services are organized and delivered to the elderly.

Mr. President, as a member of both the Select Committee on Indian Affairs and the Subcommittee on Aging, I am also pleased that this legislation provides for reauthorization of the Native Americans Programs Act. I commend Chairman INOUYE and Vice Chairman MCCAIN of the Select Committee on Indian Affairs for their leadership in developing that legislation.

Mr. President, this legislation was drafted and refined after a number of hearings and a considerable amount of consultation with those who are most directly involved in providing the services to those older Americans who are in the greatest social and economic need.

In-home services to the frail elderly and assistance to family care-givers are matters in which I have had a particular interest during this reauthorization process, and I am pleased that S. 3008 retains the additional authorization levels for in-home services that was added by my amendment at our full committee markup. I am also pleased that the agreement will provide some new support services for care-givers.

Mr. President, this legislation recognizes the special problems and needs of many older Americans. It authorizes programs that will make a significant difference in the quality of many lives, and I hope my colleagues will support its passage.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, as chairman of the Subcommittee on Aging, I am very pleased that the Senate is now taking up S. 3008, my Older Americans Act [OAA] reauthorization legislation, and will pass it without any further delay. This is one of the most important legislative tools we have to assure that older Americans have proper nourishment, are protected against abuse, and have new opportunities to live a full and useful life.

This act is very important to millions of older Americans, including low-income and minority seniors. The improvements we are making in the act through the 1992 amendments will mean a better and more responsive array of services and assistance to seniors who are in need.

I also feel a great deal of relief about this action to complete action on the OAA reauthorization. This has been a very long and trying process and there has been tremendous anxiety among both those served by the OAA and those who provide services under it that we would not complete the reauthorization before the 102d Congress adjourned. While we are not yet done—the bill must now go back to the House for concurrence—I am confident that we will soon send the legislation to the President for his signature.

Frankly, we could not have cut it much closer. Later this week, the Senate will take up the fiscal year 1993 Labor, HHS, Education and Related Agencies appropriations bill. The House, in passing their version of the appropriations bill, has approved cutting OAA programs by 1 percent stating that they would approve no increases because the act had not been reauthorized. This would mean real cuts in key services such as congregate and home-delivered meals and in-home services. The Senate bill, fortunately, calls for level funding for most OAA programs and slight increases in meals programs and in-home services for the frail elderly. Completing the reauthorization before the appropriations conference is done should help if we are to convince the House to agree to the Senate's figures.

Moreover, completing the reauthorization before October 1 will mean an additional $10 million in funding for meals programs that were appropriated for fiscal year 1992 but that the U.S. Department of Agriculture would not release without the act's reauthorization.

Mr. President, I won't take the time to outline the many provisions that are included in this reauthorization bill. It is filled with important changes, both large and small, that will mean better services for seniors, more accountability by those who provide services, and services that are better targeted to those in the greatest need, especially low-income minorities.

These amendments will improve a great number of programs and services under the OAA, including nutrition, transportation, ombudsman, legal assistance, grants to Indian tribes, employment of low-income seniors, and many others.

I do want to mention, however, three additions to the act of which I am particularly proud. These are: First, the new program to support family members and others who provide voluntary long-term care services to their loved ones; second, the new program to provide seniors meals in public school settings to promote intergenerational activities with at-risk kids; and third, the new elder rights title that will focus much more effort on State and local programs to protect the rights and well-being of older persons who are particularly vulnerable, such as those victimized by elder abuse, those residing in nursing homes, and those denied crucial benefits to which they are lawfully entitled, such as Medicaid and food stamps.

This legislation also includes a number of other very important provisions, including the reauthorization of the Administration for Native Americans which was developed by the Select Committee on Indian Affairs under the leadership of Senator INOUYE.

It also contains authorization for the next White House Conference on Aging. Last held in 1981, the 1987 amendments authorized a 1987 White House conference. Unfortunately, the President failed to call it in time and then, in response to congressional efforts to change it to a congressional conference, called for it to be held in 1992. That required congressional authorization through this set of amendments. Because of the late date of this reauthorization, we are now approving a White House conference to be held by the end of 1994.

At the end of my statement I intend to include a summary of these and other key provisions in this legislation.

Mr. President, this legislation reflects the hard work and thoughtful input of many of our colleagues from both sides of the Capitol and both sides of the aisle. I greatly appreciate the substantial contributions of so many Senators and their staffs in crafting this bill. In particular, I want to express my gratitude to the chairman of the committee, Senator KENNEDY, and the ranking member of my subcommittee, Senator COCHRAN.

The bill also reflects tremendous work by national and State organizations, local providers of services, and individuals who serve the elderly, who have contributed so much to these amendments.

When I took over the chairmanship of the Subcommittee on Aging in the summer of 1990 I was told that the subcommittee's responsibility to reauthorize the OAA would be achieved with little difficulty because the act was so popular. I was told that the act is always reauthorized routinely and easily.

Well, it turned out to be very different than that. While the OAA is still popular and politicians are all in favor of it, its popularity was not enough to keep it from being embroiled in controversy throughout the reauthorization process. On at least three different matters, the act has been under the threat of a veto.

The most significant of these, of course, has been the amendment concerning the Social Security earnings test. This provision has been the subject of great controversy since it was added to the reauthorization legislation last November, and has been the reason that we have not been able to make further progress on the act until now.

But that matter has been resolved for purposes of moving the Older Americans Act reauthorization—and I am grateful for that. The matter of the earnings test itself, however, has not been resolved and will continue to be an issue to be addressed, certainly in the next Congress. I believe the earnings test needs to be significantly liberalized and I hope that the Congress will accomplish that soon.

Mr. President, this has been a very hard year and in many respects a frustrating one for all of us in Congress as well as for the American people. In particular, the frustration has been over the gridlock that has blocked us from completing so many important items on our agenda. I think that we all should be relieved that the gridlock over the OAA appears to be ended. Now, all Members of Congress can return to their States and their districts and talk about their accomplishments in enacting the 1992 amendments to the Older Americans Act.

I ask unanimous consent that the joint statement of the Committees of Jurisdiction and the summary of key provisions in the reauthorization legislation be printed in the RECORD following my statement:

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

JOINT EXPLANATORY STATEMENT OF THE COMMITTEES OF JURISDICTION OLDER AMERICANS ACT AMENDMENTS OF 1992

This joint explanatory statement explains new provisions of the version of the legislation reauthorizing the Older Americans Act being considered and states the legislative intent of the members of the committees of jurisdiction. Provisions not discussed in this statement are fully discussed in the Senate report (S. Rpt. 102-151), the House report (H. Rpt. 102-199), or both.

TITLE I—DECLARATION OF OBJECTIVES; DEFINITIONS

1. Objectives: Section 101 modifies the objectives of the Act to include support to family members and others who provide voluntary long-term care services.

2. Definitions: Section 102 adds new, and relocates existing, definitions to title I.

By including physical and mental disabilities within the definition of "greatest social need" it is intended that when using such a definition for the purpose of developing statistics for older individuals with physical and mental disabilities, the Commissioner and States should not use age as a substitute criterion to determine the number of such older individuals in the state. Statistics on older individuals with physical and mental disabilities will be gathered in accordance with guidelines issued by the Commissioner.

Such guidelines will ensure that a State's statistics are drawn from relevant data bases that consider older individuals with disabilities and restricted access to services, and may include the use of Medicaid and Medicare data, as well as other pertinent available and verifiable state data for determining the number of older individuals with physical and mental disabilities.

Development of such frailty statistics and their use to target services must not result in discrimination against low-income minority older individuals in the state.

The bill includes definitions of "art", "dance-movement", and "music" therapies. It is intended that therapists administering, providing or otherwise involved in such therapies shall be individuals trained in such therapies or otherwise having educational qualifications or experience to provide such services. In particular, music therapists shall be board-certified by the National Association of Music Therapists.

It is intended that case management services will not be provided in a manner which overrides the wishes of the older individual or the older individual's guardian.

TITLE II—ADMINISTRATION ON AGING

1. Administration on Aging: Section 201 provides that functions of the Commissioner carried out through regional offices shall not be delegated.

The bill requires the Associate Commissioner on Native Americans to be an advocate with the Indian Health Services; to collect information on problems unique to older Native Americans; to promote better coordination between the programs and administration of titles III and VI; and to be an effective and visible advocate on the state level.

The bill establishes in AoA an Office of Long-Term Care Ombudsman Programs to be headed by an Associate Commissioner for Ombudsman Services.

The bill requires the Ombudsman to have expertise and background in the field of long-term care advocacy and management. It is intended that the person selected by the Commissioner to serve as Associate Commissioner for Ombudsman Services will have sufficient training and experience relevant to the functions and responsibilities of the Office of Long-Term Care Ombudsman Programs. Examples of areas of training and experience considered relevant include gerontology, knowledge of long-term care facility requirements and the needs of residents of such facilities, and skills and techniques relating to investigation, negotiation and dispute and complaint resolution. The bill disallows the appointment of an Associate Commissioner who has a conflict of interest.

The bill lists the functions the Associate Commissioner should perform. It is intended that the Secretary of Health and Human Services, the Inspectors General, the Attorney General of the United States, and other Federal and State agencies shall work cooperatively with the Associate Commissioner for Ombudsman Programs in securing needed information that has been willfully withheld and for which non-disclosure might result in physical or monetary harm to residents of long-term care facilities, including board and care facilities. Such agencies shall exercise whatever legal authority, including subpoena power, they possess to satisfy the Associate Commissioner's request for information in timely fashion.

2. Functions of the Commissioner: Section 202 clarifies the functions of the Commissioner to include assisting the Secretary directly in aging matters, and coordinating federal programs and activities relating to the Act. It also clarifies that technical assistance be given regarding those in greatest need with particular attention to low-income minorities.

The bill requires the National Ombudsman Resource Center to establish a national program for the recruitment of ombudsman volunteers, to conduct research, and assist State Ombudsmen. The bill requires the Commissioner to fund such a Center at levels not less than it received in FY 1990.

The bill requires the Commissioner to issue regulations and monitor State compliance with the prohibition on conflicts of interest. The bill also requires area agencies on aging (AAAs) to disclose to the Commissioner information regarding public/private partnerships required in Sec. 306.

The bill requires the Commissioner to establish information and assistance as a priority service, to develop guidelines and a model job description for AAAs when choosing legal assistance developers, and to study ways to more effectively target low-income, minority, and rural older individuals, as well as States with a disproportionate number of older individuals.

The bill requires the Commissioner to encourage and provide technical assistance to State Units on Aging (SUAs) and AAAs regarding SSI, Medicaid, and Food Stamp outreach; to design (with assistance from the DHHS Assistant Secretary of Planning and Evaluation and consultation from others) and implement uniform data collection procedures for SUAs within one year of the OAA amendments' enactment; to ensure that all federal grants and contracts made under titles II and IV be made in accordance with a competitive bidding process established by the Commissioner; to participate and provide leadership within the Federal government regarding the development and implementation of a national community-based long-term care program for older individuals; and to assist State and area volunteer service coordinators.

The bill establishes in statute a National Center on Elder Abuse administered by the Commissioner.

The bill requires the Commissioner to establish a National Aging Information Center. The Center is to annually compile, publish, and disseminate data regarding older individuals (including older Native Americans), and SUA and AAA staffing and funding patterns. The Center will also provide training and technical assistance regarding data collection and analysis and disseminate title IV reports. The Center should be funded at $1,000,000 for FY 1992 and then such sums as may be necessary.

3. Federal Agency Consultation: Section 203 adds the Department of Labor (DOL) and ACTION to the list of federal agencies to consult and requires the DOL to consult and cooperate with the commissioner on the Job Training Partnership Act.

The bill requires the head of each Federal agency administering aging-related programs to collaborate with the Commissioner and to develop a written analysis of the impact of these programs on older individuals. The bill requires the Commissioner to "co-

ordinate" with other Federal agencies, including the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

4. Consultation with SUAs, AAAs, and native American grant recipients: Section 204 requires the Commissioner to consult with SUAs, AAAs, and title VI grantees.

5. Federal Council on the Aging: Section 205 defines the terms of Members and adds new functions to the Federal Council on the Aging and requires Council members to have aging expertise and experience.

6. Nutrition officer: Section 206 requires the Commissioner to designate an officer or employee with nutritional science and planning expertise to coordinate nutrition services under the Act. The Secretary must issue regulations within 120 days of the enactment of the OAA Amendments of 1992.

7. Evaluation: Section 207 requires the Secretary to evaluate the Act's effectiveness in targeting unserved individuals with greatest economic and social need.

The bill requires the Commissioner to evaluate nutrition services provided under the Act and issue interim guidelines and specific nutrition standards in regulation to ensure service provider compliance of Sections 331 and 336 of the Act.

An advisory council should be established to advise the Commissioner. The council, described in Sec. 206(g)(2)(A)(i), shall develop recommendations on the need for minimum standards for meals, particularly when a project provides more than one meal each day.

The bill authorizes up to $3,000,000 for such evaluation, of which no greater than $1.5 million shall come from title III and no greater than $1.5 million from title IV.

8. Reports: Section 208 requires the Commissioner to describe the implementation of the national plan for training personnel in the field of aging, changes the Commissioner's reporting deadline regarding the Ombudsman program to March 1 of each year, requires the Commissioner to report on the evaluation of the effectiveness of targeting those in greatest need, and requires the Commissioner to provide training and technical assistance regarding data collection and analysis.

9. Nutrition education: Section 209 authorizes the Commissioner and Secretary of Agriculture to provide technical assistance and appropriate material to agencies that carry out nutrition education programs.

10. Authorization of appropriations: Section 210 authorizes from Section 205 of the Act such sums as may be necessary for each of the fiscal years 1992 through 1995.

The bill authorizes $17,000,000 in FY 1992, $20,000,000 in FY 93, $24,000,000 in FY 94, and $29,000,000 in FY 95 for Administration on Aging (AoA) salaries and expenses and such sums as may be necessary in each fiscal year to provide for 300 full-time (or equivalent) AoA employees.

11. Studies: Section 211 requires the Commissioner to study the effectiveness of State Long-Term Care Ombudsman Programs.

Section 212 requires the Commissioner to make arrangements with the Institute of Medicine to study board and care facility quality and home care quality.

The National Academy of Sciences, working through the Institute of Medicine, shall appoint members of the Board and Care study committee consistent with the Academy's own appointment procedures. Members appointed should include expertise in state legislation and in other areas as specified in Sec. 212. The recent DHHS/IG report (OEI-02-89-01860) includes reference to the American Bar Association's model Act as a resource to measure state legislation and compliance, which should also be considered as part of the Institute of Medicine study. The study of home care quality to be conducted by the Institute of Medicine should encompass the range of entities providing home care services, including public, nonprofit, and privately owned entities and examine the quality of services provided by such entities either directly or through contract with other entities.

Section 212 also authorizes $1,500,000 in FY 1992 and such sums as may be necessary in fiscal years 1993, 1994 and 1995 for a study of board and care quality.

Section 213 authorizes $1,000,000 for FY 1992 for a study of home care quality and such sums as may be necessary in subsequent fiscal years.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

1. Purpose: Section 301 adds as a purpose of this title to secure the opportunity for older individuals to receive managed in-home and community-based long-term care services.

2. Definitions: Section 302 modifies the definition of "comprehensive and coordinated system" to include encouraging entities with "unrealized potential" to serve older individuals.

3. Authorizations of appropriations; uses of funds: Section 303 sets authorization levels for title III.

The bill authorizes $461,376,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for Part B, $505,000,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for congregate meals, $120,000,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for home-delivered meals, $15,000,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for school-based meals, $45,388,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for Part D, such sums as may be necessary for fiscal years thereafter for Part E, $25,000,000 for FY 92 and then such sums as may be necessary for fiscal years thereafter for Part F, and $15,000,000 for FY 1992 and then such sums as may be necessary for fiscal years thereafter for Part G—supportive services for caregivers.

The bill deletes all limitations on authorizations of appropriations (i.e. triggers) and repeals Sec. 303(h).

4. Allotment; Federal Share: Section 304 changes the hold harmless level for state allotments from 1984 to 1987, increases minimum allotment for SSI, Medicaid and Food Stamp outreach to $150,000, and sets a minimum allotment of $50,000 per State for Supportive Services for Individuals Who Provide In-home Services under Part G added by the bill.

The bill also requires the Commissioner to use Census Bureau and "other reliable demographic data" to determine the number of 60+ individuals and expects that such data will be updated on an least an annual basis consistent with current practice, and that the Administration on Aging will specify this in regulation.

The bill also requires the Commissioner to withhold a State's allotment if the Commissioner disapproves its intrastate funding formula.

The bill requires there to be allotted to each State not less than $150,000 and not more than 4 percent of the State's title III-B 1991 appropriations on demonstration projects regarding SSI, Medicaid, and Food Stamp outreach from the States' allotment. Program requirements for the demonstration projects are described in title VII.

The bill also allows title II grants to be used to pay State and area volunteer services coordinators.

5. Organization: Sec 305 requires the SUA to be primarily responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities related to the OAA.

The bill requires intrastate funding formulas to be developed in consultation with AAAs and in accordance with the Commissioner's guidelines. The formula should take into account distribution of older individuals within the State and distribution of individuals with the greatest economic need and individuals with the greatest social need with particular attention to low-income minority individuals. The SUA must submit its formula to the Commissioner for approval.

The bill requires SUAs to use special outreach efforts to also identify certain targeted populations and clarifies that older individuals with the greatest economic need (with particular attention to low-income minority individuals), individuals with greatest social need, who are frail, and who are of limited English-speaking ability should be identified through outreach efforts.

The bill requires SUAs to set specific objectives and describe actions used to increase participation of low-income minority older individuals.

The bill requires SUAs to establish due process procedures when the SUA revokes an AAA's designation, adds additional PSAs, divides PSAs, or otherwise affects the boundaries of PSAs. These procedures shall include providing notice, documenting need, conducting a public hearing, involving those affected, and allowing the Commissioner to hear appeals. A decision may be appealed based on the facts and merits of the matter or on procedural grounds. The Commissioner may affirm or set aside an SUA's decision.

6. AREA PLANS: Sec. 306 requires the area plan to provide assurances to adequately fund "case management services" as a type of access service.

The bill allows community action agencies who operate multipurpose senior centers to receive special consideration in the designation of focal points. The bill also requires the identity of focal points to be specified in AAA's grants, contracts, and agreements.

The bill requires information and assistance services to emphasize linking services for older individuals (and their uncompensated caregivers) who are isolated or have Alzheimer's disease.

The bill requires area plans to include specific service objectives for minority targeting and provide assurances that providers serve low-income minority individuals in accordance with their need for service, instead of (current law) their proportion in the population. The providers must meet specific objectives for minority targeting set by the AAA. The bill also requires area plans to include information on the extent to which minority targeting objectives were met in the preceding fiscal year. Additionally, all AAA activities must include a focus on the needs of low-income minority older individuals.

The bill requires AAAs to provide "timely information" in a timely manner; to advocate for older individuals in cooperation with agencies, local governments, organizations, and individuals involved with the area plan; to enter into arrangements and coordinate with community action agencies and

programs, if possible; to coordinate entities that receive OAA funds within the PSA and other programs serving older individuals which receive Federal funds; to establish grievance procedures for individuals who are dissatisfied or denied service;[1] to identify the transportation needs of older individuals and to coordinate planning and delivery of transportation services; to assist providers of housing for older individuals develop and expand housing, support services, referrals, and living arrangements for older individuals; to list the AAA in a uniform manner in telephone listings; and to fund the State Long-Term Care Ombudsman program at not less than 1991 funding levels for ombudsman programs.

AAAs have been given this discretion in establishing such grievance procedures in the interest of providing administrative flexibility. However, if the AAAs fail to act in good faith to provide grievance procedures that respond to the complaints of older individuals, a requirement for AAAs to establish specific formal procedures for responding to such complaints will be considered in the next reauthorization.

The bill allows the AAA to provide an area volunteer services coordinator.

The bill adds provisions regarding public/private partnerships and adds requirements for AAAs to coordinate programs under title III and VI and to increase access to programs and services by older Native Americans.

The bill requires AAAs to provide assistance to nutrition projects to reasonably accommodate individuals with special health or religious requirements or ethnic backgrounds.

The bill specifies how AAAs should provide case management services and clarifies that case management services may be offered by nonprofit, not "non-public" agencies.

The bill allows States to withhold an AAA's funds. The State agency will provide an AAA with a due process procedure (as established by the State agency but to include at a minimum, notification of action to withhold funds, documentation of need, and, if requested, a public hearing) before withholding any funds. It also provides for the administration of programs in areas in which funds have been withheld.

7. State plans: Sec. 307 adds new state plan requirements.

The bill allows the Commissioner to require States not in compliance with title III to submit a State plan for a 1-year period until the Commissioner determines the State is in compliance.

The bill requires State agencies to evaluate the need for supportive services using a standard method to determine unmet needs; to evaluate the unmet need for transportation services; to establish and publish procedures for requesting and conducting hearings regarding plans submitted to the State agency; and to include assurances in their State plans that would prohibit conflicts of interest within SUAs and AAAs.

Over the past several years, a small number of local governments, which have been designated as AAAs by their respective States, have successfully provided a full range of direct services in a cost-efficient manner. Congress does not wish to foster or construct barriers to the provision of such services by these local governments, which have long and proven records of efficiently providing direct services.

[1] With respect to developing such grievance procedures, it is intended that denial of service to an older individual is a legitimate action if the service provider or the AAA has insufficient resources to provide services requested by such an individual.

Current law prohibits AAAs from providing services directly, but allows State agencies to waive the prohibition under certain circumstances. This current law provision has not been changed. The law provides sufficient flexibility to accommodate circumstances where waivers may be needed. While it is not the intent of the members of the committees of jurisdiction to encourage the granting of waivers, the members note that the law should not be construed to prevent the granting of waivers to local government-based AAAs with a proven record of providing services of comparable quality more efficiently, and a commitment to contribute significant amounts of local resources to the provision of services for older individuals, or otherwise meet the other waiver conditions set forth in the law.

The bill requires SUAs to disclose to the Commissioner the identity and nature of each nongovernmental entity with which it has a contract or commercial relationship to provide services to older individuals and demonstrate that such contract or relationship has not and will not decrease, but enhance, the quantity or quality of services provided. The Commissioner may request SUAs to disclose all sources and expenditures of funds that the agency receives or expends to provide services to older individuals.

The bill requires SUAs and AAAs to give special consideration to hiring individuals with formal training or professional experience in the field of aging. In providing special consideration to hiring individuals with formal training or professional experience in the field of aging, it is not intended that individuals without certifications, diplomas, degrees, or other formal credentials be excluded from such consideration.

The bill requires SUAs to carry out a State Long-Term Care Ombudsman program. Specific provisions relating to the ombudsman program are moved to the new title VII, added by the bill.

The bill exempts title III C-3 funds from being used for home-delivered meals.

The bill requires nutrition projects to be administered with the advice of "dietitians"; to provide nutrition education on a semi-annual basis to all III C-1 and C-2 participants; and to comply with State and local sanitation laws.

The bill requires SUAs to monitor, coordinate and assist in the planning of nutrition services, with the advice of a dietician or an individual with comparable skills and experience of a dietician.

The bill requires SUAs to develop nonfinancial criteria for home-delivered meals eligibility and to periodically evaluate recipients to determine if they meet the criteria.

The bill requires SUAs to give priority to certain legal problems, including age discrimination. The members of the committees of jurisdiction recognize that litigating age discrimination cases is difficult and costly and many legal assistance providers are prohibited from accepting fee-generating cases. Therefore direct legal assistance providers should help identify cases of age discrimination and, where appropriate, refer older individuals to other legal channels, including the Equal Employment Opportunity Commission.

The bill requires SUAs to designate a legal assistance developer.

The bill requires SUAs to spend on ombudsman programs not less than what was spent on such programs in FY 1991; to require outreach efforts especially to older individuals and their caretakers who are rural residents, isolated, or have Alzheimer's disease.

The bill requires assurances regarding compliance with the Elder Rights Title requirements to be included in the State's Plan.

The bill requires that if one-half or more of the area plans provide for an area volunteer coordinator, then the State plan must provide for a State volunteer coordinator who will, among other things, provide technical assistance to area volunteer service coordinators. If fewer than half of area plans provide for volunteer service coordinators, then the State has the option to support a State volunteer service coordinator.

The bill adds a requirement for SUAs to provide technical assistance to minority service providers.

The bill requires SUAs to spend funds on supportive services for providers of in-home services if they receive funds for such services.

The bill requires State plans to include a funding formula with a demonstration of the allocation of funds. The Commissioner must approve each formula for the entire State plan to be approved.

The bill requires the State agencies to establish a State advisory group; to coordinate programs under titles III and VI; to specify how they plan to increase access by older Native Americans to title III programs and benefits; and to comply with case management service requirements when case management services are provided as an access service.

Case management services were added to the category of access services under section 306(a)(2)(A). Such services are one of four types of services listed in the category of access services that can be provided in meeting the requirement that funds must be allotted for the category of "services associated with access to services."

The bill requires SUAs to identify the actual and projected additional costs of providing services in rural areas and prohibits SUAs from using title III funds to carry out a contract or commercial relationship which does not relate to title III.

The bill also requires State plans to provide assurances that AAAs will not give preference to individuals as a result of a contract or commercial relationship which does not relate to title III.

The bill requires a SUA who receives funds for part G, to spend such funds on part G activities.

The bill requires SUAs to coordinate OAA and other State aging programs; to provide multi-generational activities; to coordinate transportation services to increase access to services; and to provide an informal procedure to review refusals to serve older individuals and issue guidelines regarding such procedures.

The bill includes a provision for SUAs to provide a mechanism to ensure quality in the provision of in-home services as part of the State plan requirements. It is expected that the Commissioner will provide guidance and assistance to the States in developing and implementing such mechanisms.

The bill requires the Commissioner to approve the intrastate funding formula described in the State Plan and establishes further appeal processes for States whose plans have been disapproved.

The bill deletes requirements for SUAs regarding the distribution of outreach funds to AAAs, submission of area plans, distribution of Food Stamp, SSI, and Medicaid informa-

tion, and submission of AAA evaluations to the Commissioner.

8. Planning, coordination, evaluation, and administration of State plans: It is the intent of the members of the committees of jurisdiction that nothing in the Act or this reauthorization precludes states from coordinating services for senior citizens at the state or local levels.

Section 308 adds a limitation for FY 1993 on the amount of funds which may be transferred between title III B and C to 30%. The bill allows SUAs to apply for a waiver from the transfer limitations between Parts B and C. Such limitation on transfer amounts decrease to 25% in FY 1994 and 1995, and 20% in FY 1996. SUAs may also apply for an additional waiver of 5% in FY 1994 and FY 1995 and 8% in 1996.

The bill also adds limitations on the amount of funds which may be transferred between sub-parts 1 and 2 of title III–C to 30%. The bill limits the extra amount waived to 18% in FY 1993, 15% in FY 1994 and 1995, and 10% in FY 1996.

The bill also adds waiver application requirements for transfers between Parts B and C, and Subparts C1 and C2. The bill requires State agencies to demonstrate to the satisfaction of the Commissioner that funds allotted are insufficient to meet the needs for services under this title. It is intended that the Commissioner use the strictest scrutiny in reviewing the application made by each state seeking such transfer. It is intended that the Commission specifically evaluate the impact of such a transfer on the states' nutrition programs. For example, such an application shall not be to the satisfaction of the Commissioner if such a transfer will reduce the number of meals served or result in the closure of any congregate or home-delivered meal facility or service.

The bill prohibits SUAs from delegating transfer authority and requires the Commissioner to collect information on the amount, rationale, and effect of all transferred funds.

9. Disaster relief reimbursements: Section 309 allows SUAs to be reimbursed for supportive services (and related supplies) provided during disaster relief programs.

The bill allows the Commissioner to advance up to 75% of funds available for disaster relief to SUAs within 5 working days after a disaster has been declared.

The bill limits the amount SUAs may be reimbursed for disasters to 2% of title IV funds. This new requirement directly responds to the Administration's legislative proposal to determine funds available for disaster relief services to the amount appropriated to carry out title IV instead of amounts appropriated to carry out Section 422 Demonstration Projects. The 2 percent amount, linked to the aggregate level of title IV funding, reflects the equivalent of spend-outs in previous years, which never exceeded $500,000 per fiscal year.

10. Availability of surplus commodities: Section 310 sets the USDA per meal reimbursement rate for FY 1992 at the amount appropriated divided by the number of meals served or at a rate of 61 cents per meal, whichever is greater. In subsequent years, the 61 cent rate shall be adjusted annually to reflect changes in the CPI food away from home series based on the prior July.

11. Rights relating to in-home services for frail older individuals: Section 311 directs the Commissioner to require entities that provide in-home services under this title to promote the rights of individuals who receive such services.

12. Supportive services: Section 312 adds the following services as supportive services: information and assistance, language translation, services which receive applications from older individuals for section 202 housing, advice, and informational services regarding elder rights, permanency planning for older individuals with adult children with disabilities and other services designed to help older individuals who are caretakers of adult children with disabilities, second career counseling, information on age-related diseases and chronic disabling conditions, support for voluntary long-term care caretakers, information and training on guardianship or representative payees, and multigenerational activities.

The bill clarifies pre-retirement counseling and assistance.

The bill also defined counseling on pension rights and benefits as a type of financial counseling.

The bill includes representation of wards, individuals who are allegedly incapacitated, and, under certain circumstances, older individuals seeking to become guardians as types of legal assistance.

The bill adds music, art, and dance-movement therapy as services designed to enable older individuals attain and maintain physical and mental well-being.

The members of the committees of jurisdiction are concerned about reports that older residents of board and care facilities and other older individuals with disabilities may be denied access to this Act's programs and services in some communities. The members believe it is important to stress that the Act's programs are intended to be available to all older individuals, with particular emphasis on those in greatest economic and social need, including those who reside in various residential environments such as section 202 housing, public housing and board and care facilities.

In circumstances where board and care residents (or other older individuals in similar living environments) wish to participate in OAA meals programs, it would not be inappropriate for such residents to contribute to the cost of such meals and, in such cases, to be reimbursed by the board and care provider for meals consumed outside the board and care facility.

13. Congregate nutrition services and home delivered nutrition services: Sections 313 and 314 allow congregate and home-delivered nutrition projects in rural areas to serve fewer than five meals a week and delete current law requirements regarding recommended daily allowances.

14. Criteria: Section 315 adds to the Dietary Managers Association to the list of organizations to be consulted regarding home-delivered meals.

15. School-based meals for volunteer older individuals and multigenerational programs: Section 316 establishes a new nutrition program: school-based meals for volunteer older individuals and multigenerational programs.

Title VI grantees have been included as eligible entities for this program. Their inclusion is intended to encourage Title VI grantees to seek grants to operate such programs in cooperation with Bureau of Indian Affairs schools. SUAs are encouraged to approve the grant applications of eligible Title VI grantees.

Monies for administrative costs cannot be taken from title III–C.

This program is added in response to the concern that:

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

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

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

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

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

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

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

It is intended that such program shall:

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

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

(A) dropping out of school;

(B) abusing controlled substances;

(C) remaining illiterate; and

(D) living in poverty.

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

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

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

16. Dietary guidelines, payment requirement: Section 317 adds requirements regarding nutrition programs funded under this title. Meals provided by a project must comply with the Dietary Guidelines for Americans. Additionally, if a project serves one meal a day, each meal—whether provided in a congregate setting or home-delivered—must provide one-third of the daily RDA established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences. If a project provides two meals a day to the same individual, the meals must contain two-thirds of these allowances; and if three meals a day are provided to the same individual, the meals must contain 100 percent of these allowances.

This provision was included to offer providers of nutrition services greater flexibility in

the planning of meals and to encourage more providers to offer two and three meals each day. It is not expected that providers will dramatically change the content or amount of food provided in any meal provided. It is also expected that they will assure that all food components provided are adequate to provide nutritions, satisfying, and attractive second and/or third meals as well as meeting 2/3 or 100% of the RDA requirements.

Furthermore, it is expected that the USDA will continue to reimburse providers for all meals provided, as long as the average RDA is met.

The members of the committees of jurisdiction are concerned that some nutrition providers may be using dietary supplements in lieu of food to meet the present requirement that each meal served contain at least one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Science—National Research Council. Therefore the members direct the Commissioner to address potential abuse of this practice as part of the Commissioner's requirement to oversee nutrition services under the Act.

17. In-home services: Section 318 adds personal care services and other in-home services as defined by SUAs and AAAs in their respective plans.

18. Preventive health services: Section 319 adds several new sites to the list of sites where preventive health services can be provided.

The bill deletes current prohibitions against providing Medicare-reimbursable preventive health services and makes a conforming amendment. In deleting the present prohibition against providing Medicare-reimbursable preventive health services, it is intended that AAAs will not offer, when feasible, services that are generally available through private health services or reimbursable under private or public health insurance.

The bill clarifies existing, and adds new, definitions of disease prevention and health promotion services. The bill also renames Part F of title III as "Disease Prevention and Health Promotion Services".

19. Supportive services for caretakers who provide in-home services to frail older individuals: Section 320 adds a new Part G to title III for the purpose of providing supportive services to caretakers who provide in-home services to frail older individuals.

20. Effective date: The Committees of Jurisdiction recognize that the Secretary of Health and Human Services will be unable to implement regulations for requirements in this Act regarding Section 304, interstate funding formula; Section 306, area plans; and Section 307, state plans, by October 1, 1992, the effective date for these provisions. Consequently, the Committees of Jurisdiction recognize that such regulations will not be drafted or implemented for a reasonable period of time following the enactment of these amendments, not to exceed 180 days after the date of enactment of these amendments. The Committees of Jurisdiction anticipate that there will need to be reasonable transition times for these new provisions during the 180 day period and will work with the Secretary to ensure prompt drafting and implementation of such regulations.

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

1. Statement of purpose: Section 401 clarifies that the purpose of this title is also to include dissemination of innovative ideas for replication.

2. Priorities: Section 402 requires the Commissioner to consult with SUAs and AAAs to develop funding priorities. The Commissioner is also required to ensure title IV grants and contracts benefit older individuals and OAA programs, and comply with OAA requirements.

This new requirement for the Commissioner is to ensure that title IV grants and contracts benefit older individuals and other programs under the Act. The grants and contracts are to be used only for those purposes within the scope of the Act.

3. Purpose: Section 403 clarifies the purpose of title IV training grants by placing emphasis on attracting qualified minority personnel.

4. Grants and contracts: Section 404 adds gerontologists to the list of practitioners who may receive training and education under the title. The bill also adds an emphasis on using culturally sensitive practices in-service training. Counseling programs may receive such in-service training.

The bill provides for annual national meetings to train directors of title VI grants. For the past several years, the Commissioner has convened a national meeting to train directors of title VI grants. This event has proved to be very beneficial to all involved. By adding this requirement, it is intended that the training should continue to occur on a national basis, not just on a state or regional level.

A new training program has been added to train service providers who serve older individuals (including family physicians, clergy and other professionals).

5. Multidisciplinary centers of gerontology: Section 405 adds "counseling service" to the kinds of emphasis gerontology centers receiving grants may have. The bill also add schools of social work and psychology to the schools that develop training programs with title IV funds. "Counseling services" are added as a special emphasis of multidisciplinary centers of gerontology.

6. Demonstration projects: Section 406 authorizes several new demonstration projects, including projects that: furnish multigenerational services by older individuals addressing the needs of children; meet the service needs of older individuals who are caretakers with disabled adult children; provide music, art, dance-movement therapy and gerontological education and training on music therapy; or establish model volunteer service credit projects to demonstrate methods to improve or expand supportive or nutrition services or otherwise promote the well-being of older individuals.

The members of the committees of jurisdiction strongly endorse the concept of voluntary service credit programs which have been successfully implemented in a number of States. Therefore the members encourage the Commissioner on Aging to fund innovative voluntary service credit programs.

7. Special projects in comprehensive long-term care: Section 407 deletes the current provision regarding special projects in comprehensive long-term care; adds a new section that requires the Commissioner to fund not fewer than four or more than seven resource centers for long-term care; specifies the functions of the centers; lists areas of specialty for resource centers; requires the Commissioner to fund at least 10 such projects; prescribes the use of funds, reimbursable direct services, preference in awarding grants, application and report requirements, and eligible entities; and requires the Commissioner to fund these projects at not less than the amount awarded for long-term care centers in FY 1991, and to obligate funds within 60 days after the enactment of the bill.

8. Ombudsman and advocacy demonstration projects: Section 408 adds legal assistance agencies to the agencies coordinating within ombudsman and advocacy demonstration projects.

9. Demonstration projects for multigenerational activities: Section 409 requires the Commissioner to award funds for demonstration projects for multigenerational activities affording older individuals opportunities to serve as mentors or advisors in child care, youth day care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs.

10. Supportive services in federally assisted housing demonstration program: Section 410 requires the Commissioner to award funds to establish demonstration programs to provide supportive services in federally assisted housing. The bill specifies that agencies eligible to receive grants under this section include SUAs and AAAs.

The members of the committees of jurisdiction intend that these demonstration programs will demonstrate the involvement of the aging network in the development of the Comprehensive Housing Affordability Strategies and other programs serving older individuals under the Cranston-Gonzalez National Affordable Housing Act of 1990 (Public Law 101-625, 104 Stat. 4079);

11. Neighborhood senior care program: Section 411 authorizes the Commissioner to award grants to establish neighborhood senior care programs to draw on the professional and volunteer services of local residents; requires the Commissioner to give preference to applicants experienced in operating community programs and those meeting the independent living needs of older individuals; and requires the Commissioner to establish an Advisory Board and a technical resource center on neighborhood senior programs.

To support the addition of a Neighborhood Senior Care Program in the Act, the Commissioner should consult with the director of ACTION, the Points of Light Foundation, and other organizations that advocate and administer volunteer services.

12. Information and assistance systems development projects: Section 412 authorizes the Commissioner to make grants to support improvement of information and assistance services at the State and local levels and to continue to support and evaluate the national telephone information access service.

13. Senior transportation demonstration program grants: Section 413 requires the Commissioner to award at least five grants (not less than 50% to be used in rural areas) to improve the mobility and transportation services of older individuals. Eligible agencies include SUAs, AAAs, and other public agencies and nonprofit organizations.

14. Resource centers on native American elders: Section 414 requires the Commissioner to establish between two and four Resource Centers on Native American Elders.

15. Demonstration programs for older individuals with developmental disabilities: Section 415 requires the Commissioner to establish demonstration projects for older individuals with developmental disabilities.

16. Housing demonstration programs: Section 416 requires the Commissioner to award funds to establish housing ombudsman demonstration projects and adds specific provisions regarding eviction and foreclosure notification.

The members of the committees of jurisdiction are concerned that there are not adequate programs available to assist older ten-

ants of publicly assisted housing to resolve their complaints and problems. Such problems include but are not limited to: legal and nonlegal issues, housing quality issues, security and suitability problems, and issues related to regulations of the Department of Housing and Urban Development and the Farmers Home Administration.

This demonstration project will demonstrate a mechanism to assist such older residents in resolving their problems, and protecting the rights, safety, and welfare of such individuals;

The members note that the State Long-Term Care Ombudsman programs established under the Older Americans Act of 1965 have exhibited great success in protecting the rights and welfare of nursing home residents through work on complaint resolution and advocacy and that a similar approach could be used to address the housing problems experienced by these older residents.

17. Private resource enhancement projects: Section 417 authorizes the Commissioner to fund SUAs and AAAs to establish demonstration projects that generate non-Federal resources in order to increase resources available to provide additional title III services.

18. Career Preparation for the field of aging: Section 418 adds new requirements for the Commissioner to make grants to educational institutions (including historically Black colleges or universities and Hispanic Centers of Excellence with programs of applied gerontology) that serve the needs of minority students to prepare them for careers in aging.

19. Pension information and counseling demonstration projects: Section 419 requires the Commissioner to fund pension information and counseling demonstration projects.

20. Authorization of appropriations: Section 420 authorizes $72 million to be appropriated to carry out this title for fiscal year 1992 and such sums as may be necessary in subsequent years.

There are also authorized to be appropriated $450,000 for each of fiscal years 1992, 1993, 1994, and 1995 to carry out a program to train service providers as described in Section 411(e).

21. Payments of grants for demonstration projects: Section 421 requires the Commissioner when issuing grants and contracts within a State to inform the SUA of their purpose.

22. Responsibilities of commissioner: Section 422 specifies that the annual report on title IV awards be submitted to Congress not later than January 1 following each fiscal year, expands the required content of the report, and requires the Commissioner to evaluate the activities funded under title IV, make the evaluations available to the public, and use the evaluations to improve service delivery or program operation.

TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

1. Older American community service employment program: Title V of the Older Americans Act authorizes the Senior Community Service Employment Program (SCSEP), which provides part-time employment and training opportunities for low-income persons 55 years of age and older. As enrollees in a Federal employment and training program, participants in the SCSEP historically have not been considered "employees" of grantees. The members of the committees of jurisdiction believe that benefits associated with employment should be funded by the Federal government.

Section 501 adds a provision which includes individuals with poor employment prospects as potential title V participants; requires projects to hire individuals with greatest economic need, and prepare an assessment of participants; requires the Secretary of Labor to consult with the Secretary of Health and Human Services on the cost of programs; requires national contractors to consult with and submit project descriptions to SUAs and AAAs in areas where they are operating; and requires the Secretary to issue criteria for experimental projects and require projects in such experiments to coordinate with JTPA programs.

2. Coordination: Section 502 requires the Secretary to consult with the Commissioner to increase job opportunities for older individuals. Section 502(c)(1) of the Act requires that Community Service Employment for Older Americans (CSEOA) sponsors pay 10 percent of the cost of CSEOA projects. It is the intent of the Committees of Jurisdiction that whenever an Indian tribal entity, or an association representing such entities, with which the Secretary has an agreement under Section 502(b) of the Act, demonstrates to the Secretary that a project serving primarily Indians or on an Indian Reservation, located in an economically depressed area, does not have adequate non-federal resources available, the Secretary may pay all of the costs of any such project.

3. Interagency cooperation: Section 503 requires the Secretary to coordinate this program with other Federal jobs programs and other titles of the OAA.

4. Equitable distribution of assistance: Section 504 establishes a minimum funding base for all title V national contractors of 1.3 percent of FY 91 total appropriations (i.e., $5,135,000). The base will help to ensure that all contractors have a minimum level of funds to administer effectively the program on a national basis. Currently, only two of the ten national contractors are funded at below this minimum funding base; in FY 1992, they each received a little over $1.3 million. By contrast, the next smallest contractors received approximately $11 million; the largest contractor received over $100 million.

This amendment gradually increases these contractors to the minimum funding base by reserving a portion (at least 25 percent) of increased appropriations. This reservation cannot occur until appropriations exceed 102% of FY 91 appropriations (i.e., $398,000,000). Since this was not achieved for FY 92 (final title V appropriation is $395,818,000), the amendment would not be triggered in FY 1992. By requiring that the reserved portion be taken only from increases in appropriations, the funding levels for national contractors essentially are being held harmless to their FY 92 appropriations. Importantly, given that only a portion of increased appropriations will be reserved, all national contractors will still receive increased funding if appropriations increase.

Once a national contractor has achieved the minimum funding base, it is intended that such base shall, at a minimum, be maintained.

Some individuals have indicated that the problem of inadequate funding for these two contractors is best addressed through an administrative solution. Normally, the members of the committees of jurisdiction would agree. However, despite congressional efforts to assure an adequate funding amount, the Department of Labor has shown no intentions of addressing the current funding disparity.

The bill also requires the Secretary to take into account the distribution of older individuals with the greatest social and economic need and minority individuals when apportioning funds within the states.

5. Authorizations of appropriations: Section 505 authorizes $470,671,000 for FY 1992 and such sums as may be necessary in fiscal years 1993, 1994, and 1995. The bill also authorizes enough appropriations to fund 70,000 title V positions in each fiscal year.

6. Dual eligibility and treatment of assistance provided under this title: Section 506 requires that when title V projects are carried out jointly with JTPA programs, title V participants will be eligible for JTPA. It also stipulates that assistance from title V will not be considered financial assistance under the Immigration and Nationality Act.

TITLE VI—GRANTS FOR NATIVE AMERICANS

1. Applications by tribal organizations: Section 601 adds provisions requiring title VI applicants to assure coordination with other title III programs.

2. Distribution of funds among tribal organizations: Section 602 requires the Commission to first fund FY 1991 title VI grantees at their FY 1991 levels before funding new title VI grants. By including this provision, the members of the committees of jurisdiction emphasize that the participation of new tribal organizations in this program is not precluded.

The bill also requires the Commissioner to direct any additional appropriations to organizations who received title VI grants in FY 1980 and received lower funding in succeeding years or to organizations who did not receive a grant in FY 1980 or FY 1991.

3. Applications by organizations serving native Hawaiians: Section 603 requires applicants to assure they will coordinate with title III programs.

4. Distribution of funds among organizations: Section 604 requires the Commissioner to fund native Hawaiian organizations at least at their FY 1991 level.

5. Authorizations of appropriations: Section 605 authorizes $30,000,000 in FY 1992 and then such sums as may be necessary for fiscal years thereafter for title VI: 90 percent to go to Part A, 10 percent to go to Part B.

TITLE VII—ELDER RIGHTS SERVICES

The bill creates a new title VII regarding elder rights services. The new title is based, in part, upon a finding that there is a need to consolidate and expand State responsibility for the development, coordination, and management of statewide programs and services directed toward ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights.

While more than persons in any other age group, older individuals rely on public benefit programs and services to meet income, housing, and health and supportive services needs, the members of the committees of jurisdiction are concerned that: it is estimated that only half of older individuals eligible for benefits under the supplemental security income program are currently enrolled; it is estimated that only half of older individuals eligible for food stamps receive assistance; and that it is estimated that less than half of older individuals eligible for benefits under the medicaid program are currently enrolled in the medicaid program.

Critical purposes for establishing this title include, but are not limited to, the need to:

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

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

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

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

(5) authorize States to plan and develop programs and systems of individual representation, investigation, advocacy, protection, counseling, and assistance from older individuals.

The State agency is required to submit annually to the Commissioner on Aging and to other appropriate State agencies a report of elder rights activities and issues. Such report shall include an analysis of data regarding elder rights based on reports of abuse, neglect, or exploitation; complaints regarding long-term care or from residents of long-term care facilities; reports of consumer fraud and abuse; reports of requests for and the provision of emergency protective services; reports of legal assistance and advocacy required to provide protection; and reports regarding the failure of older individuals to secure benefits for which the persons are eligible.

1. Authorizations for vulnerable elder rights protection activities: Section 701 authorizes appropriations of $40,000,000 for the ombudsman provisions for FY 1992 and then such sums as may be necessary for fiscal years thereafter; $15,000,000 for the prevention of abuse, neglect, and exploitation of older individuals in FY 1992 and then such sums as may be necessary for fiscal years thereafter; $10,000,000 for state elder rights and legal assistance development programs for FY 1992 and such sums as may be necessary for fiscal years thereafter; and $15,000,000 for the outreach, counseling, and assistance program for FY 1992 and then such sums as may be necessary for fiscal years thereafter.

The bill also authorizes $5,000,000 for FY 1992 and such sums as may be necessary for fiscal years thereafter for a program to fund organizations who serve Native Americans to protect the rights of vulnerable elderly.

Title VII funds are to be allotted differently than allotments in title III. It is the intent of the members of the committees of jurisdiction that funds should first be allotted on the basis of population and then adjusted on a pro rata basis to ensure that minimum amounts have been allotted. The bill requires States to provide additional assurances related to Title VII as part of the state plan submitted under section 307. However, the current Title III requirements governing the allocation of funds within states are not applicable to funds made available under any part of Title VII nor are area agencies the only entities eligible to receive grants from states under any part of Title VII. In addition, states may use funds available under Title VII to directly carry out vulnerable elder rights protection activities.

2. Ombudsman programs: Section 702 adds new requirements regarding residents receiving timely access to the Ombudsman service, representation of residents' rights, the provision of administrative and technical assistance, the procedures for access and consent for Ombudsmen, protection of Ombudsmen from retaliation, and the training of the Ombudsman and her/his representatives.

Because of the responsibility of Ombudsmen to investigate and resolve complaints pertaining to the health, safety, welfare and rights of long-term care facility residents, the members of the committees of jurisdiction emphasize that it is essential that such ombudsmen have full access to facilities, residents and appropriate records, including the records of facility residents.

Nothing in this Act is intended to preclude or deter States from providing additional authorities to the Ombudsman if deemed appropriate or necessary. A State may find it appropriate and necessary to provide Ombudsmen with a right of access to such records in a manner at least consistent with the access authority of State's long-term care facility licensure and certification officials. In the event a State provides the Ombudsman with such authority it is incumbent upon the SUA to vigorously protect the Ombudsman program's ability to thoroughly investigate and resolve complaints.

TITLE VIII—AMENDMENTS TO OTHER LAWS; RELATED MATTERS

Subtitle A—Long-term health care workers

The bill requires the Directors of the National Center for Health Statistics and the Centers for Disease Control to collect data and prepare a report regarding long-term care for health care workers, including those employed by adult day care centers and other community-based settings.

Subtitle B—National School Lunch Act

The bill amends the National Student Lunch Act to clarify a USDA interpretation that classified group homes in the community as "institutions" under the School Lunch Act. This amendment goes into effect as if it were part of the 1987 Older Americans Act amendments.

Subtitle C—Native American Programs

Sections 821 and 822 amend the Native American Programs Act of 1974.

The bill establishes within the DHHS the Administration for Native Americans to be headed by a Commissioner. The Commissioner shall be appointed by the President and approved by the Senate. The Commissioner's duties shall include administration of grant programs, coordination of departmental activities affecting Native Americans, service as their active and visible advocate within the Department and compilation of information for the Secretary's annual report on social conditions of Native Americans.

The bill also requires that the Secretary assure that staff and administrative support is provided adequately to the Administration to meet responsibilities described in this legislation and to establish within the Secretary's Office, the Intra-Departmental Council on Native American Affairs, made up of the heads of principal operating divisions within the Department and others designated by the Secretary.

The bill identifies the Office of Hawaiian Affairs of the State of Hawaii as a revolving loan fund recipient (described in Sec. 803(a)(1) of the Act), by ending the prohibition against loans after a five year period, by authorizing the Native Hawaiian Revolving Loan Fund through 1994 and requiring matching contributions from the Office of Hawaiian Affairs. These amendments also repeal 1987 amendments that would have required certain funds to be deposited in the Treasury and the Secretary to deliver certain reports in 1989 and 1991, and prescribe new requirements for annual reports to the Congress from the Commissioner with respect to the loan fund.

The bill requires the Commissioner to provide technical assistance to potential applicants for funding and to applicants initially denied awards, and to provide short term training for persons carrying out funded projects.

The bill requires the Secretary of HHS to report annually by January 31 to the Congress on the social and economic conditions of Native Americans and to make recommendations as appropriate.

The bill provides for Secretarial review of the Commissioner's finding that an organization or proposed activity is ineligible for funding and gives the authority of providing procedure for appeals, notice and hearing to the Commissioner instead of the Secretary. The bill also changes the authority to provide financial assistance through grants or contracts for research, demonstration, or pilot projects, and the authority to make public announcements regarding such projects from the Secretary of HHS to the Commissioner.

The bill authorizes the Commissioner to extend employment preference to Native Americans, based upon the Office of Indian Education preference provision (P.L. 100-297).

The bill requires the Commissioner of the Administration for Native Americans (ANA) to give preference in contracting to individuals who are eligible for assistance under this title, and requiring the Commissioner to encourage agencies receiving grants to give preference to such individuals.

The bill requires evaluations of ANA-assisted projects to be evaluated at least every three years.

The bill authorizes "such sums as may be necessary" for fiscal year 1992 for all programs under this Act with certain exceptions.

The bill eliminates the threshold for eligibility for grants to Pacific Islanders.

In addition, no statutory change is required to assure the eligibility of the Office of Hawaiian Affairs and Department of Hawaiian Homelands, as both are clearly eligible as "public . . . agencies serving Native Hawaiians" (42 U.S.C. 2991b). Further, it is hoped that provisions in the bill expanding the amount of discretionary funding available to the ANA will enable the Administration to provide improved levels of technical assistance to applicants and grantees in noncontiguous areas through contractors or subcontractors in those areas.

Finally, the Department of Health and Human Services through ANA is directed to enter into discussions as soon as possible with appropriate officials of the Department of Defense to develop and execute a memorandum of understanding, memorandum of agreement, interagency agreement or other appropriate vehicle to provide procedures for disbursement of the $8 million appropriated for the Department of Defense for mitigation of environmental damage to Indian tribes from defense operations. The disbursement of these funds through competitive grants to tribes and tribal membership organizations will assist in their planning, development and implementation of programs for such environmental defense mitigation.

Subtitle D—White House Conference on Aging

As demographers project that the portion of the population age 55 or older will continue to increase well into the next century, the need for a national strategy session to address the implications of an aging population is imperative. With these changes private individuals and groups representing the field of aging will, for the first time, participate equally in the development of Federal aging policy.

It is intended that the mission of this Conference will continue to be that of assessing

the most appropriate public policies to meet the needs to enhance the contributions of older Americans. The Conference must be free to make any recommendations for action which are necessary to realize the goals of health, happiness, and security for all older Americans. Recommendations from the Conference should consider the overall aging of the population in the context of the relationship between the generations.

It is the intent of the members of the committees of jurisdiction that the Conference includes a conference on the needs of older Indians and that such conference be conducted on a national basis in coordination with national entities having expertise in the needs of older Indians. Furthermore, in conducting such conference on older Indians, the White House Conference on Aging is to provide such resources as are necessary to support such a conference.

Section 832 requires the President to convene a White House Conference on Aging not later than 1994. It also requires delegates to the Conference to include professionals, nonprofessionals, minorities, and low-income family members.

Sections 833, 834, and 835 add new requirements regarding the administration of the Conference, including the composition and duties of the Policy Committee, necessary record keeping, and approval of the Conference report.

Section 836 authorizes such sums as may be necessary for FY 92 and FY 93, with funds available until Jan. 1, 1995 or one year after the Conference adjourns, whichever is earlier. Funds not expended or obligated shall go to carry out the Older Americans Act.

Section 838 states the sense of the Congress that impact of the Social Security earnings test should be considered by the Conference.

TITLE IX—GENERAL PROVISIONS

Section 905 states these amendments shall take effect upon enactment of this Act, except that Sections 303(a)(2), 303(a)(3), 303(f), 304, 305, 306, 307, 316, 317, 320, 410, 411, 413, 414, 415, 416, 418, 419, 501, 504, 506, 601, 603, and all sections in title VII shall not apply for fiscal year 1992.

SUMMARY OF KEY PROVISIONS IN THE OLDER AMERICANS ACT AMENDMENTS OF 1992 AGREED TO BY SENATE AND HOUSE COMMITTEES OF JURISDICTION

New elder rights title—Consolidates and strengthens provisions relating to elder abuse prevention, long-term care ombudsman services, legal assistance, and outreach and public benefit and insurance counseling programs.

Increased Low-Income Minority Participation—Requires State Units on Aging, area agencies on aging, and service providers to set specific objectives with the goal of improving participation by low-income minority older persons in supportive and nutrition services. Also requires intrastate funding formulas to take into account the number of individuals in greatest economic and social need, with particular attention to low-income minorities.

Supportive services for family caregivers of frail individuals—Authorizes a new program to assist caregivers, including counseling and training.

Intergenerational services at meal sites in public schools—Authorizes meals for older individuals in public schools to promote intergenerational activities with at-risk kids (based upon Seattle's highly successful SPICE program).

Transfers of funds—Limits the amount of transfers among title III programs, both between title III-B (supportive services) and III-C (congregate and home-delivered nutrition programs) and within title III-C. This amendment will limit the trend to transfer funds appropriated for nutrition services to other services that has occurred in recent years. Transfers between title III-B and III-C will be limited to 30% in 1993, 25% in 1994 and 1995 with an additional 5% waiver, and 20% in 1996 with an additional 8% waiver. Transfers within title III-C will be limited to 30% with additional waivers of 18% in 1993, 15% in 1994 and 1995, and 10% in 1996.

USDA per meal reimbursement rate—Sets the reimbursement level at 61 cents, with annual adjustments to account for increases in the consumer price index, or at the total amount appropriated divided by the number of meals served, whichever is greater. The current rate has been fixed at 57.76 cents per meal since 1986. This amendment will ensure that nutrition programs receive a higher reimbursement rate, as well as the full amount of the appropriation.

White House Conference on Aging—Authorizes a conference to be conducted no later than December 31, 1994 (the President has called for the conference in 1993). Provides for the first time an expanded Congressional role in the Conference by including Congressional appointees with the President's appointees to the conference policy committee. Specifies that the conference will have a focus on intergenerational policies and issues.

Special consideration for rural areas—requires states to identify the actual and projected costs of delivering services in rural areas.

Minimum funding base for title V older worker program sponsors—Ensures a minimum funding base for all national sponsors under the Department of Labor-administered program which provides part-time minimum wage jobs to low-income individuals age 55 and over. The minimum base would be approximately $5 million. This amendment would close the funding gap between national sponsors serving Indian and Pacific Island and Asian elders and other national sponsors.

Database on Long-Term Care Health Workers—Establishes requirements for national demographic information on non-professional health care workers employed by nursing homes and home health agencies.

Funding for Title IV (Training, Research, and Discretionary Programs)—Authorizes a number of new research and demonstration programs including programs to provide intergenerational services, pension counseling, ombudsmen for older tenants of publicly assisted housing, long-term care research, and others. Authorizes $72 million for FY 1992 with no individual program within title IV earmarked for a specific amount.

Studies of quality in board and care facilities and in in-home care services—Authorizes two studies to be conducted by the Institute of Medicine (IoM) at the National Academy of Science: one on quality of care and services for older individuals in board and care facilities; and the other on quality of home care quality. These studies are modeled on the highly regarded 1986 study on nursing home quality.

Authorizations of Appropriations—In general, the higher authorization figures from both bills were accepted for FY 92 and "such sums as may be necessary" authorized in FY 93 and beyond for most programs. The Act's many vital services include, but are not limited to, congregate and home-delivered meals, transportation, in-home care, information and referral, services for Native American elders, part-time employment for low-income seniors, and legal assistance.

Reauthorization of the Administration for Native Americans [ANA]—includes reauthorization of the Administration for Native Americans Programs Act of 1974. The ANA provides for financial assistance to tribal governments and Native American organizations to promote the goal of economic and social self-sufficiency for American Indians, Native Hawaiians, other Native American Pacific Islanders, and Alaska Natives.

Ms. MIKULSKI. Constituent recreational therapists have expressed concern as to whether or not this bill's amendments on music, art, and dance therapy preclude the use of recreational therapists who provide these therapies under title III, part B of the act. Will the distinguished Senator from the State of Washington tell me that I am correct in my assumption that this is not the case? I also want to be certain that when the Congress noted in title I that "it is intended that therapists providing or otherwise involved in such therapies shall be individuals trained in such therapies" this does include the thousands of certified recreational therapists having educational qualifications or experience to provide such services.

Mr. ADAMS. As chairman of the Subcommittee on Aging, I too have heard from recreational therapists from my home State of Washington and from all across the country about this matter. I assure my esteemed colleague from the State of Maryland she is correct. Certified recreational therapists qualified to help patients through music, art, and dance utilized within their therapy are not precluded from receiving the same consideration from this bill as specialized music, art, and dance therapists. I agree it would be a disservice to older Americans being treated by certified recreational therapists if the bill only applied to specialty therapists. Recreational therapists make a substantial contribution to the health and quality of life of older persons, including those with Alzheimer's disease, and other persons with disabilities.

Ms. MIKULSKI. The Aging Subcommittee chairman's point is well made and I am pleased there are so many trained and experienced recreational therapists and older individuals who may benefit from this legislation.

Mr. REID. Mr. President, I would like to concur with the view expressed by my distinguished colleague from Maryland, and the chairman of the Subcommittee on Aging, the Senator from Washington, regarding the benefits of recreational therapy. Please be assured that my amendment to the Older Americans Act was not intended to preclude the services of recreational therapists qualified in music, art, and dance therapies. The Special Committee on Aging, upon which I serve, has held hearings on the benefits of music,

art, and dance therapies, and an impressive record of evidence has been compiled as to the effectiveness of these innovative approaches. I believe recreational therapists also contribute to the health and well-being of older Americans in significant ways.

Mr. SIMON. Illinois is very proud of the community-based case management system established through collaborate efforts of the Illinois Department of Aging, the area agencies on aging, and the public and not-for-profit organizations which have been designated case coordination units under both the Illinois Community Care Program—which is partially supported through a Medicaid waiver and primarily by the State of Illinois—and title III of the Older Americans Act.

We are very pleased that a definition of case management is included in the very first title of the act—title I, Section 102, Definitions, No. 22—with this reauthorization and is now a stated goal of title III under the purpose section—title III, Grants for State and Community Programs on Aging, Part A—General Provisions—Purpose; Administration Section 301(a)(1)(D).

The definition of case management includes the concept that trained or experienced individuals are "to assess the needs and to arrange, coordinate, and monitor an optimum package of services to meet the needs of the older individual."

Those case managers are responsible for the "development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual including coordination of the resources and services: First, with any other plans that exist for various formal services, such as hospital discharge plans; second, with the information and assistance services provided under this Act; and third, coordination and monitoring to ensure that services are specified in the plan are being provided, * * *" all at the direction of the older individual or family member of the individual.

I ask the distinguished Senator from Washington if the intention of this definition is to assure that the case manager is primarily an advocate for the older person with total responsibility for providing the most complete and best service for that older person?

Mr. ADAMS. My esteemed colleague, the Senator from Illinois, has raised an important question. Yes, our intent is to assure that the case manager is functioning as an agent for the older person and not as the promoter of any particular organization's services and programs. This is a position that requires the utmost professional objectivity and independence.

Mr. SIMON. In Illinois the case management system has been essential in not only providing appropriate plans of care for senior individuals but in the management of scarce public funds, performing what is called a gatekeeper function. Is this type of case management consistent with the intent of the definition presented in the Older Americans Act amendments?

Mr. ADAMS. This is a common approach to case management services in most States. The best service for an older person is one that is truly responsive to the individual's needs, is cost-effective, efficient, and promotes continued independence and self-sufficiency to the greatest extent feasible.

Mr. SIMON. I would like to bring to the attention of the chairman of the Subcommittee on Aging section 306(a)(F)(20) on area plans.

This is a new provision to the act which restricts providing case management services under title III by prohibiting the duplication of case management services provided through other Federal and State programs, requiring the coordination of the service with other programs identified in the act, private agencies, restricting nonprofit agencies to those that do not provide and do not have a direct or indirect ownership or controlling interest in, or a direct or indirect affiliation or relationship with, an entity that provides services other than case management services under this title, and finally permits a waiver of the requirement for area agencies located in rural areas.

Am I correct in understanding the ownership or controlling interest language is an administrative method to assure that providing case management will not become the promotion of any one type or provider of a direct service meant to assist the older individual or family?

Mr. ADAMS. Yes. The goal is to prohibit any organization from providing a case management service that performs an intake type function for the services they provide either directly or indirectly. The highest priority must be the older person and to ensure full integrity in the provision of services. We want the older person to benefit from a total service plan with use of informal care as well as any needed formal service. The case manager cannot do this function when there is intraorganizational pressure to use services offered by that agency.

Mr. SIMON. I support the Senator from Washington's concern that the client be primary in the case management system. I ask if this service is at odds with several Older Americans Act principles such as: The emphasis on coordination of services; the emphasis on access to services at community focal points; the concept of colocation of services; the emphasis on multipurpose senior centers; the involvement of volunteers and informal supports for the older person; the facilitation of accessibility to and use of all supportive services and nutrition services provided within the geographic area served by such system; the development and the making of the most efficient use of supportive services; and the efficient use of available resources?

Mr. ADAMS. No. The case management service is one that should include all the above concepts and implement them directly on behalf of the older person.

Mr. SIMON. Then am I correct that this new section should not detract from the service network developed under the act?

Mr. ADAMS. The Senator from Illinois is correct. These provisions should advance the concepts of the act.

Mr. SIMON. Then I assume that if this section does not advance these concepts, it will be reconsidered at the earliest possible time.

Do the other services mentioned in this subsection have a relationship to the actual care plan developed for the client? Is it correct to assume that running a senior center, providing congregate meals, or providing a transportation service are not contrary other services to the purpose of case management?

Mr. ADAMS. The other services referenced in this section must have some direct bearing on the service planning for the older individual. We realize that to contain costs and to assure functioning organizations in the community there will be combinations of activities performed by agencies. The most important protection in this section is from the promotion and delivery of a service that benefits the agency at the expense of an objective, complete, and fair assessment and arrangement of all types of services for the older person.

Mr. SIMON. If the area agency on aging has a plan for its area, which identifies gaps in services and directs resources to fill those gaps, resulting in an increase of options available for senior individuals, would the package of services which may include home-delivered meals and in-home care to be considered to be other services and contrary to the provision of case management?

Mr. ADAMS. This would depend on the methods used by the area agency to assure that the common goals are being met through the community agency providing services designed primarily around the needs of the older person. The prohibition introduced in this act is directed to stop any attempt to make the case management service a promotional tool or to otherwise provide an unfair advantage for the provider agency and thus violate their commitment and the attention required to fully assist the older individual and his or her family. If the grant arrangement passes a test that the service or services will meet the client's needs first, and foremost with available services best suited for those

needs, and no other funding or promotional efforts are included in the agency's plans, then it would appear that continued use of that service package would not be in violation of this section. There must be assurances that the case manager's actions are not driven by the necessity for the agency to draw down the resources through the provision of a particular service by the agency or affiliated agencies.

As the Senator knows, State agencies on aging are primarily responsible for setting policy which implements the Older Americans Act within their borders. As part of that responsibility, the State agency on aging must assure that the case management provisions of this act are implemented in a manner that does not duplicate case management services provided through other Federal and State programs. In addition, the act gives State agencies the authority to develop policy on the direct provision of services by area agencies on aging, including the direct provision of case management.

Mr. SIMON. I thank the distinguished Senator from Washington for the clarification. I appreciate the excellent job that he and his subcommittee staff performed in developing these amendments to the Older Americans Act.

Ms. MIKULSKI. Mr. President, I would like to echo the comments just made by my esteemed colleagues from Illinois and Washington. As the sponsor of the case management provisions in the Older Americans Act reauthorization legislation, I appreciate the points raised by the Senator from Illinois and agree with the clarification offered by the chairman of the Subcommittee on Aging.

Mr. MACK. Mr. President, I would like to take a few moments to seek clarification from the Senator from Washington who, as chairman of the Subcommittee on Aging, has had primary responsibility for bringing the Older Americans Act reauthorization legislation before us.

I note that S. 3008, the reauthorization legislation, includes a provision to put in statute the current practice of the Administration on Aging [AOA] to use the most recent data available from the Census Bureau in distributing OAA funds under the interstate funding formula.

My home State of Florida has one of the Nation's fastest, if not the fastest, growing older populations. When we speak of the graying of America we are truly speaking of Florida. Many of these seniors are in need of the critical services provided under the OAA. Therefore, it is essential that Florida's OAA programs receive their fair share of OAA funds to meet the rapidly expanding demands that our State's demographics require.

Therefore, I want to be certain that it is the Congress' intent that the population data used is the most recent annual data available from the Census Bureau. Am I correct in that understanding?

Mr. ADAMS. The distinguished Senator from Florida raises an important point and he is correct in his understanding. The set of amendments that we are considering in this reauthorization include codifying the current practice of the Administration on Aging in using annually updated data from the Census Bureau in alloting funds to the States. This is a practice that has been followed by the AOA for at least 18 years and it is our intent to ensure that that practice continues and our language does that.

Just today I received a letter from Dr. Joyce Berry, the U.S. Commissioner on Aging, saying that she "cannot foresee that any U.S. Commissioner on Aging in the future could deviate from this practice of using annual estimates provided by Census Bureau data unless otherwise directed by Congress." I will put Commissioner Berry's letter in the RECORD following these comments.

As the Senator from Florida has laid out, the number of older Floridians is rapidly increasing as a percentage of the Nation's overall population aged 60 and over. Thus, Florida is expected to continue to be a principal beneficiary of this practice. I would like to also point out that the provision amends the act to require the use of the most recent data. In the event that data more current than even annual updates should be available from the Census Bureau, then the OAA would require the AOA to use such data. I would expect that Florida would again be a principal beneficiary of such data in terms of their OAA funding.

Because of the Senator's concern about this matter I also believe that the AOA must specify in regulation that "most recent data available from the Bureau of the Census" means the most recent annual estimates of population based on age from the Bureau of the Census. Therefore, the joint statement of the committees of jurisdiction regarding these amendments will be modified to indicate clearly that data used for the interstate funding formula must be updated on an annual basis. I am pleased to say that our House counterparts have agreed to accept this change in the joint statement.

Mr. MACK. The Senator from Washington has satisfied my concerns regarding this matter and I thank him for his comments.

Mr. COCHRAN. Mr. President, I would like to commend my colleagues, Senator MACK and Senator ADAMS, for addressing this matter. I understand the nature of the concern raised by the Senator from Florida and am confident that their exchange and the modification to the joint statement of the committees of jurisdiction will provide firm direction to continue a satisfactory and longstanding practice. In addition, I expect to join with the Senator from Florida and the Senator from Washington, who chairs the Subcommittee on Aging, in sending a letter to the Administration on Aging emphasizing our intent in this matter.

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

OFFICE OF THE SECRETARY,
ADMINISTRATION ON AGING,
Washington, DC.

Hon. BROCK ADAMS,
Chairman, Subcommittee on Aging, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am responding to your inquiry regarding the U.S. Administration on Aging's practices in allocating federal Older Americans Act funding to the states. As you know, current law directs that states are to be allotted an amount in the same ratio as the population aged 60 or older in the State bears to the population aged 60 or older in all of the States. The law states that the population numbers are to be determined on the basis of the most recent satisfactory data available to me.

S. 3008, under consideration by the Senate, and H.R. 2967, as passed by the House of Representatives on April 9, 1992, codify the longstanding practice of the Administration on Aging by inserting "data available from the Bureau of the Census, and other reliable demographic data satisfactory". As I understand, this language would seek to ensure that the Administration on Aging's practice of at least 18 years of using annually updated population estimates from the Bureau of the Census would continue. Under the current law, as would be amended by the reauthorization language in S. 3008 and H.R. 2976, I cannot foresee that any U.S. Commissioner on Aging in the future could deviate from this practice of using annual estimates provided by Census Bureau data unless otherwise directed by Congress.

Sincerely,

JOYCE T. BERRY, Ph.D.,
Commissioner on Aging.

Mr. KENNEDY. Mr. President, I am pleased that the Senate has acted favorably on the Older Americans Act reauthorization bill. It has been a lengthy process, and over the past several weeks I have been contacted by many senior citizens urging passage of this important legislation.

The Older Americans Act Program has, for more than a quarter century, served millions of senior citizens with critically needed services such as Meals-on-Wheels for the home bound elderly, and the Senior Employment Program for modest income senior citizens who need the security of a job. Equally important, the act has created other vital programs for senior citizens, such as the nursing home ombudsmen, who provide a voice for individuals least able to speak for themselves.

I commend Senator ADAMS for the remarkable job he has done in crafting this reauthorization bill. He has provided leadership in consolidating and improving the most important services

under the act which protect the rights, autonomy, and independence of older persons. This effort, S. 1471, the elder rights amendments to the Older American Act, is one that I endorsed and which I joined as an original cosponsor. It is now a centerpiece of the consensus bill we are introducing today.

Over the past decade, the increasing population of elderly citizens in the Nation has caused us to seek better answers to the growing need for long-term care. I am pleased that this consensus bill will continue the long-term care resources centers, including the Brandeis Center in Massachusetts. It also authorizes a new demonstration project to improve the delivery of long-term care services. The latter project is an initiative which I developed with Senator PRYOR, the chairman of the Senate Special Committee on Aging.

I also commend Senator COCHRAN, the ranking minority member of the Aging Subcommittee of the Senate Labor Committee, for his excellent work on this reauthorization bill. We have today passed a measure which reaffirms our commitment to helping older Americans maintain their independence and dignity. I look forward to this measure's swift enactment.

Mr. MCCAIN. Mr. President, I want to express my strong support for this legislation which will reauthorize the many critical programs under the Older Americans Act [OAA]. These programs help so many of our Nation's senior citizens such as Meals on Wheels, the Senior Employment Program, and nursing home ombudsmen to name a few. I have long been a supporter of these programs and was a cosponsor of the original bill to reauthorize OAA, S. 243, and I am a cosponsor of this bill.

But Mr. President, I must also express my extreme frustration that the Congress has let yet another opportunity go by to do something about the onerous Social Security earnings test which penalizes senior citizens between the ages of 65 and 69 for earning more than $10,200 per year. Mr. President, I have on many occasions come to the floor to express my very strong belief that the current law must be changed. It is unfair, outdated, and it must go.

Mr. President let me just go through a brief history of the consideration of the Social Security earnings limit during this Congress.

On January 14, 1991, I introduced S. 194, the Older Americans' Freedom to Work Act together with 26 other Senators. The bill was referred to the Senate Finance Committee.

On November 12, 1991, after S. 194 had sat in committee for some 10 months, I offered an amendment to S. 243, the older Americans reauthorization amendments, a bill of which I was a cosponsor, to repeal the Social Security earnings limit. The amendment was accepted by the Senate.

In April, the House of Representatives passed legislation to reauthorize the OAA, and included a provision to raise the Social Security earnings limit.

On July 28, 1992, the Senate adopted a sense of the Senate resolution which clearly stated that the earnings limit must be changed.

Just 5 days ago, I again offered an amendment to the Treasury and Postal appropriations bill to raise the earnings limit to $50,000. A majority of Senators voted in favor of my amendment—51 Senators.

Yet, here we are, some 21 months after I introduced legislation to address the onerous Social Security earnings test, and the Congress has still not changed the law. Mr. President, as a cosponsor of the bill, I am very pleased that it is being considered and is likely to be signed into law within days.

However, we have let another opportunity to rectify an extremely inequitable situation slip by. Mr. President, how long will it take? How long will it take for the Congress to realize that the American people simply will not accept that, despite the fact that a clear majority sees the importance of acting, and despite that 22 months has passed since I introduced my legislation, nothing has been done.

Mr. President, I urge my colleagues to support S. 3008, and I hope that the bill will be swiftly enacted. But let me be clear. The Congress must address the Social Security earnings test, and I will not give up the fight to see that it does.

Mr. ADAMS. Mr. President, I want to thank the majority leader and minority leader, and particularly Senator THAD COCHRAN, for their assistance in the passage of this bill. It is a wonderful thing for older Americans.

Mr. DURENBERGER. Mr. President, it is my pleasure to express my support for the reauthorization of one of our most important legislative accomplishments of the last 30 years, the Older Americans Act.

This act has done an incalculable amount of good across the country. And it does it by helping people in communities help one another, one person at a time.

Art Stevens, a resident of Becker, MN, is 99 years old. Every lunchtime a volunteer from the Meals on Wheels Program comes by with a nutritious meal and some welcome companionship. Without this meal and the visits of a nurse and a kindly neighbor, Mr. Stevens would have to be in a nursing home. Instead, he expects to see 100 and intends to stay right at home. He's one of over 100,000 Minnesota seniors who benefit from the act's nutrition programs.

In Cokato, MN, Gladys Axelson was diagnosed with cancer in March. She underwent surgery and has to travel 45 miles into the Twin Cities for radiation treatments. Without the county's transportation services funded by the Older Americans Act, she might have had to quit her job and go on long-term disability. Instead, the transportation service has allowed her to keep her job, keep her insurance coverage, and remain a taxpaying member of the labor force.

Connie Bagley, director of the Area Agency on Aging in Rochester, MN, shares her own personal story. "My 95-year-old grandmother still manages to live in an apartment on her own. However, as you might imagine she is quite frail. Her husband of 72 years is also 95 years old but in a nursing home 1 mile from my grandmother. It has become increasingly difficult for her to visit him regularly because she now needs a kind of transportation service that provides personal assistance to and from the home."

The Older Americans Act provides this special transportation need for Connie's 95-year-old grandmother.

There are literally millions more of these stories in our country. The reauthorization bill builds on the act's successes, updates the authorization amounts to move realistic levels and strengthens the act in many areas, including elder abuse, preventive health services and training for people who care for frail family members.

The reauthorization bill was originally introduced in January 1991. It has been a long and difficult process to get it passed, despite widespread support among Republicans and Democrats in both the House and the Senate.

For the first time in my 14 years in the Senate, I had to vote against it when it was reported out of committee last fall because it included an unrelated amendment that threatened the integrity of the Pension Benefit Guaranty Corporation. I then succeeded in having that provision struck from the bill in a vote on the Senate floor.

For months since then the bill has been held up by controversy over another unrelated issue, the Social Security earnings test. I was pleased that we dealt with that issue last Thursday. I now would like to express my gratitude to all those Senators whose work has made it possible to bring this important bill to a vote. It's an excellent bill and millions of Americans will benefit from it every day.

The PRESIDING OFFICER. Are there any amendments?

If not, 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. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 2967, the Native Americans Programs Act and the Older Americans Act amendments bill.

The Presiding Officer laid before the Senate the amendment of the House of

Representatives to the amendment of the Senate to the bill (H.R. 2967) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes."

(The amendment of the House is printed in the RECORD of April 9, 1992, beginning at page 9087.)

Mr. MITCHELL. I move that the Senate concur in the House amendment with a substitute amendment consisting of the text of S. 3008.

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

The motion was agreed to.

The text of the amendment is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Older Americans Act Amendments of 1992".

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

Sec. 1. Short title; table of contents.

TITLE I—OBJECTIVES AND DEFINITIONS

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

TITLE II—ADMINISTRATION

Sec. 201. Administration on Aging.
Sec. 202. Functions of Commissioner.
Sec. 203. Federal agency consultation.
Sec. 204. Consultation with State agencies, area agencies on aging, and Native American grant recipients.
Sec. 205. Federal Council on the Aging.
Sec. 206. Nutrition officer.
Sec. 207. Evaluation.
Sec. 208. Reports.
Sec. 209. Nutrition education.
Sec. 210. Authorization of appropriations.
Sec. 211. Study of effectiveness of State long-term care ombudsman programs.
Sec. 212. Study on board and care facility quality.
Sec. 213. Study on home care quality.

TITLE III—STATE AND COMMUNITY PROGRAMS ON AGING

Sec. 301. Purpose of grants for State and community programs on aging.
Sec. 302. Definitions.
Sec. 303. Authorization of appropriations; uses of funds.
Sec. 304. Allotment; Federal share.
Sec. 305. Organization.
Sec. 306. Area plans.
Sec. 307. State plans.
Sec. 308. Planning, coordination, evaluation, and administration of State plans.
Sec. 309. Disaster relief reimbursements.
Sec. 310. Availability of surplus commodities.
Sec. 311. Rights relating to in-home services for frail older individuals.
Sec. 312. Supportive services.
Sec. 313. Congregate nutrition services.
Sec. 314. Home delivered nutrition services.
Sec. 315. Criteria.
Sec. 316. School-based meals for volunteer older individuals and multigenerational programs.
Sec. 317. Dietary guidelines; payment requirement.
Sec. 318. In-home services.
Sec. 319. Preventive health services.
Sec. 320. Supportive activities for caretakers who provide in-home services to frail older individuals.

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

Sec. 401. Statement of purpose.
Sec. 402. Priorities for grants and discretionary projects.
Sec. 403. Purposes of education and training projects.
Sec. 404. Grants and contracts.
Sec. 405. Multidisciplinary centers of gerontology.
Sec. 406. Demonstration projects.
Sec. 407. Special projects in comprehensive long-term care.
Sec. 408. Ombudsman and advocacy demonstration projects.
Sec. 409. Demonstration projects for multigenerational activities.
Sec. 410. Supportive services in federally assisted housing demonstration program.
Sec. 411. Neighborhood senior care program.
Sec. 412. Information and assistance systems development projects.
Sec. 413. Senior transportation demonstration program grants.
Sec. 414. Resource Centers on Native American Elders.
Sec. 415. Demonstration programs for older individuals with developmental disabilities.
Sec. 416. Housing demonstration programs.
Sec. 417. Private resource enhancement projects.
Sec. 418. Career preparation for the field of aging.
Sec. 419. Pension information and counseling demonstration projects.
Sec. 420. Authorization of appropriations.
Sec. 421. Payments of grants for demonstration projects.
Sec. 422. Responsibilities of Commissioner.

TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Sec. 501. Older American Community Service Employment Program.
Sec. 502. Coordination.
Sec. 503. Interagency cooperation.
Sec. 504. Equitable distribution of assistance.
Sec. 505. Authorization of appropriations.
Sec. 506. Dual eligibility.
Sec. 507. Treatment of assistance provided under the Older American Community Service Employment Act.

TITLE VI—GRANTS FOR NATIVE AMERICANS

Sec. 601. Applications by tribal organizations.
Sec. 602. Distribution of funds among tribal organizations.
Sec. 603. Applications by organizations serving Native Hawaiians.
Sec. 604. Distribution of funds among organizations.
Sec. 605. Authorization of appropriations.

TITLE VII—VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

Sec. 701. Allotments for vulnerable elder rights protection activities.
Sec. 702. Ombudsman programs.
Sec. 703. Programs for prevention of elder abuse, neglect, and exploitation.
Sec. 704. State elder rights and legal assistance development program.
Sec. 705. Outreach, counseling, and assistance programs.
Sec. 706. Native American organization provisions.
Sec. 707. General provisions.
Sec. 708. Technical and conforming amendments.

TITLE VIII—AMENDMENTS TO OTHER LAWS; RELATED MATTERS

Subtitle A—Long-Term Health Care Workers

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

Subtitle B—National School Lunch Act

Sec. 811. Meals provided through adult day care centers.

Subtitle C—Native American Programs

Sec. 821. Short title.
Sec. 822. Amendments.

Subtitle D—White House Conference on Aging

Sec. 831. White House Conference on Aging.
Sec. 832. Conference required.
Sec. 833. Conference administration.
Sec. 834. Policy committee; related committees.
Sec. 835. Report of the conference.
Sec. 836. Authorization of appropriations.
Sec. 837. Savings provision.
Sec. 838. Sense of the Congress.
Sec. 839. Technical amendments.

TITLE IX—GENERAL PROVISIONS

Sec. 901. Limitation on authority to enter into contracts.
Sec. 902. Regulations.
Sec. 903. Sense of Congress.
Sec. 904. Technical amendments.
Sec. 905. Effective dates; application of amendments.

TITLE I—OBJECTIVES AND DEFINITIONS

SEC. 101. OBJECTIVES.

Section 101(4) of the Older Americans Act of 1965 (42 U.S.C. 3001(4)) is amended by inserting ", including support to family members and other persons providing voluntary care to older individuals needing long-term care services" after "homes".

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

"(13) The term 'abuse' means the willful—

"(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

"(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

"(14) The term 'Administration' means the Administration on Aging.

"(15) The term 'adult child with a disability' means a child who—

"(A) is 18 years of age or older;

"(B) is financially dependent on an older individual who is a parent of the child; and

"(C) has a disability.

"(16) The term 'aging network' means the network of—

"(A) State agencies, area agencies on aging, title VI grantees, and the Administration; and

"(B) organizations that—

"(i)(I) are providers of direct services to older individuals; or

"(II) are institutions of higher education; and

"(ii) receive funding under this Act.

"(17) The term 'area agency on aging' means an area agency on aging designated

under section 305(a)(2)(A) or a State agency performing the functions of an area agency on aging under section 305(b)(5).

"(18) The term 'art therapy' means the use of art and artistic processes specifically selected and administered by an art therapist, to accomplish the restoration, maintenance, or improvement of the mental, emotional, or social functioning of an older individual.

"(19) The term 'board and care facility' means an institution regulated by a State pursuant to section 1616(e) of the Social Security Act (42 U.S.C. 1382e(e)).

"(20) The term 'caregiver' means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law.

"(21) The term 'caretaker' means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) uncompensated care to an older individual who needs supportive services.

"(22) The term 'case management service'—

"(A) means a service provided to an older individual, at the direction of the older individual or a family member of the individual—

"(i) by an individual who is trained or experienced in the case management skills that are required to deliver the services and coordination described in subparagraph (B); and

"(ii) to assess the needs, and to arrange, coordinate, and monitor an optimum package of services to meet the needs, of the older individual; and

"(B) includes services and coordination such as—

"(i) comprehensive assessment of the older individual (including the physical, psychological, and social needs of the individual);

"(ii) development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual, including coordination of the resources and services—

"(I) with any other plans that exist for various formal services, such as hospital discharge plans; and

"(II) with the information and assistance services provided under this Act;

"(iii) coordination and monitoring of formal and informal service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided;

"(iv) periodic reassessment and revision of the status of the older individual with—

"(I) the older individual; or

"(II) if necessary, a primary caregiver or family member of the older individual; and

"(v) in accordance with the wishes of the older individual, advocacy on behalf of the older individual for needed services or resources.

"(23) The term 'dance-movement therapy' means the use of psychotherapeutic movement as a process facilitated by a dance-movement therapist, to further the emotional, cognitive, or physical health of an older individual.

"(24) The term 'elder abuse' means abuse of an older individual.

"(25) The term 'elder abuse, neglect, and exploitation' means abuse, neglect, and exploitation, of an older individual.

"(26) The term 'exploitation' means the illegal or improper act or process of an individual, including a caregiver, using the resources of an older individual for monetary or personal benefit, profit, or gain.

"(27) The term 'focal point' means a facility established to encourage the maximum collocation and coordination of services for older individuals.

"(28) The term 'frail' means, with respect to an older individual in a State, that the older individual is determined to be functionally impaired because the individual—

"(A)(i) is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or

"(ii) at the option of the State, is unable to perform at least three such activities without such assistance; or

"(B) due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

"(29) The term 'greatest economic need' means the need resulting from an income level at or below the poverty line.

"(30) The term 'greatest social need' means the need caused by noneconomic factors, which include—

"(A) physical and mental disabilities;

"(B) language barriers; and

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

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

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

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

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

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

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

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

"(E) serves the entire community of older individuals, particularly—

"(i) older individuals with greatest social need; and

"(ii) older individuals with greatest economic need.

"(32) The term 'institution of higher education' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(33) The term 'legal assistance'—

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

"(B) includes—

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

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

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

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

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

"(C) for purposes of sections 307(a)(12) and 712, a board and care facility; and

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

"(35) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services, which shall include provision of health (including mental health), social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.

"(36) The term 'music therapy' means the use of musical or rhythmic interventions specifically selected by a music therapist to accomplish the restoration, maintenance, or improvement of social or emotional functioning, mental processing, or physical health of an older individual.

"(37) The term 'neglect' means—

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

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

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

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

"(40) The term 'planning and service area' means an area designated by a State agency under section 305(a)(1)(E), including a single planning and service area described in section 305(b)(5)(A).

"(41) The term 'poverty line' means the official poverty line (as defined by the Office of Management and Budget, and adjusted by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

"(42) The term 'representative payee' means a person who is appointed by a governmental entity to receive, on behalf of an older individual who is unable to manage funds by reason of a physical or mental incapacity, any funds owed to such individual by such entity.

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

"(44) The term 'supportive service' means a service described in section 321(a).".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1)(A) Sections 102(2), 201(c)(1), 211, 301(b)(1), 402(a), and 411(b) of the Older Americans Act of 1965 (42 U.S.C. 3002(2), 3011(c)(1), 3020b, 3021(b)(1), 3030bb(a), and 3031(b)) are amended by striking "Administration on Aging" and inserting "Administration".

(B) Section 503(a) of the Older American Community Service Employment Act (42 U.S.C. 3056a(a)) is amended by striking "of the Administration on Aging".

(2) Section 201(a) of the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended in the first sentence by striking—

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

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

(3) Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended—

(A) by striking paragraphs (2) through (6), (9), (11), and (14) through (21); and

(B) by redesignating paragraphs (7) and (8) as paragraphs (2) and (3).

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

(5) Section 307(a)(10) of the Older Americans Act of 1965 (42 U.S.C. 3027) is amended by striking "section 342(1)" and inserting "section 342".

(6) Section 341(b) of the Older Americans Act of 1965 (42 U.S.C. 3030h) is amended by striking "caregivers" and inserting "caretakers".

(7) Section 342 of the Older Americans Act of 1965 (42 U.S.C. 3030i) is amended—

(A) by amending the heading to read as follows:

"DEFINITION OF IN-HOME SERVICES";

(B) by striking paragraph (2);

(C) in paragraph (1)—

(i) in subparagraph (E) by striking "; and" and inserting a period; and

(ii) by indenting 2 ems the left margin of subparagraphs (A) through (E) and redesignating such subparagraphs as paragraphs (1) through (5), respectively; and

(D) by striking "part—" and all that follows through "includes—", and inserting "part, the term 'in-home services' includes—".

(8) Section 507(1) of the Older American Community Service Employment Act (42 U.S.C. 3056e(1)) is amended by striking "poverty guidelines established by the Office of Management and Budget" and inserting "poverty line".

(9)(A) Section 211 of the Older Americans Act of 1965 (42 U.S.C. 3020b) is amended by striking "designated under section 305(a)(1)".

(B) Section 305(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)) is amended by striking "designated under clause (1)".

(C) Section 308(b)(3)(B)(iii) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)(3)(B)(iii)) is amended by striking "designated under section 305".

(D) Section 426 of the Older Americans Act of 1965 (42 U.S.C. 3035e) is amended by striking "designated under section 305(a)(1)".

(E) Section 503(a) of the Older Americans Community Service Employment Act (42 U.S.C. 3056a(a)) is amended by striking "on aging designated under section 305(a)(1)".

(10)(A) Sections 202(a)(18), 307(a)(14), 308(b)(3)(B)(iii), 310(a)(1), 311(d)(1), and 411(a)(2) (42 U.S.C. 3012(a)(18), 3027(a)(14), 3028(b)(3)(B)(iii), 3030(a)(1), 3030a(d)(1), and 3031(a)(2)) are amended by striking "area agencies" and inserting "area agencies on aging".

(B) Section 305(b)(5)(A) (42 U.S.C. 3025(b)(5)(A)) is amended in the second sentence by striking "area agency" each place the term appears and inserting "area agency on aging".

(C) Sections 305(c)(2), 306(a)(5)(A)(ii), 306(a)(6)(F), 306(b)(2)(C), 307(a)(13)(B), 307(a)(13)(I), 307(a)(15)(B), and 341(b) (42 U.S.C. 3025(c)(2), 3026(a)(5)(A)(ii), 3026(a)(6)(F), 3026(b)(2)(C), 3027(a)(13)(B), 3027(a)(13)(I), 3027(a)(15)(B), and 3030h(b)) are amended by striking "area agency" and inserting "area agency on aging".

(D) Section 305(c) (42 U.S.C. 3025(c)) is amended in the first sentence, in the matter following paragraph (5), by striking "area agency" and inserting "area agency on aging".

(E) Sections 306(a)(6)(N), 307(a)(13)(H), and 307(a)(22) (42 U.S.C. 3026(a)(6)(N), 3027(a)(13)(H), and 3027(a)(22)) are amended by striking "area agency" each place the term appears and inserting "area agency on aging".

(F) Section 307(a)(1) (42 U.S.C. 3027(a)(1)) is amended by striking "agencies in" and inserting "agencies on aging in".

(G) Section 362 (42 U.S.C. 3030n) is amended in the section heading by striking "AREA AGENCIES" and inserting "AREA AGENCIES ON AGING".

(H) Section 411(b)(2) (42 U.S.C. 3031(b)(2)) is amended by striking "State and area agency" and inserting "State agency and area agency on aging".

(I) Section 412(a)(6) (42 U.S.C. 3032(a)(6)) is amended by striking "State and area agencies" and inserting "State agencies and area agencies on aging".

TITLE II—ADMINISTRATION

SEC. 201. ADMINISTRATION ON AGING.

(a) LIMITATION ON DELEGATION OF FUNCTIONS.—The last sentence of section 201(a) of the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended by inserting "(including the functions of the Commissioner carried out through regional offices)" after "Commissioner" the first place it appears.

(b) COORDINATION.—Section 201(c)(3) of the Older Americans Act of 1965 (42 U.S.C. 3011(c)(3)) is amended—

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

(2) in subparagraph (F) by inserting ", including information (compiled with assistance from public or nonprofit private entities, including institutions of higher education, with experience in assessing the characteristics and health status of older individuals who are Native Americans) on elder abuse, in-home care, health problems, and other problems unique to Native Americans" after "Native Americans";

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

(4) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

"(I) promote coordination—

"(i) between the administration of title III and the administration of title VI; and

"(ii) between programs established under title III by the Commissioner and programs established under title VI by the Commissioner;

including sharing among grantees information on programs funded, and on training and technical assistance provided, under such titles; and

"(J) serve as the effective and visible advocate on behalf of older individuals who are Indians, Alaskan Natives, and Native Hawaiians, in the States to promote the enhanced delivery of services and implementation of programs, under this Act and other Federal Acts, for the benefit of such individuals.".

(c) OFFICE OF LONG-TERM CARE OMBUDSMAN PROGRAMS.—Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by adding at the end the following:

"(d)(1) There is established in the Administration the Office of Long-Term Care Ombudsman Programs (in this subsection referred to as the 'Office').

"(2)(A) The Office shall be headed by an Associate Commissioner for Ombudsman Programs (in this subsection referred to as the 'Associate Commissioner') who shall be appointed by the Commissioner from among individuals who have expertise and background in the fields of long-term care advocacy and management. The Associate Commissioner shall report directly to the Commissioner.

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

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

"(I) a long-term care facility;

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

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

"(ii) the individual—

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

"(II) receives, or has the right to receive, directly or indirectly remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility; or

"(iii) the individual, or any member of the immediate family of the individual, is subject to a conflict of interest.

"(3) The Associate Commissioner shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(I) advocate, monitor, and coordinate Federal and State activities of Long-Term Care Ombudsmen under this Act;

"(J) submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the

effectiveness of services provided under section 307(a)(12) and section 712;

"(K) have authority to investigate the operation or violation of any Federal law administered by the Department of Health and Human Services that may adversely affect the health, safety, welfare, or rights of older individuals; and

"(L) not later than 180 days after the date of the enactment of the Older Americans Act Amendments of 1992, establish standards applicable to the training required by section 712(h)(4).".

SEC. 202. FUNCTIONS OF COMMISSIONER.

(a) TECHNICAL AMENDMENTS.—Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)) is amended—

(1) in paragraph (3) by inserting "directly" after "(3)";

(2) in paragraph (11) by striking "provide for the coordination of" and insert "coordinate";

(3) in paragraph (18)—

(A) by inserting ", and service providers," after "agencies"; and

(B) by striking "the greatest economic or social needs" and inserting "greatest economic need or individuals with greatest social need, with particular attention to and specific objectives for providing services to low-income minority individuals"; and

(4) in paragraph (19)—

(A) in subparagraph (A) by inserting "or activity" after "service" each place it appears; and

(B) in subparagraph (C) by striking "and" at the end.

(b) FUNCTIONS.—Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)) is amended—

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

(2) by adding at the end the following:

"(21)(A) establish and operate the National Ombudsman Resource Center (in this paragraph referred to as the 'Center'), under the administration of the Associate Commissioner for Ombudsman Programs, that will—

"(i) by grant or contract—

"(I) conduct research;

"(II) provide training, technical assistance, and information to State Long-Term Care Ombudsmen;

"(III) analyze laws, regulations, programs, and practices; and

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

relating to Federal, State, and local long-term care ombudsman policies; and

"(ii) assist State Long-Term Care Ombudsmen in the implementation of State Long-Term Care Ombudsman programs; and

"(B) make available to the Center not less than the amount of resources made available to the Long-Term Care Ombudsman National Resource Center for fiscal year 1990;

"(22) issue regulations, and conduct strict monitoring of State compliance with the requirements in effect, under this Act to prohibit conflicts of interest and to maintain the integrity and public purpose of services provided and service providers, under this Act in all contractual and commercial relationships, and include in such regulations a requirement that as a condition of being designated as an area agency on aging such agency shall—

"(A) disclose to the Commissioner and the State agency involved—

"(i) the identity of each nongovernmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

"(ii) the nature of such contract or such relationship;

"(B) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this Act by such agency has not resulted and will not result from such contract or such relationship;

"(C) demonstrate that the quantity or quality of the services to be provided under this Act by such agency will be enhanced as a result of such contract or such relationship; and

"(D) on the request of the Commissioner or the State, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds received or expended to provide services to older individuals;

"(23) encourage, and provide technical assistance to, States and area agencies on aging to carry out outreach to inform older individuals with greatest economic need who may be eligible to receive, but are not receiving, supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (or assistance under a State plan program under such title), medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.), and benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), of the requirements for eligibility to receive such benefits and such assistance;

"(24) establish information and assistance services as priority services for older individuals;

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

"(26) develop guidelines and a model job description for choosing and evaluating legal assistance developers referred to in sections 307(a)(18) and 731(b)(2);

"(27)(A) conduct a study to determine ways in which Federal funds might be more effectively targeted to low-income minority older individuals, and older individuals residing in rural areas, to better meet the needs of States with a disproportionate number of older individuals with greatest economic need and older individuals with greatest social need;

"(B) conduct a study to determine ways in which Federal funds might be more effectively targeted to better meet the needs of States with disproportionate numbers of older individuals, including methods of allotting funds under title III, using the most recent estimates of the population of older individuals; and

"(C) not later than January 1, 1994, submit a report containing the findings resulting from the studies described in subparagraphs (A) and (B) to the Speaker of the House of Representatives and the President pro tempore of the Senate;

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

"(29) design and implement, for purposes of compliance with paragraph (19), uniform data collection procedures for use by State agencies, including—

"(A) uniform definitions and nomenclature;

"(B) standardized data collection procedures;

"(C) a participant identification and description system;

"(D) procedures for collecting information on gaps in services needed by older individuals, as identified by service providers in assisting clients through the provision of the supportive services; and

"(E) procedures for the assessment of unmet needs for services under this Act; and

"(30) require that all Federal grants and contracts made under this title and title IV be made in accordance with a competitive bidding process established by the Commissioner by regulation.".

(c) COMMUNITY-BASED LONG-TERM CARE PROGRAM.—Section 202(b) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)) is amended—

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

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

(3) by adding at the end the following:

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

(d) VOLUNTEER SERVICE COORDINATORS.—Section 202(c) of the Older Americans Act of 1965 (42 U.S.C. 3012(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

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

"(i) area volunteer service coordinators, as described in section 306(a)(12), by area agencies on aging; and

"(ii) State volunteer service coordinators, as described in section 307(a)(31), by State agencies.

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

(e) NATIONAL CENTER ON ELDER ABUSE.—Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended by adding at the end the following:

"(d)(1) The Commissioner shall establish and operate the National Center on Elder Abuse (in this subsection referred to as the 'Center').

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

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

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

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

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

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

"(3)(A) The Commissioner shall carry out paragraph (2) through grants or contracts.

"(B) The Commissioner shall issue criteria applicable to the recipients of funds under this subsection. To be eligible to receive a grant or enter into a contract under subparagraph (A), an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(C) The Commissioner shall—

"(i) establish research priorities for making grants or contracts to carry out paragraph (2)(E); and

"(ii) not later than 60 days before the date on which the Commissioner establishes such priorities, publish in the Federal Register for public comment a statement of such proposed priorities.

"(4) The Commissioner shall make available to the Center such resources as are necessary for the Center to carry out effectively the functions of the Center under this Act and not less than the amount of resources made available to the Resource Center on Elder Abuse for fiscal year 1990.".

(f) NATIONAL AGING INFORMATION CENTER.—Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012), as amended by subsection (e) of this section, is amended by adding at the end the following:

"(e)(1)(A) The Commissioner shall make grants or enter into contracts with eligible entities to establish the National Aging Information Center (in this subsection referred to as the 'Center') to—

"(i) provide information about education and training projects established under part A, and research and demonstration projects, and other activities, established under part B, of title IV to persons requesting such information;

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

"(I) statistical data collected under subsection (a)(19);

"(II) census data on aging demographics; and

"(III) data from other Federal agencies on the health, social, and economic status of older individuals and on the services provided to older individuals;

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

"(iv) analyze the information collected under section 201(c)(3)(F) by the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging, and the information provided by the Resource Centers on Native American Elders under section 429E;

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

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

"(B) To be eligible to receive a grant or enter into a contract under subparagraph (A), an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(C) Entities eligible to receive a grant or enter into a contract under subparagraph (A) shall be organizations with a demonstrated record of experience in education and information dissemination.

"(2)(A) The Commissioner shall establish procedures specifying the length of time that the Center shall provide the information described in paragraph (1) with respect to a particular project or activity. The procedures shall require the Center to maintain the information beyond the term of the grant awarded, or contract entered into, to carry out the project or activity.

"(B) The Commissioner shall establish the procedures described in subparagraph (A) after consultation with—

"(i) practitioners in the field of aging;

"(ii) older individuals;

"(iii) representatives of institutions of higher education;

"(iv) national aging organizations;

"(v) State agencies;

"(vi) area agencies on aging;

"(vii) legal assistance providers;

"(viii) service providers; and

"(ix) other persons with an interest in the field of aging.".

(g) OBLIGATION OF FUNDS.—Not later than March 1, 1993, the Commissioner shall obligate, from the funds appropriated under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) for fiscal year 1993—

(1) to carry out section 202(a)(21) of such Act (as added by subsection (b)(2) of this section), not less than the amount made available from appropriations for fiscal year 1990 under such Act for making grants and entering into contracts to establish and operate the National Long-Term Care Ombudsman Resource Center; and

(2) to carry out section 202(d)(4) of such Act (as added by subsection (e) of this section), not less than the amount made available from appropriations for fiscal year 1990 under such Act for making grants and entering into contracts to establish and operate the National Aging Resource Center on Elder Abuse.

(h) DEADLINE FOR DEVELOPMENT OF PROCEDURES.—Not later than 1 year after the date of the enactment of this Act, the data collection procedures required by section 202(a)(29) of the Older Americans Act of 1965 shall be developed by the Commissioner on Aging, jointly with the Assistant Secretary of Planning and Evaluation of the Department of Health and Human Services, after—

(1) requesting advisory information under such Act from State agencies, local governments, area agencies on aging, recipients of grants under title VI of such Act, and local providers of services under such Act; and

(2) considering the data collection systems carried out by State agencies in the States then identified as exemplary by the General Accounting Office.

Not later than 1 year after developing such data collection procedures, the Commissioner on Aging shall test such procedures, submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing the results of such test, and implement such procedures (as modified, if appropriate, to reflect such results).

SEC. 203. FEDERAL AGENCY CONSULTATION.

(a) IN GENERAL.—Section 203(a) of the Older Americans Act of 1965 (42 U.S.C. 3013(a)) is amended to read as follows:

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

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

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

"(A) older individuals (with particular attention to low-income minority older individuals) and eligible individuals (as defined in section 507); and

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

(b) RELATED PROGRAMS.—Section 203(b) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)) is amended—

(1) in paragraph (16) by striking "and" at the end;

(2) in paragraph (17) by striking the period at the end and inserting ", and"; and

(3) by adding at the end the following:

"(18) the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, established under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750–3766b)).".

SEC. 204. CONSULTATION WITH STATE AGENCIES, AREA AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after section 203 the following:

"SEC. 203A. CONSULTATION WITH STATE AGENCIES, AREA AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS.

"The Commissioner shall consult and coordinate with State agencies, area agencies on aging, and recipients of grants under title VI in the development of Federal goals, regulations, program instructions, and policies under this Act.".

SEC. 205. FEDERAL COUNCIL ON THE AGING.

(a) ESTABLISHMENT.—Section 204(a) of the Older Americans Act of 1965 (42 U.S.C. 3015(a)) is amended—

(1) in paragraph (1)—

(A) in the second sentence by striking "Members shall serve for terms of three years" and inserting "Except as provided in subsection (b)(1)(A), members shall serve for terms of 3 years, ending on March 31 regardless of the actual date of appointment,"; and

(B) in the third sentence by inserting "from among individuals who have expertise and experience in the field of aging" after "appointed"; and

(2) in paragraph (2) by striking "1984" and inserting "1992".

(b) TERMS OF APPOINTMENT.—Section 204(b)(1)(A) of the Older Americans Act of 1965 (42 U.S.C. 3015(b)(1)(A)) is amended to read as follows:

"(A)(i) The initial members of the Federal Council on the Aging shall be appointed on April 1, 1993, as follows:

"(I) 5 members, who shall be referred to as class 1 members, shall be appointed for a term of 1 year;

"(II) 5 members, who shall be referred to as class 2 members, shall be appointed for a term of 2 years; and

"(III) 5 members, who shall be referred to as class 3 members, shall be appointed for a term of 3 years.

"(ii) Members appointed in 1994 and each third year thereafter shall be referred to as class 1 members. Members appointed in 1995 and each third year thereafter shall be referred to as class 2 members. Members appointed in 1996 and each third year thereafter shall be referred to as class 3 members.".

(c) DUTIES OF COUNCIL.—Section 204(d) of the Older Americans Act of 1965 (42 U.S.C. 3015(d)) is amended—

(1) in paragraph (2) by inserting before the semicolon at the end the following: "and of identifying duplication and gaps among the types of services provided under such programs and activities";

(2) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(3) by inserting after paragraph (1) the following:

"(2) directly advise the Commissioner on matters affecting the special needs of older individuals for services and assistance under this Act;".

(d) REPORTS.—Section 204(f) of the Older Americans Act of 1965 (42 U.S.C. 3015(f)) is amended by striking "such interim reports as it deems advisable" and inserting "interim reports".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 204(g) of the Older Americans Act of 1965 (42 U.S.C. 3015(g)) is amended to read as follows:

"(g) There are authorized to be appropriated to carry out this section $300,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.".

SEC. 206. NUTRITION OFFICER.

Section 205(a) of the Older Americans Act of 1965 (42 U.S.C. 3016(a)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) by inserting "(1)" after "(a)"; and

(3) by adding at the end the following:

"(2)(A) The Commissioner shall designate an officer or employee who shall serve on a full-time basis and who shall be responsible for the administration of the nutrition services described in subparts 1, 2, and 3 of part C of title III and shall have duties that include—

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

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

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

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

"(v) developing guidelines on cost containment;

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

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

"(viii) providing technical assistance to the regional offices of the Administration with respect to each duty described in clauses (i) through (vii).

"(B) The regional offices of the Administration shall be responsible for disseminating, and providing technical assistance regarding, the guidelines and information described in clauses (ii), (iii), and (v) of subparagraph (A) to State agencies, area agencies on aging, and persons that provide nutrition services under part C of title III.

"(C) The officer or employee designated under subparagraph (A) shall—

"(i) have expertise in nutrition and dietary services and planning; and

"(ii)(I) be a registered dietitian;

"(II) be a credentialed nutrition professional; or

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

SEC. 207. EVALUATION.

Section 206 of the Older Americans Act of 1965 (42 U.S.C. 3017) is amended—

(1) in the first sentence of subsection (a) by inserting after "related programs," the following:

"their effectiveness in targeting for services under this Act unserved older individuals with greatest economic need (including low-income minority individuals) and unserved older individuals with greatest social need (including low-income minority individuals),"; and

(2) by striking subsection (g) and inserting the following:

"(g)(1) Not later than June 30, 1994, the Commissioner, in consultation with the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, shall complete an evaluation of nutrition services provided under this Act, to evaluate for fiscal years 1992 and 1993—

"(A) their effectiveness in serving special populations of older individuals;

"(B) the quality of nutrition provided by such services;

"(C) average meal costs (including the cost of food, related administrative costs, and the cost of supportive services relating to nutrition services), taking into account regional differences and size of projects;

"(D) the characteristics of participants;

"(E) the applicability of health, safety, and dietary standards;

"(F) the appraisal of such services by recipients;

"(G) the efficiency of delivery and administration of such services;

"(H) the amount, sources, and ultimate uses of funds transferred under section 308(b)(5) to provide such services;

"(I) the amount, sources, and uses of other funds expended to provide such services, including the extent to which funds received under this Act are used to generate additional funds to provide such services;

"(J) the degree of nutritional expertise used to plan and manage coordination with other State and local services;

"(K) nonfood cost factors incidental to providing nutrition services under this Act;

"(L) the extent to which commodities provided by the Secretary of Agriculture under section 311(a) are used to provide such services;

"(M) and for the 8-year period ending September 30, 1992, the characteristics, and changes in the characteristics, of such nutrition services;

"(N) differences between older individuals who receive nutrition services under section 331 and older individuals who receive nutrition services under section 336, with specific reference to age, income, health status, receipt of food stamp benefits, and limitations on activities of daily living;

"(O) the impact of the increase in nutrition services provided under section 336, the factors that caused such increase, and the effect of such increase on nutrition services authorized under section 336;

"(P) how, and the extent to which, nutrition services provided under this Act generally, and under section 331 specifically, are integrated with long-term care programs;

"(Q) the impact of nutrition services provided under this Act on older individuals, including the impact on their dietary intake and opportunities for socialization;

"(R) the adequacy of the daily recommended dietary allowances described in section 339; and

"(S) the impact of transferring funds under section 308(b)(5) and how funds transferred under such section are expended to provide nutrition services.

"(2)(A)(i) The Commissioner shall establish an advisory council to develop recommendations for guidelines on efficiency and quality in furnishing nutrition services described in subparts 1, 2, and 3 of part C of title III.

"(ii) The council shall be composed of members appointed by the Commissioner from among individuals nominated by the Secretary of Agriculture, the American Dietetic Association, the Dietary Managers Association, the National Association of Nutrition and Aging Service Programs, the National Association of Meal Programs, the National Association of State Units on Aging, the National Association of Area Agencies on Aging, and other appropriate organizations.

"(B) Not later than June 30, 1993, the Commissioner, in consultation with the Secretary of Agriculture and taking into consideration the recommendations of the council, shall publish interim guidelines of the kind described in subparagraph (A)(i).

"(3) Not later than September 30, 1994, the Secretary shall—

"(A) submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate recommendations and final guidelines to improve nutrition services provided under this Act; and

"(B) require the Commissioner to implement such recommendations administratively, to the extent feasible.

"(h) The Secretary may use such sums as may be necessary, but not to exceed $3,000,000 (of which not to exceed $1,500,000 shall be available from funds appropriated to carry out title III and not to exceed $1,500,000 shall be available from funds appropriated to carry out title IV), to conduct directly evaluations under this section. No part of such sums may be reprogrammed, transferred, or used for any other purpose. Funds expended under this subsection shall be justified and accounted for by the Secretary.".

SEC. 208. REPORTS.

(a) ANNUAL REPORT.—Section 207(a) of the Older Americans Act of 1965 (42 U.S.C. 3018(a)) is amended—

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

(2) in paragraph (4) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) a description of the implementation of the plan required by section 202(a)(17).".

(b) DEADLINE.—Section 207(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)(1)) is amended by striking "January 15" and inserting "March 1".

(c) REPORT ON EVALUATIONS.—Section 207(c) of the Older Americans Act of 1965 (42 U.S.C. 3018(c)) is amended—

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

(2) in paragraph (4) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) the effectiveness of State and local efforts to target older individuals with greatest economic need (including low-income minority individuals) and older individuals with greatest social need (including low-income minority individuals) to receive services under this Act.".

SEC. 209. NUTRITION EDUCATION.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011–3020d) is amended by adding at the end the following:

"SEC. 214. NUTRITION EDUCATION.

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

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011–3020d), as amended by section 209, is amended by adding at the end the following:

"SEC. 215. AUTHORIZATION OF APPROPRIATIONS.

(a) ADMINISTRATION.—For purposes of carrying out this Act, there are authorized to be appropriated for the Administration such sums as may be necessary for fiscal years 1992, 1993, 1994, and 1995.

"(b) SALARIES AND EXPENSES.—There are authorized to be appropriated for salaries and expenses of the Administration on Aging—

"(1) $17,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, $24,000,000 for fiscal year 1994, and $29,000,000 for fiscal year 1995; and

"(2) such additional sums as may be necessary for each such fiscal year to enable the Commissioner to provide for not fewer than 300 full-time employees (or the equivalent thereof) in the Administration on Aging.".

SEC. 211. STUDY OF EFFECTIVENESS OF STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.

Not later than January 1, 1994, the Commissioner on Aging shall, in consultation with State agencies, State Long-Term Care Ombudsmen, the National Ombudsman Resource Center established under section 202(a)(21) of the Older Americans Act of 1965 (as added by section 202(b)(2) of this Act), and professional ombudsmen associations, directly, or by grant or contract, conduct a study, and submit a report to the committees specified in section 207(b)(2) of such Act, analyzing separately with respect to each State—

(1) the availability of services, and the unmet need for services, under the State Long-Term Care Ombudsman programs in effect under sections 307(a)(12) and 712 of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) to residents of long-term care facilities (as defined in section 102 of such Act);

(2) the effectiveness of the programs in providing the services to the residents, including residents of board and care facilities (as defined in section 102 of such Act) and of similar adult care facilities;

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

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

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

(6) the need for and feasibility of providing ombudsman services to older individuals (as defined in section 102 of such Act) who are not in long-term care facilities and who use long-term care services and other health care services, by analyzing and assessing current State agency practices in programs in which the State Long-Term Care Ombudsmen provide services to older individuals in settings in addition to long-term care facilities, taking into account variations in—

(A) settings where services are provided;

(B) the types of clients served;

(C) the types of complaints and problems handled;

(D) State regulation of long-term care provided in settings other than long-term care facilities; and

(E) possible conflicts of interest between the State Long-Term Care Ombudsman programs under such Act and area agencies on aging (as defined in section 102 of such Act) who provide to older individuals long-term care services both in such settings and in long-term care facilities.

SEC. 212. STUDY ON BOARD AND CARE FACILITY QUALITY.

(a) ARRANGEMENT FOR STUDY COMMITTEE.—The Secretary of Health and Human Services shall enter into an arrangement, in accordance with subsection (d), to establish a study committee described in subsection (c) to conduct a study through the Institute of Medicine of the National Academy of Sciences on the quality of board and care facilities for older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.)) and the disabled.

(b) SCOPE OF STUDY.—The study shall include—

(1) an examination of existing quality, health, and safety requirements for board and care facilities and the enforcement of such requirements for their adequacy and effectiveness, with special attention to their effectiveness in promoting good personal care;

(2) an examination of, and recommendations with respect to, the appropriate role of Federal, State, and local governments in assuring the health and safety of residents of board and care facilities; and

(3) specific recommendations to the Congress and the Secretary, by not later than 20 months after the date of the enactment of this Act, concerning the establishment of minimum national standards for the quality, health, and safety of residents of such facilities and the enforcement of such standards.

(c) COMPOSITION OF STUDY COMMITTEE.—The study committee shall be composed of members as appointed from among the following:

(1) NATIONAL ACADEMY OF SCIENCES.—The members of the National Academy of Sciences with experience in long-term care. The members so appointed shall include—

(A) physicians;

(B) experts on the administration of drugs to older individuals, and disabled individuals receiving long-term care services; and

(C) experts on the enforcement of life-safety codes in long-term care facilities.

(2) RESIDENTS.—Residents of board and care facilities (including privately owned board and care facilities), and representatives of such residents or of organizations that advocate on behalf of such residents. Members so appointed shall include—

(A) residents of a nonprofit board and care facility; or

(B) individuals who represent—

(i) residents of nonprofit board and care facilities; or

(ii) organizations that advocate on behalf of residents of nonprofit board and care facilities.

(3) OPERATORS.—Operators of board and care facilities (including privately owned board and care facilities), and individuals who represent such operators or organizations that represent the interests of such operators. Members so appointed shall include—

(A) operators of a nonprofit board and care facility; or

(B) individuals who represent—

(i) operators of nonprofit board and care facilities; or

(ii) organizations that represent the interests of operators of nonprofit board and care facilities.

(4) OFFICERS.—

(A) STATE OFFICERS.—Elected and appointed State officers who have responsibility relating to the health and safety of residents of board and care facilities.

(B) REPRESENTATIVES.—Representatives of such officers or of organizations representing such officers.

(C) OTHER INDIVIDUALS.—Other individuals with relevant expertise.

(d) USE OF INSTITUTE OF MEDICINE.—The Secretary shall request the National Academy of Sciences, through the Institute of Medicine, to establish, appoint, and provide administrative support for the study committee under an arrangement under which the actual expenses incurred by the Academy in carrying out such functions will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such arrangement with the Academy.

(e) INVOLVEMENT OF OTHERS.—

(1) GOVERNMENT OFFICIALS.—The study committee shall conduct its work in a manner that provides for the consultation with Members of Congress or their representatives, officials of the Department of Health and Human Services, and officials of State and local governments who are not members of the study committee.

(2) EXPERTS.—The study committee may consult with any individual or organization with expertise relating to the issues involved in the activities of the study committee.

(f) REPORT.—Not later than 20 months after an arrangement is entered into under subsection (d), the study committee shall submit, to the Secretary, the Speaker of the House of Representatives, and the President pro tempore of the Senate, a report containing the results of the study referred to in subsection (a) and the recommendations made under subsection (b).

(g) BOARD AND CARE FACILITY DEFINED.—In this section, the term "board and care facility" means a facility described in section 1616(e) of the Social Security Act (42 U.S.C. 1372e(e)).

(h) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $1,500,000 for fiscal year 1992 and such sums as may be necessary for subsequent fiscal years.

SEC. 213. STUDY ON HOME CARE QUALITY.

(a) ESTABLISHMENT OF STUDY COMMITTEE.—The Secretary of Health and Human Services shall enter into an arrangement, in accordance with subsection (d), to establish a study committee described in subsection (c) to conduct a study through the Institute of Medicine of the National Academy of Sciences on the quality of home care services for older individuals and disabled individuals.

(b) SCOPE OF STUDY.—The study shall include—

(1) an examination of existing quality, health and safety requirements for home care services and the enforcement of such requirements for their adequacy, effectiveness, and appropriateness;

(2) an examination of, and recommendations with respect to, the appropriate role of Federal, State, and local governments in ensuring the health and safety of patients and clients of home care services; and

(3) specific recommendations to the Congress and the Secretary, not later than 20 months after the date of the enactment of this Act, concerning the establishment of minimum national standards for the quality, health, and safety of patients and clients of such services and the enforcement of such standards.

(c) COMPOSITION OF STUDY COMMITTEE.—The study committee shall be composed of members appointed from among—

(1) individuals with experience in long-term care, including nonmedical home care services;

(2) patients and clients of home care services (including privately provided home care services and services funded under the Older Americans Act of 1965) or individuals who represent such patients and clients or organizations that advocate on behalf of such patients and clients;

(3) providers of home care services (including privately provided home care services and services funded under the Older Americans Act of 1965) or individuals who represent such providers or organizations that advocate on behalf of such providers;

(4) elected and appointed State officers who have responsibility relating to the health and safety of patients and clients of home care services, or representatives of such officers or of organizations representing such officers; and

(5) other individuals with relevant expertise.

(d) USE OF INSTITUTE OF MEDICINE.—The Secretary shall request the National Academy of Sciences, through the Institute of Medicine, to establish, appoint, and provide administrative support for the committee under an arrangement under which the actual expenses incurred by the Academy in carrying out such functions will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such arrangement with the Academy.

(e) INVOLVEMENT OF OTHERS.—

(1) MEMBERS AND OFFICIALS.—The committee shall conduct its work in a manner that provides for consultation with Members of Congress or their representatives, officials of the Department of Health and Human Services, and officials of State and local governments who are not members of the committee.

(2) INDIVIDUAL OR ORGANIZATION WITH EXPERTISE.—The committee may consult with any individual or organization with expertise relating to the issues involved in the activities of the committee.

(f) REPORT.—Not later than 20 months after an arrangement is entered into under subsection (d), the committee shall submit, to the Secretary, the Speaker of the House of Representatives, and the President pro tempore of the Senate, a report containing the results of the study referred to in subsection (a).

(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $1,000,000 for fiscal year 1992 and such sums as may be necessary for subsequent fiscal years.

TITLE III—STATE AND COMMUNITY PROGRAMS ON AGING

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

Section 301(a) of the Older Americans Act of 1965 (42 U.S.C. 3021(a)) is amended to read as follows:

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

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

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

"(C) provide a continuum of care for vulnerable older individuals; and

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

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

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

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

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

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

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

SEC. 302. DEFINITIONS.

Section 302(1) of the Older Americans Act of 1965 (42 U.S.C. 3022(1)) is amended—

(1) in subparagraph (B) by striking "and" at the end;

(2) in subparagraph (C) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) encourage and assist public and private entities that have unrealized potential for meeting the service needs of older individuals to assist the older individuals on a voluntary basis.".

SEC. 303. AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS.

(a) AUTHORIZATION FOR PART B.—

(1) SUPPORTIVE SERVICES AND SENIOR CENTERS.—Section 303(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(1)) is amended by striking "$379,575,000" and all that follows through "1991", and inserting "$461,376,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995".

(2) STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.—Section 303(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(2)) is amended to read as follows:

"(2) Funds appropriated under paragraph (1) shall be available to carry out section 712.".

(3) REPEAL RELATING TO OUTREACH.—Section 303(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(3)) is repealed.

(b) AUTHORIZATION FOR PART C.—

(1) CONGREGATE NUTRITION SERVICES.—Section 303(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(1)) is amended by striking "$414,750,000" and all that follows through "1991", and inserting "$505,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995".

(2) HOME-DELIVERED NUTRITION SERVICES.—Section 303(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(2)) is amended by striking "$79,380,000" and all that follows through "1991", and inserting "$120,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995".

(3) AUTHORIZATION OF APPROPRIATIONS FOR SCHOOL-BASED MEALS FOR OLDER INDIVIDUALS AND MULTIGENERATIONAL PROGRAMS.—Section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended by adding at the end the following:

"(3) There are authorized to be appropriated $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out subpart 3 of part C of this title (relating to school-based meals for volunteer older individuals and multigenerational programs).".

(c) AUTHORIZATION FOR PART D (RELATING TO IN-HOME SERVICES).—Section 303(d) of the Older Americans Act of 1965 (42 U.S.C. 3012(d)) is amended by striking "$25,000,000" and all that follows through "1991", and inserting "$45,388,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995,".

(d) AUTHORIZATION FOR PART E (RELATING TO SPECIAL NEEDS).—Section 303(e) of the Older Americans Act of 1965 (42 U.S.C. 3012(e)) is amended by striking "Subject to" and all that follows through "1991", and inserting "There are authorized to be appropriated such sums as may be necessary for the fiscal years 1992, 1993, 1994, and 1995,".

(e) AUTHORIZATION FOR PART F (RELATING TO DISEASE PREVENTION AND HEALTH PROMOTION).—Section 303(f) of the Older Americans Act of 1965 (42 U.S.C. 3012(f)) is amended—

(1) by striking "Subject to subsection (h), there" and inserting "There"; and

(2) by striking "$5,000,000" and all that follows through "1991", and inserting "$25,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995,".

(f) AUTHORIZATION FOR PART G (RELATING TO SUPPORTIVE ACTIVITIES FOR CARETAKERS).—Section 303(g) of the Older Americans Act of 1965 (42 U.S.C. 3023(g)) is amended to read as follows:

"(g) There are authorized to be appropriated $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out part G (relating to supportive activities for caretakers).".

(g) REPEAL OF LIMITATION.—Section 303(h) of the Older Americans Act of 1965 (42 U.S.C. 3023(h)) is repealed.

SEC. 304. ALLOTMENT; FEDERAL SHARE.

(a) AMOUNT OF ALLOTMENTS.—Section 304(a) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)) is amended—

(1) in paragraph (2) by striking "1984" and inserting "1987";

(2) by amending paragraph (3) to read as follows:

"(3) No State shall be allotted, from the amount appropriated under section 303(g), less than $50,000 for any fiscal year."; and

(3) in paragraph (4) by striking "satisfactory data available" and inserting "data available from the Bureau of the Census, and other reliable demographic data satisfactory".

(b) WITHHOLDING OF ALLOTMENTS.—Section 304(c) of the Older Americans Act of 1965 (42 U.S.C. 3024(c)) is amended by inserting "or the Commissioner does not approve the funding formula required under section 305(a)(2)(C)" after "requirements of section 307".

(c) OUTREACH DEMONSTRATION PROJECTS.—Section 304(d)(1)(C) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)(C)) is amended to read as follows:

"(C) not less than $150,000 and not more than 4 percent of the amount allotted to the State for carrying out part B, shall be available for conducting outreach demonstration projects under section 706; and".

(d) VOLUNTEER SERVICES COORDINATORS.—Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended by adding at the end the following:

"(e) Grants made from allotments received under this title may be used for paying for the costs of providing for an area volunteer services coordinator (as described in section 306(a)(12)) or a State volunteer services coordinator (as described in section 307(a)(31)).".

SEC. 305. ORGANIZATION.

(a) PLANNING; CONSULTATION; LOW-INCOME MINORITY OBJECTIVES AND FOCUS.—Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended—

(1) by amending paragraph (1)(C) to read as follows:

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

(2) in paragraph (2)—

(A) by amending subparagraph (C) to read as follows:

"(C) in consultation with area agencies, in accordance with guidelines issued by the Commissioner, and using the best available data, develop and publish for review and comment a formula for distribution within the State of funds received under this title that takes into account—

"(i) the geographical distribution of older individuals in the State; and

"(ii) the distribution among planning and service areas of older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority older individuals;";

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

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

(D) by amending subparagraph (F) to read as follows:

"(F) provide assurances that the State agency will require use of outreach efforts described in section 307(a)(24); and"; and

(E) by adding at the end the following:

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

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

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

(b) PROCEDURES; REVIEW OF BOUNDARIES.—Section 305(b)(5) of the Older Americans Act of 1965 (42 U.S.C. 3025(b)(5)) is amended by adding at the end the following:

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

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

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

"(III) divide the State into different planning and services areas; or

"(IV) otherwise affect the boundaries of the planning and service areas in the State.

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

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

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

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

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

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

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

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

"(II) procedural grounds.

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

SEC. 306. AREA PLANS.

(a) CASE MANAGEMENT SERVICES.—Section 306(a)(2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(2)(A)), as amended by section 102(b)(4) of this Act, is amended by striking ", and information and assistance" and inserting ", information and assistance, and case management services".

(b) IDENTITY OF FOCAL POINT.—Section 306(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(3)) is amended—

(1) by inserting "(A)" after "(3)";

(2) by inserting "(including multipurpose senior centers operated by organizations referred to in paragraph (6)(E)(ii))" after "centers";

(3) by inserting "and" after the semicolon at the end; and

(4) by adding at the end the following:

"(B) specify, in grants, contracts, and agreements implementing the plan, the identity of each focal point so designated;".

(c) OBJECTIVES FOR LOW-INCOME MINORITY INDIVIDUALS.—

(1) INFORMATION AND ASSISTANCE SERVICES.—Section 306(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(4)) is amended by inserting before the semicolon at the end the following: ", with particular emphasis on linking services available to isolated older individuals and older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of individuals with such disease or disorders)".

(2) OUTREACH AND INFORMATION.—Section 306(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(5)) is amended—

(A) in subparagraph (A)—

(i) in clause (i)—

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

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

(ii) in clause (ii)—

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

(II) by amending subclause (II) to read as follows:

"(II) to the maximum extent feasible, provide services to low-income minority individuals in accordance with their need for such services; and"; and

(III) by adding at the end the following:

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

(iii) in clause (iii)—

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

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

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

(B) by amending subparagraph (B) to read as follows:

"(B) provide assurances that the area agency on aging will use outreach efforts that will—

"(i) identify individuals eligible for assistance under this Act, with special emphasis on—

"(I) older individuals residing in rural areas;

"(II) older individuals with greatest economic need (with particular attention to low-income minority individuals);

"(III) older individuals with greatest social need (with particular attention to low-income minority individuals);

"(IV) older individuals with severe disabilities;

"(V) older individuals with limited English-speaking ability; and

"(VI) older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

"(ii) inform the older individuals referred to in subclauses (I) through (VI) of clause (i), and the caretakers of such individuals, of the availability of such assistance; and"; and

(C) by adding at the end the following:

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

(d) COORDINATION; HOUSING ARRANGEMENTS; TELEPHONE LISTING.—Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)) is amended—

(1) in subparagraph (B) by inserting ", and timely information in a timely manner," after "assistance";

(2) in subparagraph (D) by inserting "(in cooperation with agencies, organizations, and individuals participating in activities under the plan)" after "community by";

(3) in subparagraph (E)—

(A) by inserting "(i)" after "(E)";

(B) by inserting "and" after the semicolon at the end; and

(C) by adding at the end the following:

"(ii) if possible regarding the provision of services under this title, enter into arrangements and coordinate with organizations that have a proven record of providing services to older individuals, that—

"(I) were officially designated as community action agencies or community action programs under section 210 of the Economic Opportunity Act of 1964 (42 U.S.C. 2790) for fiscal year 1981, and did not lose the designation as a result of failure to comply with such Act; or

"(II) came into existence during fiscal year 1982 as direct successors in interest to such community action agencies or community action programs;

and that meet the requirements under section 675(c)(3) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(3));";

(4) by amending subparagraph (H) to read as follows:

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

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

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

(5) in subparagraph (I) by striking "emphasize the development" and all that follows through the semicolon at the end, and inserting "include the development of case management services as a component of the long-term care services;";

(6) in subparagraph (O) by striking "and" at the end;

(7) by striking subparagraph (P); and

(8) by adding at the end the following:

"(P) establish a grievance procedure for older individuals who are dissatisfied with or denied services under this title;

"(Q) enter into voluntary arrangements with nonprofit entities (including public and private housing authorities and organizations) that provide housing (such as housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701Q) to older individuals, to provide—

"(i) leadership and coordination in the development, provision, and expansion of adequate housing, supportive services, referrals, and living arrangements for older individuals; and

"(ii) advance notification and nonfinancial assistance to older individuals who are subject to eviction from such housing;

"(R) list the telephone number of the agency in each telephone directory that is published, by the provider of local telephone service, for residents in any geographical area that lies in whole or in part in the service and planning area served by the agency—

"(i) under the name 'Area Agency on Aging';

"(ii) in the unclassified section of the directory; and

"(iii) to the extent possible, in the classified section of the directory, under a subject heading designated by the Commissioner by regulation; and

"(S) identify the needs of older individuals and describe methods the area agency on aging will use to coordinate planning and delivery of transportation services (including the purchase of vehicles) to assist older individuals, including those with special needs, in the area;".

(e) STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

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

(2) in paragraph (10) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

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

(f) VOLUNTEERS TO ASSIST OLDER INDIVIDUALS; PUBLIC DISCLOSURE; RELATIONSHIP WITH PRIVATE SECTOR; ASSURANCES OF COORDINATION AND ACCESS.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)), as amended by subsection (e) of this section, is amended by adding at the end the following:

"(12) in the discretion of the area agency on aging, provide for an area volunteer services coordinator, who shall—

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

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

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

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

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

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

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

"(14) provide assurances that the area agency on aging will—

"(A) maintain the integrity and public purpose of services provided, and service providers, under this title in all contractual and commercial relationships;

"(B) disclose to the Commissioner and the State agency—

"(i) the identity of each nongovernmental entity with which such agency has a contract or commercial relationship relating to providing any service to older individuals; and

"(ii) the nature of such contract or such relationship;

"(C) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this title by such agency has not resulted and will not result from such contract or such relationship;

"(D) demonstrate that the quantity or quality of the services to be provided under this title by such agency will be enhanced as a result of such contract or such relationship; and

"(E) on the request of the Commissioner or the State, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds such agency receives or expends to provide services to older individuals;

"(15) provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title;

"(16) provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title;

"(17) provide assurances that projects in the planning and service area will reasonably accommodate participants as described in section 307(a)(13)(G);

"(18) provide assurances that the area agency on aging will, to the maximum extent practicable, coordinate the services it provides under this title with services provided under title VI;

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

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

"(20) provide that case management services provided under this title through the area agency on aging will—

"(A) not duplicate case management services provided through other Federal and State programs;

"(B) be coordinated with services described in subparagraph (A); and

"(C) be provided by—

"(i) a public agency; or

"(ii) a nonprofit private agency that—

"(I) does not provide, and does not have a direct or indirect ownership or controlling interest in, or a direct or indirect affiliation or relationship with, an entity that provides, services other than case management services under this title; or

"(II) is located in a rural area and obtains a waiver of the requirement described in subclause (I).".

(g) WITHHOLDING OF AREA FUNDS.—Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended by adding at the end the following:

"(e)(1) If the head of a State agency finds that an area agency on aging has failed to comply with Federal or State laws, including the area plan requirements of this section, regulations, or policies, the State may withhold a portion of the funds to the area agency on aging available under this title.

"(2)(A) The head of a State agency shall not make a final determination withholding funds under paragraph (1) without first affording the area agency on aging due process in accordance with procedures established by the State agency.

"(B) At a minimum, such procedures shall include procedures for—

"(i) providing notice of an action to withhold funds;

"(ii) providing documentation of the need for such action; and

"(iii) at the request of the area agency on aging, conducting a public hearing concerning the action.

"(3)(A) If a State agency withholds the funds, the State agency may use the funds withheld to directly administer programs under this title in the planning and service area served by the area agency on aging for a period not to exceed 180 days, except as provided in subparagraph (B).

"(B) If the State agency determines that the area agency on aging has not taken cor-

rective action, or if the State agency does not approve the corrective action, during the 180-day period described in subparagraph (A), the State agency may extend the period for not more than 90 days.".

SEC. 307. STATE PLANS.

(a) COMPLIANCE WITH TITLE III.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in the first sentence by inserting "the succeeding sentence and" after "provided in";

(2) by inserting after the first sentence the following:

"If the Commissioner determines, in the discretion of the Commissioner, that a State failed in 2 successive years to comply with the requirements under this title, then the State shall submit to the Commissioner a State plan for a 1-year period that meets such criteria, for subsequent years until the Commissioner determines that the State is in compliance with such requirements."; and

(3) in paragraph (3)(A)—

(A) by inserting "and transportation services" after "assistance"; and

(B) by adding at the end the following:

"To conduct the evaluation, the State agency shall use the procedures implemented under section 202(a)(29).".

(b) PROCEDURES.—Section 307(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(5)) is amended by adding at the end the following: "The State agency shall establish and publish procedures for requesting and conducting such hearing.".

(c) FISCAL CONTROL AND FUND ACCOUNTING.—Section 307(a)(7) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(7)) is amended—

(1) by inserting "(A)" after "(7)"; and

(2) by adding at the end the following:

"(B) The plan shall provide assurances that—

"(i) no individual (appointed or otherwise) involved in the designation of the State agency or an area agency on aging, or in the designation of the head of any subdivision of the State agency or of an area agency on aging, is subject to a conflict of interest prohibited under this Act;

"(ii) no officer, employee, or other representative of the State agency or an area agency on aging is subject to a conflict of interest prohibited under this Act; and

"(iii) mechanisms are in place to identify and remove conflicts of interest prohibited under this Act.

"(C) The plan shall provide assurances that the State agency and each area agency on aging will—

"(i) maintain the integrity and public purpose of services provided, and service providers, under the State plan in all contractual and commercial relationships;

"(ii) disclose to the Commissioner—

"(I) the identity of each nongovernmental entity with which the State agency or area agency on aging has a contract or commercial relationship relating to providing any service to older individuals; and

"(II) the nature of such contract or such relationship;

"(iii) demonstrate that a loss or diminution in the quantity or quality of the services provided, or to be provided, under this Act by such agency has not resulted and will not result from such contract or such relationship;

"(iv) demonstrate that the quantity or quality of the services to be provided under the State plan will be enhanced as a result of such contract or such relationship; and

"(v) on the request of the Commissioner, for the purpose of monitoring compliance with this Act (including conducting an audit), disclose all sources and expenditures of funds the State agency and area agency on aging receive or expend to provide services to older individuals.".

(d) EVALUATION.—Section 307(a)(8) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(8)) is amended by adding at the end the following:

"In conducting such evaluations and public hearings, the State agency shall solicit the views and experiences of entities that are knowledgable about the needs and concerns of low-income minority older individuals.".

(e) EMPLOYMENT PREFERENCE.—Section 307(a)(11) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(11)) is amended by striking "governments," and all that follows through "older", and inserting the following:

"governments—

"(A) preference shall be given to older individuals; and

"(B) special consideration shall be given to individuals with formal training in the field of aging (including an educational specialty or emphasis in aging and a training degree or certificate in aging) or equivalent professional experience in the field of aging;".

(f) STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Section 307(a)(12) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(12)) is amended to read as follows:

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

(g) USE OF FUNDS; NUTRITION EDUCATION AND SANITARY HANDLING OF MEALS.—Section 307(a)(13) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(13)) is amended—

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

(2) in subparagraph (F)—

(A) by striking "may" and inserting "will"; and

(B) by inserting "dietitians (or individuals with comparable expertise)," after "advice of";

(3) in subparagraph (H) by striking "and" at the end;

(4) in subparagraph (I) by striking the period at the end and inserting a semicolon;

(5) by adding at the end the following:

"(J) each nutrition project shall provide nutrition education on at least a semiannual basis to participants in programs described in part C;

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

"(L) the State agency will monitor, coordinate, and assist in the planning of nutritional services, with the advice of a dietitian or an individual with comparable expertise; and

"(M) the State agency will—

"(i) develop nonfinancial criteria for eligibility to receive nutrition services under section 336; and

"(ii) periodically evaluate recipients of such services to determine whether they continue to meet such criteria.".

(h) LEGAL PROBLEMS.—Section 307(a)(15) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(15)) is amended—

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

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

(3) by adding at the end the following:

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

(i) PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.—Section 307(a)(16) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(16)) is amended in the matter preceding subparagraph (A)—

(1) by striking "that" the first place it appears and inserting a comma; and

(2) by striking ", if funds are not appropriated under section 303(g) for a fiscal year, provide that for such" and inserting "provide for a".

(j) LEGAL ASSISTANCE DEVELOPER.—Section 307(a)(18) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(18)) is amended by inserting "(one of whom shall be known as a legal assistance developer)" after "personnel".

(k) EXPENDITURES UNDER STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Section 307(a)(21) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(21)) is amended to read as follows:

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

(l) OUTREACH AND INFORMATION.—Section 307(a)(24) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(24)) is amended to read as follows:

"(24) The plan shall provide assurances that the State agency will require outreach efforts that will—

"(A) identify individuals eligible for assistance under this Act, with special emphasis on—

"(i) older individuals residing in rural areas;

"(ii) older individuals with greatest economic need (with particular attention to low-income minority individuals);

"(iii) older individuals with greatest social need (with particular attention to low-income minority individuals);

"(iv) older individuals with severe disabilities;

"(v) older individuals with limited English-speaking ability; and

"(vi) older individuals with Alzheimer's disease or related disorders with neurological and organic brain dysfunction (and the caretakers of such individuals); and

"(B) inform the older individuals referred to in clauses (i) through (vi) of subparagraph (A), and the caretakers of such individuals, of the availability of such assistance;".

(m) ELDER RIGHTS REQUIREMENTS.—Section 307(a)(30) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(30)) is amended to read as follows:

"(30) The plan shall include the assurances and description required by section 705(a).".

(n) REQUIREMENTS.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended by striking paragraph (31) and inserting the following:

"(31)(A) If 50 percent or more of the area plans in the State provide for an area volunteer services coordinator, as described in section 306(a)(12), the State plan shall provide for a State volunteer services coordinator, who shall—

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

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

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

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

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

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

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

"(33) The plan—

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

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

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

"(35) The plan shall—

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

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

"(36) If case management services are offered to provide access to supportive services, the plan shall provide that the State agency shall ensure compliance with the requirements specified in section 306(a)(20).

"(37) The plan shall identify for each fiscal year, the actual and projected additional costs of providing services under this title, including the cost of providing access to such services, to older individuals residing in rural areas in the State (in accordance with a standard definition of rural areas specified by the Commissioner).

"(38) The plan shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title.

"(39) The plan shall provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title.

"(40) The plan shall provide assurances that if the State receives funds appropriated under section 303(g) the State agency and area agencies on aging will expend such funds to carry out part G.

"(41) The plan shall provide assurances that demonstrable efforts will be made—

"(A) to coordinate services provided under this Act with other State services that benefit older individuals; and

"(B) to provide multigenerational activities, such as opportunities for older individuals to serve as mentors or advisers in child care, youth day care, educational assistance, at-risk youth intervention, juvenile delinquency treatment, and family support programs.

"(42) The plan shall provide assurances that the State will coordinate public services within the State to assist older individuals to obtain transportation services associated with access to services provided under this title, to services under title VI, to comprehensive counseling services, and to legal assistance.

"(43) The plan shall provide that the State agency shall issue guidelines applicable to grievance procedures required by section 306(a)(6)(P).

"(44) The plan shall include assurances that the State has in effect a mechanism to provide for quality in the provision of in-home services under this title.".

(o) APPROVAL OF STATE PLAN.—Section 307(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3017(b)(1)) is amended by inserting before the period at the end the following: ", except the Commissioner may not approve such plan unless the Commissioner determines that the formula submitted under section 305(a)(2)(D) complies with the guidelines in effect under section 305(a)(2)(C)".

(p) DETERMINATION OF DISAPPROVAL.—Section 307(c) of the Older Americans Act of 1965 (42 U.S.C. 3027(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2) Not later than 30 days after such final determination, a State dissatisfied with such final determination may appeal such final determination to the Secretary for review. If the State timely appeals such final determination in accordance with subsection (e)(1), the Secretary shall dismiss the appeal filed under this paragraph.

"(3) If the State is dissatisfied with the decision of the Secretary after review under paragraph (2), the State may appeal such decision not later than 30 days after such decision and in the manner described in subsection (e). For purposes of appellate review under the preceding sentence, a reference in subsection (e) to the Commissioner shall be deemed to be a reference to the Secretary.".

(q) REPEAL OF EXPIRED PROVISION.—Section 307(f) of the Older Americans Act of 1965 (42 U.S.C. 3027(f)) is repealed.

(r) PROTECTION OF COMMERCIAL INFORMATION.—Section 307(g) of the Older Americans Act of 1965 (42 U.S.C. 3027(g)) is amended—

(1) by striking "(g)" and inserting "(f)(1)"; and

(2) by adding at the end the following:

"(2) Information disclosed under section 306(a)(14)(B)(i) or subsection (a)(7)(C)(ii)(I) may be disclosed to the public by the State agency or the State only if such information could be disclosed under section 552 of title 5, United States Code, by an agency of the United States.".

SEC. 308. PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS.

Section 308 of the Older Americans Act of 1965 (42 U.S.C. 3028) is amended—

(1) in subsection (a)(3) by inserting "been" after "which has"; and

(2) in subsection (b)—

(A) in paragraph (4)—

(i) by inserting "(A)" after "(4)";

(ii) in the first sentence—

(I) by inserting "and except as provided in subparagraph (B)" after "this title";

(II) by striking "received under section 303(b)(1) and (2), a" and inserting "received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), the"; and

(III) by striking "a portion of the funds appropriated" and inserting "not more than 30 percent of the funds so received"; and

(iii) by adding at the end the following:

"(B) If a State demonstrates, to the satisfaction of the Commissioner, that funds received by the State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), including funds transferred under subparagraph (A) without regard to this subparagraph, for fiscal year 1993, 1994, 1995, or 1996 are insufficient to satisfy the need for services under subpart 1 or subpart 2 of part C, then the Commissioner may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need—

"(i) an additional 18 percent of the funds so received for fiscal year 1993;

"(ii) an additional 15 percent of the funds so received for each of the fiscal years 1994 and 1995; and

"(iii) an additional 10 percent of the funds so received for fiscal year 1996."; and

(B) by striking paragraph (5) and inserting the following:

"(5)(A) Notwithstanding any other provision of this title and except as provided in subparagraph (B), of the funds received by a State attributable to funds appropriated under subsection (a)(1), and paragraphs (1) and (2) of subsection (b), of section 303, the State may elect to transfer not more than 30 percent for fiscal year 1993, not more than 25 percent for fiscal year 1994, not more than 25 percent for fiscal year 1995, and not more than 20 percent for fiscal year 1996, between programs under part B and part C, for use as the State considers appropriate. The State shall notify the Commissioner of any such election.

"(B)(i) If a State demonstrates, to the satisfaction of the Commissioner, that funds received by the State and attributable to funds appropriated under part B or part C (including funds transferred under subparagraph (A) without regard to this subparagraph) for fiscal year 1994 or 1995 are insufficient to satisfy the need for services under such part, then the Commissioner may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need an additional 5 percent of the funds so received for such fiscal year.

"(ii) If a State demonstrates, to the satisfaction of the Commissioner, that funds received by the State and attributable to funds appropriated under part B or part C (including funds transferred under subparagraph (A) without regard to this subparagraph) for fiscal year 1996 are insufficient to satisfy the need for services under such part, then the Commissioner may grant a waiver that permits the State to transfer under subparagraph (A) to satisfy such need an additional 8 percent of the funds so received for such fiscal year.

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

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

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

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

"(B) the rationales for the transfers;

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

"(i) subpart 1 of part C; and

"(ii) subpart 2 of part C; and

"(D) in the case of transfers described in paragraph (5)(A)—

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

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

"(I) part B; and

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

SEC. 309. DISASTER RELIEF REIMBURSEMENTS.

Section 310 of the Older Americans Act of 1965 (42 U.S.C. 3030) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting "(and related supplies)" after "supportive services"; and

(B) by adding at the end the following:

"(3) If the Commissioner decides, in the 5-day period beginning on the date such disaster is declared by the President, to provide an amount of reimbursement under paragraph (1) to a State, then the Commissioner shall provide not less than 75 percent of such amount to such State not later than 5 days after the date of such decision."; and

(2) in subsections (a)(2) and (b)—

(A) by striking "5 percent" each place it appears and inserting "2 percent"; and

(B) by striking "for carrying out the purposes of section 422" each place it appears and inserting "to carry out title IV".

SEC. 310. AVAILABILITY OF SURPLUS COMMODITIES.

Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in subsection (a)(4)—

(A) by designating the first sentence as subparagraph (A);

(B) by designating the second and third sentence as subparagraph (B), and indenting accordingly; and

(C) in subparagraph (A), as designated by subparagraph (A) of this paragraph, by striking "shall maintain" and all that follows, and inserting the following:

"shall maintain—

"(i) for fiscal year 1992, a level of assistance equal to the greater of—

"(I) a per meal rate equal to the amount appropriated under subsection (c) for fiscal year 1992, divided by the number of meals served in the preceding fiscal year; or

"(II) 61 cents per meal; and

"(ii) for fiscal year 1993 and each subsequent fiscal year, an annually programmed level of assistance equal to the greater of—

"(I) a per meal rate equal to the amount appropriated under subsection (c) for the fiscal year, divided by the number of meals served in the preceding fiscal year; or

"(II) 61 cents per meal, adjusted in accordance with changes in the series for food away from home, of the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, based on the 12-month period ending on July 1 of the preceding year."; and

(2) in subsection (c)—

(A) in paragraph (1)(A) by striking "$151,000,000" and all that follows through "1991", and inserting "$250,000,000 for fiscal year 1992, $310,000,000 for fiscal year 1993, $380,000,000 for fiscal year 1994, and $460,000,000 for fiscal year 1995"; and

(B) in paragraph (2)—

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

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

"(B) In each fiscal year, the final reimbursement claims shall be adjusted to use the full amount appropriated under this subsection for the fiscal year.".

SEC. 311. RIGHTS RELATING TO IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.

Part A of title III of the Older Americans Act of 1965 (42 U.S.C. 3021-3030c) is amended by adding at the end the following:

"SEC. 314. RIGHTS RELATING TO IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.

"(a) PROMOTION.—The Commissioner shall require entities that provide in-home services under this title to promote the rights of each older individual who receives such services. Such rights include the following:

"(1) The right—

"(A) to be fully informed in advance about each in-home service provided by such entity under this title and about any change in such service that may affect the well-being of such individual; and

"(B) to participate in planning and changing an in-home service provided under this title by such entity unless such individual is judicially adjudged incompetent.

"(2) The right to voice a grievance with respect to such service that is or fails to be so provided, without discrimination or reprisal as a result of voicing such grievance.

"(3) The right to confidentiality of records relating to such individual.

"(4) The right to have the property of such individual treated with respect.

"(5) The right to be fully informed (orally and in writing), in advance of receiving an in-home service under this title, of such individual's rights and obligations under this title.".

SEC. 312. SUPPORTIVE SERVICES.

Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (3) by inserting "(including information and assistance services)" after "and services";

(2) in paragraph (3) by inserting before the semicolon at the end the following: ", including language translation services to assist older individuals with limited-English speaking ability to obtain services under this title";

(3) in paragraph (4)—

(A) by striking "or (C)" and inserting "(C)"; and

(B) by inserting "; or (D) to receive applications from older individuals for housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701Q)" before the semicolon at the end;

(4) by amending paragraph (6) to read as follows:

"(6) services designed to provide to older individuals legal assistance and other counseling services and assistance, including—

"(A) tax counseling and assistance, financial counseling, and counseling regarding appropriate health and life insurance coverage;

"(B) representation—

"(i) of individuals who are wards (or are allegedly incapacitated); and

"(ii) in guardianship proceedings of older individuals who seek to become guardians, if other adequate representation is unavailable in the proceedings; and

"(C) provision, to older individuals who provide uncompensated care to their adult children with disabilities, of counseling to assist such older individuals with permanency planning for such children;";

(5) in paragraph (7) by striking "physical activity and exercise" and inserting "physical activity, exercise, music therapy, art therapy, and dance-movement therapy";

(6) in paragraph (9) by striking "preretirement" and all that follows and inserting ", for older individuals, preretirement counseling and assistance in planning for and assessing future post-retirement needs with regard to public and private insurance, public benefits, lifestyle changes, relocation, legal matters, leisure time, and other appropriate matters;";

(7) in paragraph (11) by inserting before the semicolon the following: ", and of older individuals who provide uncompensated care to their adult children with disabilities";

(8) in paragraph (12) by inserting "and second career" after "including job";

(9) in paragraph (17) by inserting ", including information concerning prevention, diagnosis, treatment, and rehabilitation of age-related diseases and chronic disabling conditions" before the semicolon at the end;

(10) in paragraph (18) by striking "or" at the end;

(11) by redesignating paragraph (19) as paragraph (22); and

(12) by inserting after paragraph (18) the following:

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

"(20) services designed to provide information and training for individuals who are or may become guardians or representative payees of older individuals, including information on the powers and duties of guardians and representative payees and on alternatives to guardianships;

"(21) services to encourage and facilitate regular interaction between school-age children and older individuals, including visits in long-term care facilities, multipurpose senior centers, and other settings; or".

SEC. 313. CONGREGATE NUTRITION SERVICES.

Section 331(1) of the Older Americans Act of 1965 (42 U.S.C. 3030e(1)) is amended—

(1) by inserting "(except in a rural area where such frequency is not feasible (as defined by the Commissioner by regulation) and a lesser frequency is approved by the State agency)" after "week"; and

(2) by striking ", each of which" and all that follows through "Research Council".

SEC. 314. HOME DELIVERED NUTRITION SERVICES.

Section 336 of the Older Americans Act of 1965 (42 U.S.C. 3030f) is amended—

(1) by inserting "(except in a rural area where such frequency is not feasible (as defined by the Commissioner by regulation) and a lesser frequency is approved by the State agency)" after "week"; and

(2) by striking ", each of which" and all that follows through "Research Council".

SEC. 315. CRITERIA.

Section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g) is amended by inserting "the Dietary Managers Association," after "Dietetic Association,".

SEC. 316. SCHOOL-BASED MEALS FOR VOLUNTEER OLDER INDIVIDUALS AND MULTIGENERATIONAL PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.) is amended by adding at the end the following:

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

"SEC. 338. ESTABLISHMENT.

"(a) IN GENERAL.—The Commissioner shall establish and carry out, under State plans approved under section 307, a program for making grants to States to pay for the Federal share of establishing and operating projects in public elementary and secondary schools (including elementary and secondary schools for Indian children operated with Federal assistance, or operated by the Department of the Interior, and referred to in section 1005(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711(d)(2)) that—

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

"(A) while such schools are in session;

"(B) during the summer; and

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

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

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

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

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

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

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

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

"(1) a plan describing the project proposed by the applicant and comments on such plan from the appropriate area agency on aging and the appropriate local educational agency (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

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

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

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

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

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

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

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

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

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

"(3) give third priority to entities whose applications include a plan that involves a school with greatest need (as measured by the dropout rate, the level of substance abuse, and the number of children who have limited-English proficiency or who participate in projects under section 1015 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2025)).

"SEC. 338B. REPORTS.

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

"(1) a description of—

"(A) persons served;

"(B) multigenerational activities carried out; and

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

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

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

(b) LIMITATION ON ADMINISTRATIVE COSTS.—Section 303(c) of the Older Americans Act of 1965 (42 U.S.C. 3023(c)) is amended—

(1) by striking "parts B and C" and inserting "part B, and subparts 1 and 2 of part C,"; and

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

SEC. 317. DIETARY GUIDELINES; PAYMENT REQUIREMENT.

Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.), as amended by section 316, is amended by adding at the end the following:

"Subpart 4—General Provisions

"SEC. 339. COMPLIANCE WITH DIETARY GUIDELINES.

"A State that establishes and operates a nutrition project under this part shall ensure that the meals provided through the project—

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

"(2) provide to each participating older individual—

"(A) a minimum of 33⅓ percent of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, if the project provides 1 meal per day;

"(B) a minimum of 66⅔ percent of the allowances if the project provides 2 meals per day; and

"(C) 100 percent of the allowances if the project provides 3 meals per day.".

"SEC. 339A. PAYMENT REQUIREMENT.

"Payments made by a State agency or an area agency on aging for nutrition services (including meals) provided under part A, B, or C may not be reduced to reflect any increase in the level of assistance provided under section 311.".

SEC. 318. IN-HOME SERVICES.

Section 342 of the Older Americans Act of 1965 (42 U.S.C. 3030i), as amended by section 102(b)(7) of this Act, is amended—

(1) in paragraph (4) by striking "and" at the end;

(2) in paragraph (5) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(6) personal care services; and

"(7) other in-home services as defined—

"(A) by the State agency in the State plan submitted in accordance with section 307; and

"(B) by the area agency on aging in the area plan submitted in accordance with section 306.".

SEC. 319. PREVENTIVE HEALTH SERVICES.

(a) PROGRAM AUTHORIZED.—Section 361 of the Older Americans Act of 1965 (42 U.S.C. 3030m) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide disease prevention and health promotion services and information at multipurpose senior centers, at congregate meal sites, through home delivered meals programs, or at other appropriate sites. In carrying out such program, the Commissioner shall consult with the Directors of the Centers for Disease Control and the National Institute on Aging.";

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(b) DEFINITION.—Section 363 of the Older Americans Act of 1965 (42 U.S.C. 3030o) is amended to read as follows:

"SEC. 363. DEFINITION.

"As used in this part, the term 'disease prevention and health promotion services' means—

"(1) health risk assessments;

"(2) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, and nutrition screening;

"(3) nutritional counseling and educational services for individuals and their primary caregivers;

"(4) health promotion programs, including programs relating to chronic disabling conditions (including osteoporosis and cardiovascular disease) prevention and reduction of effects, alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;

"(5) programs regarding physical fitness, group exercise, and music, art, and dance-movement therapy, including programs for multigenerational participation that are provided by—

"(A) an institution of higher education;

"(B) a local educational agency, as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891); or

"(C) a community-based organization;

"(6) home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention (including fall and fracture prevention) in the home environment;

"(7) screening for the prevention of depression, coordination of community mental

health services, provision of educational activities, and referral to psychiatric and psychological services;

"(8) educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(9) medication management screening and education to prevent incorrect medication and adverse drug reactions;

"(10) information concerning diagnosis, prevention, treatment, and rehabilitation of age-related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction; and

"(11) gerontological counseling; and

"(12) counseling regarding social services and followup health services based on any of the services described in paragraphs (1) through (11).

The term shall not include services for which payment may be made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).".

(c) CONFORMING AMENDMENT.—Part F of title III of the Older Americans Act of 1965 (42 U.S.C. 3030m et seq.) is amended in the part heading by striking "PREVENTIVE HEALTH SERVICES" and inserting "DISEASE PREVENTION AND HEALTH PROMOTION SERVICES".

SEC. 320. SUPPORTIVE ACTIVITIES FOR CARETAKERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS.

Part G of title III of the Older Americans Act of 1965 (42 U.S.C. 3021-3030p) is amended to read as follows:

"PART G—SUPPORTIVE ACTIVITIES FOR CARETAKERS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS

"SEC. 381. PROGRAM AUTHORIZED.

"The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to carry out a program to provide supportive activities for caretakers who provide in-home services to frail older individuals (including older individuals who are victims of Alzheimer's disease or related disorders with neurological and organic brain dysfunction). Such supportive activities may include—

"(1) providing training and counseling for such caretakers;

"(2) technical assistance to such caretakers to assist them to form or to participate in support groups;

"(3) providing information—

"(A) to frail older individuals and their families regarding how to obtain in-home services and respite services; and

"(B) to caretakers who provide such services, regarding—

"(i) how to provide such services; and

"(ii) sources of nonfinancial support available to them as a result of their providing such services; and

"(4) maintaining lists of individuals who provide respite services for the families of frail older individuals.

"SEC. 382. DEFINITIONS.

"For purposes of this part, the term 'in-home services' has the meaning given such term in section 342.

"SEC. 383. MAINTENANCE OF EFFORT.

"Section 344 shall apply with respect to funds made available under this part, in the same manner as such section applies to funds made available under part D.".

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

SEC. 401. STATEMENT OF PURPOSE.

Section 401 of the Older Americans Act of 1965 (42 U.S.C. 3030aa) is amended in the matter preceding paragraph (1) by inserting "and publicly disseminate the results of the tests, to replicate such programs and services under this Act," after "individuals,".

SEC. 402. PRIORITIES FOR GRANTS AND DISCRETIONARY PROJECTS.

Section 402 of the Older Americans Act of 1965 (42 U.S.C. 3030bb) is amended by adding at the end the following:

"(d) The Commissioner shall, in developing priorities, consistent with the requirements of this title, for awarding grants and entering into contracts under this title, consult annually with State agencies, area agencies on aging, recipients of grants under title VI, institutions of higher education, organizations representing beneficiaries of services under this Act, and other organizations, and individuals, with expertise in aging issues.

"(e) The Commissioner shall ensure that grants and contracts awarded under this title—

"(1) are evaluated for their benefit to older individuals, and to programs under this Act; and

"(2) comply with the requirements under this Act.".

SEC. 403. PURPOSES OF EDUCATION AND TRAINING PROJECTS.

Section 410(3) of the Older Americans Act of 1965 (42 U.S.C. 3030jj(3)) is amended by inserting ", with particular emphasis on attracting minority individuals," after "qualified personnel".

SEC. 404. GRANTS AND CONTRACTS.

(a) IN GENERAL.—Section 411(a) of the Older Americans Act of 1965 (42 U.S.C. 3031(a)) is amended—

(1) in paragraph (1) by inserting "gerontology," after "(including mental health) care,";

(2) in paragraph (2)—

(A) by inserting "and counseling" after "nutrition"; and

(B) by inserting ", with special emphasis on using culturally sensitive practices" before the period; and

(3) by adding at the end the following:

"(5) To provide annually a national meeting to train directors of programs under title VI.".

(b) TRAINING OF SERVICE PROVIDERS.—Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031) is amended by adding at the end the following:

"(e) From amounts appropriated under 431(b), the Commissioner shall make grants and enter into contracts under this part to establish and carry out a program under which service providers (including family physicians, clergy, and other professionals) will receive training—

"(1) comprised of—

"(A) intensive training regarding normal aging, recognition of problems of older individual, and communication with providers of mental health services; and

"(B) advanced clinical training regarding means of assessing and treating the problems of older individuals;

"(2) provided by—

"(A) faculty and graduate students in programs of human development and family studies at an institution of higher education;

"(B) mental health professionals; and

"(C) nationally recognized consultants with expertise regarding the mental health problems of individuals residing in rural areas; and

"(3) held in public hospitals throughout each State in which the program is carried out.".

SEC. 405. MULTIDISCIPLINARY CENTERS OF GERONTOLOGY.

Section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended—

(1) in the first sentence by inserting "counseling services," after "maintenance,"; and

(2) in paragraph (4) by inserting "social work, and psychology," after "education,".

SEC. 406. DEMONSTRATION PROJECTS.

Section 422 of the Older Americans Act of 1965 (42 U.S.C. 3035a) is amended—

(1) in subsection (a)(2) by striking "preventive health service programs" and inserting "disease prevention and health promotion programs (including coordinated multidisciplinary research projects on the aging process)";

(2) in subsection (b)—

(A) in paragraph (8) by striking "and" at the end;

(B) in paragraph (9) by striking "include" and all that follows and inserting the following: "include projects furnishing multigenerational services by older individuals addressing the needs of children, such as—

"(A) tutorial services in elementary and special schools;

"(B) after school programs for latchkey children; and

"(C) voluntary services for child care and youth day care programs;"; and

(C) by adding at the end the following:

"(10) meet the service needs of older individuals who provide uncompensated care to their adult children with disabilities, for supportive services relating to such care, including—

"(A) respite services; and

"(B) legal advice, information, and referral services to assist such older individuals with permanency planning for such children;

"(11) advance the understanding of the efficacy and benefits of providing music therapy, art therapy, or dance-movement therapy to older individuals through—

"(A) projects that—

"(i) study and demonstrate the provision of music therapy, art therapy, or dance-movement therapy to older individuals who are institutionalized or at risk of being institutionalized; and

"(ii) provide music therapy, art therapy, or dance-movement therapy—

"(I) in nursing homes, hospitals, rehabilitation centers, hospices, or senior centers;

"(II) through disease prevention and health promotion services programs established under part F of title III;

"(III) through in-home services programs established under part D of title III;

"(IV) through multigenerational activities described in section 307(a)(41)(B) or subpart 3 of part C of title III;

"(V) through supportive services described in section 321(a)(21); or

"(VI) through disease prevention and health promotion services described in section 363(5); and

"(B) education, training, and information dissemination projects, including—

"(i) projects for the provision of gerontological training to music therapists, and education and training of individuals in the aging network regarding the efficacy and benefits of music therapy for older individuals; and

"(ii) projects for disseminating to the aging network and to music therapists background materials on music therapy, best practice manuals, and other information on

providing music therapy to older individuals; and

"(12)(A) establish, in accordance with subparagraph (B), nationwide, statewide, regional, metropolitan area, county, city, or community model volunteer service credit projects to demonstrate methods to improve or expand supportive services or nutrition services, or otherwise promote the wellbeing of older individuals;

"(B) for purposes of paying part or all of the cost of developing or operating the projects, in the fiscal year, make not fewer than three and not more than five grants to, or contracts with, public agencies or nonprofit private organizations in such State; and

"(C) ensure that the projects will be operated in consultation with the ACTION Agency and will permit older individuals who are volunteers to earn, for services furnished, credits that may be redeemed later for similar volunteer services."; and

(3) in subsection (d)(2)—

(A) by inserting "(A)" after the paragraph designation; and

(B) by adding at the end the following:

"(B) An agency or organization that receives a grant or enters into a contract to carry out a project described in subparagraph (A) or (B)(i) of subsection (b)(11) shall submit to the Commissioner a report containing—

"(i) the results, and findings based on the results, of such project; and

"(ii) the recommendations of the agency or organization, if the agency or organization provided music therapy, regarding means by which music therapy could be made available, in an efficient and effective manner, to older individuals who would benefit from the therapy.".

SEC. 407. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

(a) IN GENERAL.—Section 423 of the Older Americans Act of 1965 (42 U.S.C. 3035b) is amended to read as follows:

"SEC. 423. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

"(a) DEFINITIONS.—As used in this section:

"(1) PROJECT.—The term 'Project' means a Project to Improve the Delivery of Long-Term Care Services.

"(2) RESOURCE CENTER.—The term 'Resource Center' means a Resource Center for Long-Term Care.

"(b) RESOURCE CENTERS.—

"(1) GRANTS AND CONTRACTS.—The Commissioner shall award grants to, or enter into contracts with, eligible entities to support the establishment or operation of not fewer than four and not more than seven Resource Centers in accordance with paragraph (2).

"(2) REQUIREMENTS.—

"(A) FUNCTIONS.—Each Resource Center that receives funds under this subsection shall, with respect to subjects within an area of specialty of the Resource Center—

"(i) perform research;

"(ii) provide for the dissemination of results of the research; and

"(iii) provide technical assistance and training to State agencies and area agencies on aging.

"(B) AREA OF SPECIALITY.—For purposes of subparagraph (A) the term 'area of speciality' means—

"(i) Alzheimer's disease and related dementias, and other cognitive impairments;

"(ii) client assessment and case management;

"(iii) data collection and analysis;

"(iv) home modification and supportive services to enable older individuals to remain in their homes;

"(v) consolidation and coordination of services;

"(vi) linkages between acute care, rehabilitative services, and long-term care, facilities and providers;

"(vii) decisionmaking and bioethics;

"(viii) supply, training, and quality of long-term care personnel, including those who provide rehabilitative services;

"(ix) rural issues, including barriers to access to services;

"(x) chronic mental illness;

"(xi) populations with greatest social need and populations with greatest economic need, with particular attention to low-income minorities; and

"(xii) an area of importance as determined by the Commissioner.

"(c) PROJECTS.—The Commissioner shall award grants to, or enter into contracts with, eligible entities to support the entities in establishing and carrying out not fewer than 10 Projects.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an eligible entity may use funds received under a grant or contract—

"(A) described in subsection (b)(1) to pay for part or all of the cost (including startup cost) of establishing and operating a new Resource Center, or of operating a Resource Center in existence on the day before the date of the enactment of the Older Americans Act Amendments of 1992; or

"(B) described in subsection (c) to pay for part or all of the cost (including startup cost) of establishing and carrying out a Project.

"(2) REIMBURSABLE DIRECT SERVICES.—None of the funds may be used to pay for direct services that are eligible for reimbursement under title XVIII, XIX, or XX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., or 1397 et seq.).

"(e) PREFERENCE.—In awarding grants, and entering into contracts, under this section, the Commissioner shall give preference to entities that demonstrate that—

"(1) adequate State standards have been developed to ensure the quality of services provided under the grant or contract; and

"(2) the entity has made a commitment to carry out programs under the grant or contract with each State agency responsible for the administration of title XIX or XX of the Social Security Act.

"(f) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive funds under a grant or contract described in subsection (b)(1) or (c), an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(2) PROJECT APPLICATION.—An entity seeking a grant or contract under subsection (c) shall submit an application to the Commissioner containing, at a minimum—

"(A) information identifying and describing gaps, weaknesses, or other problems in the delivery of long-term care services in the State or geographic area to be served by the entity, including—

"(i) duplication of functions in the delivery of such services, including duplication at the State and local level;

"(ii) fragmentation of systems, especially in coordinating services to populations of older individuals and other populations;

"(iii) barriers to access for populations with greatest social need and populations with greatest economic need, including minorities and residents of rural areas;

"(iv) lack of financing for such services;

"(v) lack of availability of adequately trained personnel to provide such services; and

"(vi) lack of a range of chronic care services (including rehabilitative strategies) that promote restoration, maintenance, or improvement of function in older individuals;

"(B) a plan to address the gaps, weaknesses, and problems described in clauses (i) through (v); and

"(C) information describing the extent to which the entity will coordinate with area agencies on aging and service providers in carrying out the proposed Project.

"(g) ELIGIBLE ENTITIES.—

"(1) RESOURCE CENTERS.—Entities eligible to receive grants, or enter into contracts, under subsection (b)(1) shall be—

"(A) institutions of higher education; and

"(B) other public agencies and nonprofit private organizations.

"(2) PROJECTS.—Entities eligible to receive grants, or enter into contracts, under subsection (c) include—

"(A) State agencies; and

"(B) in consultation with State agencies—

"(i) area agencies on aging;

"(ii) institutions of higher education; and

"(iii) other public agencies and nonprofit private organizations.

"(h) REPORT.—The Commissioner shall include in the annual report to the Congress required by section 207, a report on the grants awarded, and contracts entered into, under this section, including—

"(1) an analysis of the relative effectiveness, and recommendations for any changes, of the projects of Resource Centers funded under subsection (b)(1) in the fiscal year for which the Commissioner is preparing the annual report; and

"(2) an evaluation of the needs identified, the agencies utilized, and the effectiveness of the approaches used by projects funded under subsection (c).

"(i) AVAILABILITY OF FUNDS.—The Commissioner shall make available for carrying out subsection (b) for each fiscal year not less than the amount made available in fiscal year 1991 for making grants and entering into contracts to establish and operate Resource Centers under section 423 as in effect on the day before the date of the enactment of the Older Americans Act Amendments of 1992.".

(b) OBLIGATION.—Not later than 60 days after the date of enactment of this Act, the Commissioner shall obligate, from the funds appropriated under section 431(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)(1)) for fiscal year 1992—

(1) not less than the amount described in section 423(i) of such Act (42 U.S.C. 3035b(i)) for carrying out section 423(b)(1) of such Act; and

(2) such sums as may be necessary for carrying out section 423(c) of such Act.

SEC. 408. OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS.

Section 427(a) of the Older Americans Act of 1965 (42 U.S.C. 3035f(a)) is amended by inserting ", legal assistance agencies," after "ombudsman program".

SEC. 409. DEMONSTRATION PROJECTS FOR MULTI- GENERATIONAL ACTIVITIES.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) is amended by adding at the end the following:

"SEC. 429. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES.

"(a) GRANTS AND CONTRACTS.—The Commissioner may award grants and enter into contracts with eligible organizations to establish demonstration projects that provide

older individuals with multigenerational activities.

"(b) USE OF FUNDS.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a)—

"(1) to carry out a demonstration project that provides multigenerational activities, including any professional training appropriate to such activities for older individuals; and

"(2) to evaluate the project in accordance with subsection (f).

"(c) AWARDS.—In awarding grants and entering into contracts under subsection (a), the Commissioner shall give preference to—

"(1) eligible organizations with a demonstrated record of carrying out multigenerational activities; and

"(2) eligible organizations proposing projects that will serve older individuals with greatest economic need (with particular attention to low-income minority individuals).

"(d) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall submit an application to the Commissioner at such time, in such manner, and accompanied by such information as the Commissioner may reasonably require.

"(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant or enter into a contract under subsection (a) shall be organizations that employ, or provide opportunities for, older individuals in multigenerational activities.

"(f) LOCAL EVALUATION AND REPORT.—

"(1) EVALUATION.—Each organization receiving a grant or a contract under subsection (a) to carry out a demonstration project shall evaluate the activities assisted under the project to determine the effectiveness of multigenerational activities, the impact of such activities on child care and youth day care programs, and the impact on older individuals involved in such project.

"(2) REPORT.—The organization shall submit a report to the Commissioner containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.

"(g) REPORT TO CONGRESS.—Not later than 6 months after the Commissioner receives the reports described in subsection (f)(2), the Commissioner shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

"(1) the names or descriptive titles of the demonstration projects funded under subsection (a);

"(2) a description of the nature and operation of the projects;

"(3) the name and address of the individual or governmental entity that conducted the projects;

"(4) a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the project;

"(5) a description of the success of the projects retaining older individuals involved in the projects as employees and as volunteers; and

"(6) the rate of turnover of older individual employees and volunteers in the projects.

"(h) DEFINITION.—As used in this section, the term 'multigenerational activity' includes an opportunity to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, or a family support program.".

SEC. 410. SUPPORTIVE SERVICES IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by section 409) is amended by adding at the end the following:

"SEC. 429A. SUPPORTIVE SERVICES IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.

"(a) GRANTS.—The Commissioner shall award grants to eligible agencies to establish demonstration programs to provide services described in subsection (b) to older individuals who are residents in federally assisted housing (referred to in this section as 'residents').

"(b) USE OF GRANTS.—An eligible agency shall use a grant awarded under subsection (a) to conduct outreach and to provide to residents services including—

"(1) meal services;

"(2) transportation;

"(3) personal care, dressing, bathing, and toileting;

"(4) housekeeping and chore assistance;

"(5) nonmedical counseling;

"(6) case management;

"(7) other services to prevent premature and unnecessary institutionalization; and

"(8) other services provided under this Act.

"(c) AWARD OF GRANTS.—The Commissioner shall award grants under subsection (a) to agencies in a variety of geographic settings, including urban and rural settings.

"(d) APPLICATION.—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

"(1) information demonstrating a lack of, and need for, services described in subsection (b) in federally assisted housing projects in the geographic area proposed to be served by the applicant;

"(2) a comprehensive plan to coordinate with housing facility management to provide services to frail older individuals who are in danger of premature or unnecessary institutionalization;

"(3) information demonstrating initiative on the part of the agency to address the supportive service needs of residents;

"(4) information demonstrating financial, in-kind, or other support available to the applicant from State or local governments, or from private resources;

"(5) an assurance that the agency will participate in the development of the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) and seek funding for supportive services under the Department of Housing and Urban Development or the Farmers Home Administration;

"(6) an assurance that the agency will target services to low-income minority older individuals and conduct outreach;

"(7) an assurance that the agency will comply with the guidelines described in subsection (f); and

"(8) a plan to evaluate the eligibility of older individuals for services under the federally assisted housing demonstration program, which plan shall include a professional assessment committee to identify such individuals.

"(e) ELIGIBLE AGENCIES.—Agencies eligible to receive grants under this section shall be State agencies and area agencies on aging.

"(f) GUIDELINES.—The Commissioner shall issue guidelines for use by agencies that receive grants under this section—

"(1) regarding the level of frailty that older individuals shall meet to be eligible for services under a demonstration program established under this section; and

"(2) for accepting voluntary contributions from residents who receive services under such a program.

"(g) EVALUATIONS AND REPORTS.—

"(1) AGENCIES.—Each agency that receives a grant under subsection (a) to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

"(A) evaluate the effectiveness of the program; and

"(B) submit a report containing the evaluation to the Commissioner.

"(2) COMMISSIONER.—The Commissioner shall, not later than 6 months after the end of the period for which the Commissioner awards grants under subsection (a)—

"(A) evaluate the effectiveness of each demonstration program that receives a grant under subsection (a); and

"(B) submit a report containing the evaluation to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

SEC. 411. NEIGHBORHOOD SENIOR CARE PROGRAM.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429B. NEIGHBORHOOD SENIOR CARE PROGRAM.

"(a) DEFINITIONS.—As used in this section:

"(1) HEALTH AND SOCIAL SERVICES.—The term 'health and social services' includes skilled nursing care, personal care, social work services, homemaker services, health and nutrition education, health screening, home health aid services, and specialized therapies.

"(2) VOLUNTEER SERVICES.—The term 'volunteer services' includes peer counseling, chore services, help with mail and taxes, transportation, socialization, health and social services, and other similar services.

"(b) SERVICE GRANTS.—

"(1) IN GENERAL.—The Commissioner may award grants to eligible entities to establish neighborhood senior care programs, in order to encourage professionals to provide volunteer services to local residents who are older individuals and who might otherwise have to be admitted to nursing homes and to hospitals.

"(2) PREFERENCE.—In awarding grants under this section, the Commissioner shall give preference to applicants experienced in operating community programs and programs meeting the independent living needs of older individuals.

"(3) ADVISORY BOARD.—The Commissioner shall establish an advisory board to provide guidance to grant recipients regarding the neighborhood senior care programs. Not fewer than two-thirds of the members of the advisory board shall be residents in communities served by the grant recipients.

"(4) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may reasonably require. Each application shall—

"(A) describe the activities in the program for which assistance is sought;

"(B) describe the neighborhood in which volunteer services are to be provided under

the program, and a plan for integration of volunteer services within the neighborhood;

"(C)(i) provide assurances that nurses, social workers, and community volunteers providing volunteer services and an outreach coordinator involved with the project live in the neighborhood; or

"(ii)(I) reasons that it is not possible to provide such assurances; and

"(II) assurances that nurses, social workers, community volunteers and the outreach coordinator will be assigned repeatedly to the particular neighborhood; and

"(D) provide for an evaluation of the activities for which assistance is sought.

"(c) TECHNICAL RESOURCE CENTER.—The Commissioner shall, to the extent appropriations are available, enter into a contract with an applicant described in subsection (b)(2) to establish a technical resource center that will—

"(1) assist the Commissioner in developing criteria for, and in awarding grants to communities to establish, neighborhood senior care organizations that will implement neighborhood senior care programs under subsection (b);

"(2) assist communities interested in establishing such a neighborhood senior care program;

"(3) coordinate the neighborhood senior care programs;

"(4) provide ongoing analysis of and collection of data on the neighborhood senior care programs and provide such data to the Commissioner;

"(5) serve as a liaison to State agencies interested in establishing neighborhood senior care programs; and

"(6) take any further actions as required by regulation by the Commissioner.".

SEC. 412. INFORMATION AND ASSISTANCE SYSTEMS DEVELOPMENT PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429C. INFORMATION AND ASSISTANCE SYSTEMS DEVELOPMENT PROJECTS.

"(a) GRANTS.—The Commissioner may—

"(1) make grants to State agencies, and, in consultation with State agencies, to area agencies on aging to support the improvement of information and assistance services, and systems of services, operated at the State and local levels; and

"(2) make grants to organizations to provide training and technical assistance to State agencies, area agencies on aging, and providers of supportive services—

"(A) to support a national telephone access service to inform older individuals, families, and caregivers about State and local information and assistance services funded under this Act; and

"(B) to support the improvement of information and assistance services, and systems of services, operated at the State and local levels.

"(b) APPLICATION.—To be eligible to receive a grant under subsection (a) an agency or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may specify.

"(c) GUIDELINES.—The Commissioner shall establish guidelines for the operation of the national telephone access service described in subsection (a)(2)(A).

"(d) EVALUATION AND REPORT.—

"(1) EVALUATION.—The Commissioner shall conduct an evaluation of the effectiveness of the national telephone service described in subsection (a)(2)(A) in providing information and assistance services to older individuals, families, and caregivers about State and local information and assistance services.

"(2) REPORT.—Not later than January 1, 1995, the Commissioner shall submit the evaluation described in paragraph (1) to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

SEC. 413. SENIOR TRANSPORTATION DEMONSTRATION PROGRAM GRANTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429D. SENIOR TRANSPORTATION DEMONSTRATION PROGRAM GRANTS.

"(a) ESTABLISHMENT.—The Commissioner shall establish and carry out senior transportation demonstration programs. In carrying out the programs, the Commissioner shall award grants to not fewer than five eligible entities for the purpose of improving the mobility of older individuals and transportation services for older individuals (referred to in this section as 'senior transportation services').

"(b) USE OF FUNDS.—Grants made under subsection (a) may be used to—

"(1) develop innovative approaches for improving access by older individuals to supportive services under part B of title III, nutrition services under part C of title III, health care, and other important services;

"(2) develop comprehensive and integrated senior transportation services; and

"(3) leverage additional resources for senior transportation services by—

"(A) coordinating various transportation services; and

"(B) coordinating various funding sources for transportation services, including—

"(i) sources of assistance under—

"(I) sections 9, 16(b)(2), and 18 of the Urban Mass Transportation Act of 1964 (49 U.S.C. App.); and

"(II) titles XIX and XX of the Social Security Act (42 U.S.C. 1396 et seq. and 1397 et seq.); and

"(ii) State and local sources.

"(c) AWARD OF GRANTS.—

"(1) PREFERENCE.—In awarding grants under subsection (a), the Commissioner shall give preference to entities that—

"(A) demonstrate special needs for enhancing senior transportation services and resources for the services within the geographic area served by the entities;

"(B) establish plans to ensure that senior transportation services are coordinated with general public transportation services and other specialized transportation services;

"(C) demonstrate the ability to utilize the broadest range of available transportation and community resources to provide senior transportation services;

"(D) demonstrate the capacity and willingness to coordinate senior transportation services with services provided under title III and with general public transportation services and other specialized transportation services; and

"(E) establish plans for senior transportation demonstration programs designed to serve the special needs of low-income, rural, frail, and other at-risk, transit-dependent older individuals.

"(2) RURAL ENTITIES.—The Commissioner shall award not less than 50 percent of the grants authorized under this section to entities located in, or primarily serving, rural areas.

"(d) APPLICATION.—An entity that seeks a grant under this section shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including at a minimum—

"(1) information describing senior transportation services for which the entity seeks assistance;

"(2) a comprehensive strategy for developing a coordinated transportation system or leveraging additional funding resources, to provide senior transportation services;

"(3) information describing the extent to which the applicant intends to coordinate the services of the applicant with the services of other transportation providers;

"(4) a plan for evaluating the effectiveness of the proposed senior transportation demonstration program and preparing a report containing the evaluation to be submitted to the Commissioner; and

"(5) such other information as may be required by the Commissioner.

"(e) ELIGIBLE ENTITIES.—Entities eligible to receive grants under this section shall be—

"(1) State agencies;

"(2) area agencies on aging; and

"(3) other public agencies and nonprofit organizations.

"(f) REPORT.—

"(1) PREPARATION.—The Commissioner shall prepare, either directly or through grants or contracts, annual reports on the senior transportation demonstration programs established under this section. The reports shall contain an assessment of the effectiveness of each demonstration project and recommendations regarding legislative, administrative, and other initiatives needed to improve the access to and effectiveness of transportation services for older individuals.

"(2) SUBMISSION.—The Commissioner shall submit the report described in paragraph (1) to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

SEC. 414. RESOURCE CENTERS ON NATIVE AMERICAN ELDERS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034–3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429E. RESOURCE CENTERS ON NATIVE AMERICAN ELDERS.

"(a) ESTABLISHMENT.—The Commissioner shall make grants or enter into contracts with not fewer than two and not more than four eligible entities to establish and operate Resource Centers on Native American Elders (referred to in this section as 'Resource Centers'). The Commissioner shall make such grants or enter into such contracts for periods of not less than 3 years.

"(b) FUNCTIONS.—

"(1) IN GENERAL.—Each Resource Center that receives funds under this section shall—

"(A) gather information;

"(B) perform research;

"(C) provide for the dissemination of results of the research; and

"(D) provide technical assistance and training to entities that provide services to Native Americans who are older individuals.

"(2) AREAS OF CONCERN.—In conducting the functions described in paragraph (1), a Resource Center shall focus on priority areas of concern for the Resource Centers regarding Native Americans who are older individuals, which areas shall be—

"(A) health problems;

"(B) long-term care, including in-home care;

"(C) elder abuse; and

"(D) other problems and issues that the Commissioner determines are of particular

importance to Native Americans who are older individuals.

"(c) PREFERENCE.—In awarding grants and entering into contracts under subsection (a), the Commissioner shall give preference to institutions of higher education that have conducted research on, and assessment of, the characteristics and needs of Native Americans who are older individuals.

"(d) CONSULTATION.—In determining the type of information to be sought from, and activities to be performed by, Resource Centers, the Commissioner shall consult with the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging and with national organizations with special expertise in serving Native Americans who are older individuals.

"(e) ELIGIBLE ENTITIES.—Entities eligible to receive a grant or enter into a contract under subsection (a) shall be institutions of higher education with experience conducting research and assessment on the needs of older individuals.

"(f) REPORT TO CONGRESS.—The Commissioner, with assistance from each Resource Center, shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the status and needs including the priority areas of concern of Native Americans who are older individuals.".

SEC. 415. DEMONSTRATION PROGRAMS FOR OLDER INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429F. DEMONSTRATION PROGRAMS FOR OLDER INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

"(a) DEFINITION.—As used in this section:

"(1) DEVELOPMENTAL DISABILITY.—The term 'developmental disability' has the meaning given the term in section 102(5) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

"(2) IN-HOME SERVICE.—The term 'in-home service' has the meaning given the term in section 342.

"(b) ESTABLISHMENT.—The Commissioner shall make grants to State agencies to provide services in accordance with subsection (c).

"(c) USE OF FUNDS.—A State agency may use a grant awarded under subsection (b) to provide services for older individuals with developmental disabilities, and for older individuals with caretaker responsibilities for developmentally disabled children, including—

"(1) child care and youth day care programs;

"(2) programs to integrate the individuals into existing programs for older individuals;

"(3) respite care;

"(4) transportation to multipurpose senior centers and other facilities and services;

"(5) supervision;

"(6) renovation of multipurpose senior centers;

"(7) provision of materials to facilitate activities for older individuals with developmental disabilities, and for older individuals with caretaker responsibilities for developmentally disabled children;

"(8) training of State agency, area agency on aging, volunteer, and multipurpose senior center staff, and other service providers, who work with such individuals; and

"(9) in-home services.

"(d) APPLICATION.—To be eligible to receive a grant under this section, a State agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.".

SEC. 416. HOUSING DEMONSTRATION PROGRAMS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429G. HOUSING DEMONSTRATION PROGRAMS.

"(a) HOUSING OMBUDSMAN DEMONSTRATION PROGRAMS.—

"(1) GRANTS.—The Commissioner shall award grants to eligible agencies to establish housing ombudsman programs.

"(2) USE OF GRANTS.—An eligible agency shall use a grant awarded under paragraph (1) to—

"(A) provide the services described in subparagraph (B) through—

"(i) professional and volunteer staff to older individuals who are—

"(I) participating in federally assisted and other publicly assisted housing programs; or

"(II) seeking Federal, State, and local housing programs; and

"(ii)(I) the State Long-Term Care Ombudsman program under section 307(a)(12) or section 712;

"(II) a legal services or assistance organization or through an organization that provides both legal and other social services;

"(III) a public or not-for-profit social services agency; or

"(IV) an agency or organization concerned with housing issues but not responsible for publicly assisted housing.

"(B) establish a housing ombudsman program that provides information, advice, and advocacy services including—

"(i) direct assistance, or referral to services, to resolve complaints or problems;

"(ii) provision of information regarding available housing programs, eligibility, requirements, and application processes;

"(iii) counseling or assistance with financial, social, familial, or other related matters that may affect or be influenced by housing problems;

"(iv) advocacy related to promoting—

"(I) the rights of the older individuals who are residents in publicly assisted housing programs; and

"(II) the quality and suitability of housing in the programs; and

"(v) assistance with problems related to housing regarding—

"(I) threats of eviction or eviction notices;

"(II) older buildings;

"(III) functional impairments as the impairments relate to housing;

"(IV) unlawful discrimination;

"(V) regulations of the Department of Housing and Urban Development and the Farmers Home Administration;

"(VI) disability issues;

"(VII) intimidation, harassment, or arbitrary management rules;

"(VIII) grievance procedures;

"(IX) certification and recertification related to programs of the Department of Housing and Urban Development and the Farmers Home Administration; and

"(X) issues related to transfer from one project or program to another; and

"(3) AWARD OF GRANTS.—The Commissioner shall award grants under paragraph (1) to agencies in rural, urban, and other settings.

"(4) APPLICATION.—To be eligible to receive a grant under paragraph (1), an agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

"(A) an assurance that the agency will conduct training of professional and volunteer staff who will provide services through the housing ombudsman demonstration program;

"(B) in the case of an application submitted by an area agency on aging, an endorsement of the program by the State agency serving the State in which the program will be established, and an assurance by the State agency that the agency will work with the area agency in carrying out the program; and

"(C) a plan to involve in the demonstration program the Secretary of the Department of Housing and Urban Development, the Administrator of the Farmers Home Administration, any individual or entity described in paragraph (2)(A) through which the agency intends to provide the services, and other agencies involved in publicly assisted housing programs.

"(5) ELIGIBLE AGENCIES.—Agencies eligible to receive grants under this section shall include—

"(A) State agencies;

"(B) area agencies on aging; and

"(C) other nonprofit entities, including providers of services under the State Long-Term Care Ombudsman program and the elder rights and legal assistance development program described in chapters 2 and 4, respectively, of subtitle A of title VII.

"(b) FORECLOSURE AND EVICTION ASSISTANCE AND RELIEF SERVICES DEMONSTRATION PROGRAMS.—

"(1) GRANTS.—The Commissioner shall make grants to States to carry out demonstration programs to develop methods or implement laws—

"(A) to prevent or delay the foreclosure on housing owned and occupied by older individuals or the eviction of older individuals from housing the individuals rent;

"(B) to obtain alternative housing as a result of such foreclosure or eviction; and

"(C) to assist older individuals to understand the rights and obligations of the individuals under laws relating to housing ownership and occupancy.

"(2) NOTIFICATION PROCESS.—A State that receives a grant under paragraph (1) shall establish methods, including a notification process—

"(A) to assist older individuals who are incapable of, or have difficulty in, understanding the circumstances and consequences of foreclosure on or eviction from housing the individuals occupy; and

"(B) to coordinate the program for which such grant is received with the activities of tenant organizations, tenant-landlord mediation organizations, public housing entities, and area agencies on aging, to provide more effectively assistance or referral to services to relocate or prevent eviction of older individuals from housing the individuals occupy.

"(c) EVALUATIONS AND REPORTS.—

"(1) AGENCIES.—Each agency or State that receives a grant under subsection (a) or (b) to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

"(A) evaluate the effectiveness of the program; and

"(B) submit a report containing the evaluation to the Commissioner.

"(2) COMMISSIONER.—The Commissioner shall, not later than 6 months after the end of the period for which the Commissioner awards a grant under subsection (a) or (b)—

"(A) evaluate the effectiveness of each demonstration program that receives the grant; and

"(B) submit a report containing the evaluation to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

SEC. 417. PRIVATE RESOURCE ENHANCEMENT PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429H. PRIVATE RESOURCE ENHANCEMENT PROJECTS.

"(a) GRANTS.—

"(1) IN GENERAL.—The Commissioner may make grants to, and enter into contracts with, State agencies and area agencies on aging, to carry out demonstration projects that generate non-Federal resources (including cash and in-kind contributions), in order to increase resources available to provide additional services under title III.

"(2) MAINTENANCE OF RESOURCES.—Resources generated with a grant made, or contract entered into, under subsection (a) shall be in addition to, and may not be used to supplant, any resource that is or would otherwise be available under any Federal, State, or local law to a State, State agency, area agency on aging, or unit of general purpose local government (as defined in section 302(2)) to provide such services.

"(3) USE OF RESOURCES.—Resources generated with a grant made, or a contract entered into, under subsection (a) shall be used to provide supportive services in accordance with title III. The requirements under this Act that apply to funds received under title III by States to carry out title III shall apply with respect to such resources.

"(b) AWARD OF GRANTS AND CONTRACTS.—

"(1) REGIONAL DISTRIBUTION.—The Commissioner shall ensure that States and area agencies on aging in all standard Federal regions of the United States, established by the Office of Management and Budget, receive grants and contracts under subsection (a) on an equitable basis.

"(2) DISTRIBUTION BASED ON NEED.—Within such regions, the Commissioner shall give preference to applicants that provide services under title III in geographical areas that contain a large number of older individuals with greatest economic need or older individuals with greatest social need.

"(c) MONITORING.—The Commissioner shall monitor how—

"(1) grants are expended, and contracts are carried out, under subsection (a); and

"(2) resources generated under such grants and contracts are expended,

to ensure compliance with this section.".

SEC. 418. CAREER PREPARATION FOR THE FIELD OF AGING.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429I. CAREER PREPARATION FOR THE FIELD OF AGING.

"(a) GRANTS.—The Commissioner shall make grants to institutions of higher education, historically black colleges or universities, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students, to provide education and training to prepare students for careers in the field of aging.

"(b) DEFINITIONS.—For purposes of subsection (a):

"(1) HISPANIC CENTER OF EXCELLENCE IN APPLIED GERONTOLOGY.—The term 'Hispanic Center of Excellence in Applied Gerontology' means an institution of higher education with a program in applied gerontology that—

"(A) has a significant number of Hispanic individuals enrolled in the program, including individuals accepted for enrollment in the program;

"(B) has been effective in assisting Hispanic students of the program to complete the program and receive the degree involved;

"(C) has been effective in recruiting Hispanic individuals to attend the program, including providing scholarships and other financial assistance to such individuals and encouraging Hispanic students of secondary educational institutions to attend the program; and

"(D) has made significant recruitment efforts to increase the number and placement of Hispanic individuals serving in faculty or administrative positions in the program.

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically black college or university' has the meaning given the term 'part B institution' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

SEC. 419. PENSION INFORMATION AND COUNSELING DEMONSTRATION PROJECTS.

Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034-3035g) (as amended by the preceding sections) is amended by adding at the end the following:

"SEC. 429J. PENSION RIGHTS DEMONSTRATION PROJECTS.

"(a) DEFINITIONS.—As used in this section:

"(1) PENSION RIGHTS INFORMATION PROGRAM.—The term 'pension rights information program' means a program described in subsection (c).

"(2) PENSION AND OTHER RETIREMENT BENEFITS.—The term 'pension and other retirement benefits' means private, civil service, and other public pensions and retirement benefits, including benefits provided under—

"(A) the Social Security program under title II of the Social Security Act (42 U.S.C. 401 et seq.);

"(B) the railroad retirement program under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

"(C) the government retirement benefits programs under the Civil Service Retirement System set forth in chapter 83 of title 5, United States Code, the Federal Employees Retirement System set forth in chapter 84 of title 5, United States Code, or other Federal retirement systems; or

"(D) the Employee Retirement Income Security Act (29 U.S.C. 1001 et seq.).

"(b) ESTABLISHMENT.—The Commissioner shall establish and carry out pension rights demonstration projects.

"(c) PENSION RIGHTS INFORMATION PROGRAMS.—

"(1) USE OF FUNDS.—In carrying out the projects specified in subsection (b), the Commissioner shall, to the extent appropriations are available, award grants to six eligible entities to establish programs to provide outreach, information, counseling, referral, and assistance regarding pension and other retirement benefits, and rights related to such benefits.

"(2) AWARD OF GRANTS.—

"(A) TYPE OF ENTITY.—The Commissioner shall award under this subsection—

"(i) four grants to State agencies or area agencies on aging; and

"(ii) two grants to nonprofit organizations with a proven record of providing—

"(I) services related to retirement of older individuals; or

"(II) specific pension rights counseling.

"(B) PANEL.—In awarding grants under this subsection, the Commissioner shall use a citizen advisory panel that shall include representatives of business, labor, national senior advocates, and national pension rights advocates.

"(C) CRITERIA.—In awarding grants under this subsection, the Commissioner, in consultation with the panel, shall use as criteria—

"(i) evidence of commitment of an agency or organization to carry out a proposed pension rights information program;

"(ii) the ability of the agency or organization to perform effective outreach to affected populations, particularly populations identified as in need of special outreach; and

"(iii) reliable information that the population to be served by the agency or organization has a demonstrable need for the services proposed to be provided under the program.

"(3) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

"(i) a plan for the establishment of a pension rights information program to serve a specific geographic area; and

"(ii) an assurance that staff members (including volunteer staff members) have no conflict of interest in providing the services described in the plan.

"(B) PLAN.—The plan described in paragraph (1) shall provide for a program that—

"(i) establishes a State or area pension rights information center;

"(ii) provides counseling (including direct counseling and assistance to individuals needing information) and information that may assist individuals in establishing rights to, obtaining, and filing claims or complaints related to, pension and other retirement benefits;

"(iii) provides information on sources of pension and other retirement benefits, including the benefits under programs described in subsection (a)(1);

"(iv) makes referrals to legal services and other advocacy programs;

"(v) establishes a system of referral to State, local, and Federal departments or agencies related to pension and other retirement benefits;

"(vi) provides a sufficient number of staff positions (including volunteer positions) to ensure information, counseling, referral, and assistance regarding pension and other retirement benefits;

"(vii) provides training programs for staff members, including volunteer staff members of the programs described in subsection (a)(1);

"(viii) makes recommendations to the Administration, the Department of Labor and other local, State, and Federal agencies concerning issues for older individuals related to pension and other retirement benefits; and

"(ix) establishes an outreach program to provide information, counseling, referral, and assistance regarding pension and other retirement benefits, with particular emphasis on outreach to women, minorities, and low-income retirees.

"(d) TRAINING PROGRAM.—

"(1) USE OF FUNDS.—In carrying out the projects described in subsection (b), the Commissioner shall, to the extent appropriations are available, award a grant to an eligible entity to establish a training program to provide—

"(A) information to the staffs of entities operating pension rights information programs; and

"(B) assistance to the entities and assist such entities in the design of program evaluation tools.

"(2) ELIGIBLE ENTITY.—Entities eligible to receive grants under this subsection include nonprofit private organizations with records of providing national information, referral, and advocacy in matters related to pension and other retirement benefits.

"(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(e) DURATION.—The Commissioner may award grants under subsection (c) or (d) for periods not to exceed 18 months.

"(f) REPORT TO CONGRESS.—

"(1) PREPARATION.—The Commissioner shall prepare a report that—

"(A) summarizes the distribution of funds authorized for grants under this section and the expenditure of such funds;

"(B) summarizes the scope and content of training and assistance provided under a program carried out under this section and the degree to which the training and assistance can be replicated;

"(C) outlines the problems that individuals participating in programs funded under this section encountered concerning rights related to pension and other retirement benefits; and

"(D) makes recommendations regarding the manner in which services provided in programs funded under this section can be incorporated into the ongoing programs of State agencies, area agencies on aging, multipurpose senior centers, and other similar entities.

"(2) SUBMISSION.—Not later than 30 months after the date of the enactment of this section, the Commissioner shall submit the report described in paragraph (1) to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(g) ADMINISTRATIVE EXPENSES.—Of the funds appropriated under section 431(a)(1) to carry out this section for a fiscal year, not more than $100,000 may be used by the Administration for administrative expenses in carrying out this section.".

SEC. 420. AUTHORIZATION OF APPROPRIATIONS.

Section 431 of the Older Americans Act of 1965 (42 U.S.C. 3037) is amended by striking subsections (a) and (b) and inserting the following:

"(a)(1) There are authorized to be appropriated to carry out the provisions of this title (other than the provision specified in subsection (b)) $72,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(2) Not less than 1 percent of the amount appropriated under paragraph (1) for each fiscal year shall be made available to carry out section 202(d).

"(b) There are authorized to be appropriated to carry out section 411(e), $450,000 for each of fiscal years 1992, 1993, 1994, and 1995.".

SEC. 421. PAYMENTS OF GRANTS FOR DEMONSTRATION PROJECTS.

Section 432(c) of the Older Americans Act of 1965 (42 U.S.C. 3037a(c)) is amended by striking "unless the Commissioner" and all that follows and inserting "unless the Commissioner—

"(1) consults with the State agency prior to issuing the grant or contract; and

"(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued.".

SEC. 422. RESPONSIBILITIES OF COMMISSIONER.

Section 433 of the Older Americans Act of 1965 (42 U.S.C. 3037b) is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) Not later than January 1 following each fiscal year, the Commissioner shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for such fiscal year that describes each project and each program—

"(A) for which funds were provided under this title; and

"(B) that was completed in the fiscal year for which such report is prepared.

"(2) Such report shall contain—

"(A) the name or descriptive title of each project or program;

"(B) the name and address of the individual or governmental entity that conducted such project or program;

"(C) a specification of the period throughout which such project or program was conducted;

"(D) the identity of each source of funds expended to carry out such project or program and the amount of funds provided by each such source;

"(E) an abstract describing the nature and operation of such project or program; and

"(F) a bibliography identifying all published information relating to such project or program."; and

(2) by adding at the end the following:

"(c)(1) The Commissioner shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this title.

"(2) The Commissioner shall—

"(A) make available to the public each evaluation carried out under paragraph (1); and

"(B) use such evaluation to improve services delivered, or the operation of projects and programs carried out, under this Act.".

TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SEC. 501. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

Section 502 of the Older American Community Service Employment Act (42 U.S.C. 3056) is amended—

(1) in subsection (a) by inserting "and who have poor employment prospects" after "or older";

(2) in subsection (b)(1)—

(A) in subparagraph (M) by inserting ", and eligible individuals who have greatest economic need, at least" after "individuals";

(B) by redesignating subparagraphs (N) and (O) as subparagraphs (O) and (P), respectively; and

(C) by inserting after subparagraph (M) the following:

"(N)(i) will prepare an assessment of—

"(I) the participants' skills and talents;

"(II) their need for supportive services; and

"(III) their physical capabilities;

except to the extent such project has, for the particular participant involved, an assessment of such skills and talents, such need, or such capabilities prepared recently pursuant to another employment or training program (such as a program under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.));

"(ii) will provide to eligible individuals training and employment counseling based on strategies that identify appropriate employment objectives and the need for supportive services, developed as a result of the assessment provided for in clause (i); and

"(iii) will provide counseling to participants on their progress in meeting such objectives and satisfying their need for supportive services;";

(3) in subsection (c)(1)(B) by striking "Director of the Office of Community Services of the Department" and inserting "Secretary";

(4) in subsection (d)(1) by striking "within a State such organization or program sponsor shall submit to the State agency on aging" and inserting "within a planning and service area in a State such organization or program sponsor shall conduct such project in consultation with the area agency on aging of the planning and service area and shall submit to the State agency and the area agency on aging"; and

(5) in subsection (e)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "Not" and all that follows through "1981, the" and inserting "The"; and

(ii) by inserting ", and amend from time to time," after "issue";

(B) in subparagraph (A) by striking "and" at the end;

(C) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(C) require the coordination of projects carried out under such agreements, with the programs carried out under section 124 of the Job Training Partnership Act (29 U.S.C. 1534).".

SEC. 502. COORDINATION.

(a) INCREASING JOB OPPORTUNITIES.—Section 503(a) of the Older American Community Service Employment Act (42 U.S.C. 3056a(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

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

(3) by adding at the end the following:

"(2) The Secretary of Labor and the Commissioner shall coordinate the programs under this title and the programs under titles III, IV, and VI to increase job opportunities available to older individuals.".

(b) COORDINATION OF ADMINISTRATION.—The first sentence of section 503(b)(1) of the Older American Community Service Employment Act (42 U.S.C. 3056a(b)(1)) is amended—

(1) by striking "If" and all that follows through "authorized to", and inserting "The Secretary shall";

(2) by inserting after the first sentence the following: "The Secretary shall coordinate the administration of this title with the administration of titles III, IV, and VI by the Commissioner, to increase the likelihood that eligible individuals for whom employment opportunities under this title are available and who need services under such titles receive such services."; and

(3) by adding at the end the following: "The preceding sentence shall not be construed to prohibit carrying out projects under this title jointly with programs, projects, or activities under any Act specified in such sentence.".

SEC. 503. INTERAGENCY COOPERATION.

Section 505 of the Older American Community Service Employment Act (42 U.S.C. 3056b) is amended—

(1) in subsection (a) by striking "of the Administration on Aging"; and

(2) by adding at the end the following:

"(d)(1) The Secretary shall promote and coordinate carrying out projects under this title jointly with programs, projects, or activities under other Acts that provide train-

ing and employment opportunities to eligible individuals.

"(2) The Secretary shall consult with the Secretary of Education to promote and coordinate carrying out projects under this title jointly with employment and training programs in which eligible individuals may participate that are carried out under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).".

SEC. 504. EQUITABLE DISTRIBUTION OF ASSISTANCE.

(a) ALLOCATION.—Paragraphs (1) and (2) of section 506(a) of the Older American Community Service Employment Act (42 U.S.C. 3056d(a)) are amended to read as follows:

"(1)(A) Subject to subparagraph (B) and paragraph (2), from sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be necessary for national grants or contracts with public agencies and public or nonprofit private organizations to maintain the level of activities carried on under such grants or contracts at least at the level of such activities supported under this title and under any other provision of Federal law relating to community service employment programs for older Americans in fiscal year 1978.

"(B)(i)(I) For each fiscal year in which the sums appropriated under this title exceed the amount appropriated under this title for fiscal year 1978, the Secretary shall reserve not more than 45 percent of such excess, except as provided in subclause (II), to carry out clauses (ii), (iii), and (v).

"(II) The Secretary shall reserve a sum sufficient to carry out clauses (iii) and (v).

"(III) The Secretary in awarding grants and contracts under this paragraph from the sum reserved under this paragraph shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts designed to achieve the allotment among the States described in paragraph (3) of this subsection.

"(ii) The Secretary shall reserve such sums as may be necessary for national grants or contracts with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment services to older Pacific Island and Asian Americans.

"(iii) If the amount appropriated under this title for a fiscal year exceeds 102 percent of the amount appropriated under this title for fiscal year 1991, for each fiscal year described in clause (iv), the Secretary shall reserve for recipients of national grants and contracts under this paragraph such portion of the excess amount as the Secretary determines to be appropriate and is—

"(I) at least 25 percent of the excess amount; or

"(II) the portion required to increase the amount made available under this paragraph to each of the recipients so that the amount equals 1.3 percent of the amount appropriated under this title for fiscal year 1991.

"(iv) From the portion reserved under clause (iii), the Secretary shall increase the amount made available under this paragraph to each of the recipients—

"(I) for each fiscal year before the fiscal year described in subclause (II), so that such amount equals, or more closely approaches, such 1.3 percent; and

"(II) for the first fiscal year for which the portion is sufficient to make available under this paragraph to each of the recipients the amount equal to such 1.3 percent, so that such amount is not less than such 1.3 percent.

"(v) For each fiscal year after the fiscal year described in clause (iv)(II), the Secretary shall make available under this paragraph to each of the recipients an amount not less than such 1.3 percent.

"(C) Preference in awarding grants and contracts under this paragraph shall be given to national organizations, and agencies, of proven ability in providing employment services to eligible individuals under this program and similar programs. The Secretary, in awarding grants and contracts under this section, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States, subject to subparagraph (B)(i)(III).

"(2)(A) From sums appropriated under this title for each fiscal year after September 30, 1978, the Secretary shall reserve an amount which is at least 1 percent and not more than 3 percent of the amount appropriated in excess of the amount appropriated for fiscal year 1978 for the purpose of entering into agreements under section 502(e), relating to improved transition to private employment.

"(B) After the Secretary makes the reservations required by paragraph (1)(B) and subparagraph (A), the remainder of such excess shall be allotted to the appropriate public agency of each State pursuant to paragraph (3).".

(b) APPORTIONMENT WITHIN STATES.—Section 506(c) of the Older American Community Service Employment Act (42 U.S.C. 3056d(c)) is amended—

(1) by striking "and (2)" and inserting "(2)"; and

(2) by inserting before the period at the end the following: ", and (3) the relative distribution of (A) such individuals who are individuals with greatest economic need, (B) such individuals who are minority individuals, and (C) such individuals who are individuals with greatest social need".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 502(c)(1), paragraphs (3) and (4) of section 506(a), and section 507(1) of the Older American Community Service Employment Act (42 U.S.C. 3056(c)(1), 3056d(a) (3) and (4), and 3056e(1)) are amended by striking "per centum" each place the term appears and inserting "percent".

(2) Section 502(e)(1) of the Older American Community Service Employment Act (42 U.S.C. 3056(e)(1)) is amended by striking "506(a)(1)(B)" and inserting "506(a)(2)(A)".

(3) Section 506(a)(4)(B) of the Older American Community Service Employment Act (42 U.S.C. 3056d(a)(4)(B)) is amended by striking "him" and inserting "the Secretary".

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Section 508(a) of the Older American Community Service Employment Act (42 U.S.C. 3056f(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) $470,671,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995; and";

(2) in paragraph (2) by striking "62,500" and inserting "70,000"; and

(3) by striking "clause" and inserting "paragraph".

SEC. 506. DUAL ELIGIBILITY.

The Older American Community Service Employment Act (42 U.S.C. 3056–3056g) is amended by adding at the end the following:

"SEC. 510. DUAL ELIGIBILITY.

"In the case of projects under this title carried out jointly with programs carried out under the Job Training Partnership Act, eligible individuals shall be deemed to satisfy the requirements of section 203 of such Act (29 U.S.C. 1603) that are applicable to adults.".

SEC. 507. TREATMENT OF ASSISTANCE PROVIDED UNDER THE OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT ACT.

The Older American Community Service Employment Act (42 U.S.C. 3056–3056g), as amended by section 506, is amended by adding at the end the following:

"SEC. 511. TREATMENT OF ASSISTANCE.

"Assistance furnished under this title shall not be construed to be financial assistance described in section 245A(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(1)(A)).".

TITLE VI—GRANTS FOR NATIVE AMERICANS

SEC. 601. APPLICATIONS BY TRIBAL ORGANIZATIONS.

Section 614(a) of the Older Americans Act of 1965 (42 U.S.C. 3057e(a)) is amended—

(1) in paragraph (10) by striking "and" at the end;

(2) in paragraph (11) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(12) contain assurances that the tribal organization will coordinate services provided under this part with services provided under title III in the same geographical area.".

SEC. 602. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGANIZATIONS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) is amended by inserting after section 614 the following:

"SEC. 614A. DISTRIBUTION OF FUNDS AMONG TRIBAL ORGANIZATIONS.

"(a) MAINTENANCE of 1991 AMOUNTS.—Subject to the availability of appropriations to carry out this part, the amount of the grant (if any) made under this part to a tribal organization for fiscal year 1992 and for each subsequent fiscal year shall be not less than the amount of the grant made under this part to the tribal organization for fiscal year 1991.

"(b) USE OF ADDITIONAL AMOUNTS APPROPRIATED.—If the funds appropriated to carry out this part in a fiscal year subsequent to fiscal year 1991 exceed the funds appropriated to carry out this part in fiscal year 1991, then the amount of the grant (if any) made under this part to a tribal organization for the subsequent fiscal year shall be—

"(1) increased by such amount as the Commissioner considers to be appropriate, in addition to the amount of any increase required by subsection (a), so that the grant equals or more closely approaches the amount of the grant made under this part to the tribal organization for fiscal year 1980; or

"(2) an amount the Commissioner considers to be sufficient if the tribal organization did not receive a grant under this part for either fiscal year 1980 or fiscal year 1991.".

SEC. 603. APPLICATIONS BY ORGANIZATIONS SERVING NATIVE HAWAIIANS.

Section 624(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3057j(a)(3)) is amended by inserting "and with the activities carried out under title III in the same geographical area" before the semicolon at the end.

SEC. 604. DISTRIBUTION OF FUNDS AMONG ORGANIZATIONS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3057 et seq.) is amended by inserting after section 624 the following:

"SEC. 624A. DISTRIBUTION OF FUNDS AMONG ORGANIZATIONS.

"Subject to the availability of appropriations to carry out this part, the amount of the grant (if any) made under this part to an organization for fiscal year 1992 and for each subsequent fiscal year shall be not less than the amount of the grant made under this part to the organization for fiscal year 1991.".

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

Section 633 of the Older Americans Act of 1965 (42 U.S.C. 3057n) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 633. (a) There are authorized to be appropriated $30,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995, to carry out this title (other than section 615).

"(b) Of the amount appropriated under subsection (a) for each fiscal year—

"(1) 90 percent shall be available to carry out part A; and

"(2) 10 percent shall be available to carry out part B.".

TITLE VII—VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

SEC. 701. ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by adding at the end the following:

"TITLE VII—ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

"Subtitle A—State Provisions

"CHAPTER 1—GENERAL STATE PROVISIONS

"SEC. 701. ESTABLISHMENT.

"The Commissioner, acting through the Administration, shall establish and carry out a program for making allotments to States to pay for the cost of carrying out vulnerable elder rights protection activities.

"SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

"(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out chapter 2, $40,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—There are authorized to be appropriated to carry out chapter 3, $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(c) STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out chapter 4, $10,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"(d) OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out chapter 5, $15,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, and 1995.

"SEC. 703. ALLOTMENT.

"(a) IN GENERAL.—

"(1) POPULATION.—In carrying out the program described in section 701, the Commissioner shall initially allot to each State, from the funds appropriated under section 702 for each fiscal year, an amount that bears the same ratio to the funds as the population of older individuals in the State bears to the population of older individuals in all States.

"(2) MINIMUM ALLOTMENTS.—

"(A) IN GENERAL.—After making the initial allotments described in paragraph (1), the Commissioner shall adjust the allotments on a pro rata basis in accordance with subparagraphs (B) and (C).

"(B) GENERAL MINIMUM ALLOTMENTS.—

"(i) MINIMUM ALLOTMENT FOR STATES.—No State shall be allotted less than one-half of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made.

"(ii) MINIMUM ALLOTMENT FOR TERRITORIES.—Guam, the United States Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made. American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated under section 702 for the fiscal year for which the determination is made.

"(C) MINIMUM ALLOTMENTS FOR OMBUDSMAN AND ELDER ABUSE PROGRAMS.—

"(i) OMBUDSMAN PROGRAM.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(a), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out the State Long-Term Care Ombudsman program under title III.

"(ii) ELDER ABUSE PROGRAMS.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(b), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out programs with respect to the prevention of elder abuse, neglect, and exploitation under title III.

"(D) DEFINITION.—For the purposes of this paragraph, the term 'State' does not include Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"(b) REALLOTMENT.—

"(1) IN GENERAL.—If the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by the State for carrying out the purpose for which the allotment was made, the Commissioner shall make the amount available to a State that the Commissioner determines will be able to use the amount for carrying out the purpose.

"(2) AVAILABILITY.—Any amount made available to a State from an appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this subtitle, be regarded as part of the allotment of the State (as determined under subsection (a)) for the year, but shall remain available until the end of the succeeding fiscal year.

"(c) WITHHOLDING.—If the Commissioner finds that any State has failed to carry out this title in accordance with the assurances made and description provided under section 705, the Commissioner shall withhold the allotment of funds to the State. The Commissioner shall disburse the funds withheld directly to any public or nonprofit private institution or organization, agency, or political subdivision of the State submitting an approved plan containing the assurances and description.

"SEC. 704. ORGANIZATION.

"In order for a State to be eligible to receive allotments under this subtitle—

"(1) the State shall demonstrate eligibility under section 305;

"(2) the State agency designated by the State shall demonstrate compliance with the applicable requirements of section 305; and

"(3) each area agency on aging designated by the State agency and participating in such a program shall demonstrate compliance with the applicable requirements of section 305.

"SEC. 705. ADDITIONAL STATE PLAN REQUIREMENTS.

"(a) ELIGIBILITY.—In order to be eligible to receive an allotment under this subtitle, a State shall include in the State plan submitted under section 307—

"(1) an assurance that the State, in carrying out any chapter of this subtitle for which the State receives funding under this subtitle, will establish programs in accordance with the requirements of the chapter and this chapter;

"(2) an assurance that the State will hold public hearings, and use other means, to obtain the views of older individuals, area agencies on aging, recipients of grants under title VI, and other interested persons and entities regarding programs carried out under this subtitle;

"(3) an assurance that the State, in consultation with area agencies on aging, will identify and prioritize statewide activities aimed at ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights;

"(4) an assurance that the State will use funds made available under this subtitle for a chapter in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before the date of the enactment of this subtitle, to carry out the vulnerable elder rights protection activities described in the chapter;

"(5) an assurance that the State will place no restrictions, other than the requirements referred to in clauses (i) through (iv) of section 712(a)(5)(C), on the eligibility of entities for designation as local Ombudsman entities under section 712(a)(5);

"(6) an assurance that, with respect to programs for the prevention of elder abuse, neglect, and exploitation under chapter 3—

"(A) in carrying out such programs the State agency will conduct a program of services consistent with relevant State law and coordinated with existing State adult protective service activities for—

"(i) public education to identify and prevent elder abuse;

"(ii) receipt of reports of elder abuse;

"(iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance if appropriate and if the individuals to be referred consent; and

"(iv) referral of complaints to law enforcement or public protective service agencies if appropriate;

"(B) the State will not permit involuntary or coerced participation in the program of services described in subparagraph (A) by alleged victims, abusers, or their households; and

"(C) all information gathered in the course of receiving reports and making referrals shall remain confidential except—

"(i) if all parties to such complaint consent in writing to the release of such information;

"(ii) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or

"(iii) upon court order;

"(7) an assurance that the State agency—

"(A) from funds appropriated under section 702(d) for chapter 5, will make funds available to eligible area agencies on aging to

carry out chapter 5 and, in distributing such funds among eligible area agencies, will give priority to area agencies on aging based on—

"(i) the number of older individuals with greatest economic need, and older individuals with greatest social need, residing in their respective planning and service areas; and

"(ii) the inadequacy in such areas of outreach activities and application assistance of the type specified in chapter 5;

"(B) will require, as a condition of eligibility to receive funds to carry out chapter 5, an area agency on aging to submit an application that—

"(i) describes the activities for which such funds are sought;

"(ii) provides for an evaluation of such activities by the area agency on aging; and

"(iii) includes assurances that the area agency on aging will prepare and submit to the State agency a report of the activities conducted with funds provided under this paragraph and the evaluation of such activities;

"(C) will distribute to area agencies on aging—

"(i) the eligibility information received under section 202(a)(20) from the Administration; and

"(ii) information, in written form, explaining the requirements for eligibility to receive medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

"(D) will submit to the Commissioner a report on the evaluations required to be submitted under subparagraph (B); and

"(8) a description of the manner in which the State agency will carry out this title in accordance with the assurances described in paragraphs (1) through (7).

"(b) PRIVILEGE.—Neither a State, nor a State agency, may require any provider of legal assistance under this subtitle to reveal any information that is protected by the attorney-client privilege.

"SEC. 706. DEMONSTRATION PROJECTS.

"(a) ESTABLISHMENT.—From amounts made available under section 304(d)(1)(C) after September 30, 1992, each State may provide for the establishment of at least one demonstration project, to be conducted by one or more area agencies on aging within the State, for outreach to older individuals with greatest economic need with respect to—

"(1) benefits available under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) (or assistance under a State program established in accordance with such title);

"(2) medical assistance available under title XIX of such Act (42 U.S.C. 1396 et seq.); and

"(3) benefits available under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

"(b) BENEFITS.—Each outreach project carried out under subsection (a) shall—

"(1) provide to older individuals with greatest economic need information and assistance regarding their eligibility to receive the benefits and assistance described in paragraphs (1) through (3) of subsection (a);

"(2) be carried out in a planning and service area that has a high proportion of older individuals with greatest economic need, relative to the aggregate number of older individuals in such area; and

"(3) be coordinated with State and local entities that administer benefits under such titles.".

SEC. 702. OMBUDSMAN PROGRAMS.

Title VII of the Older Americans Act of 1965 (as added by section 701 of this Act) is amended by adding at the end the following:

"CHAPTER 2—OMBUDSMAN PROGRAMS

"SEC. 711. DEFINITIONS.

"As used in this chapter:

"(1) OFFICE.—The term 'Office' means the office established in section 712(a)(1)(A).

"(2) OMBUDSMAN.—The term 'Ombudsman' means the individual described in section 712(a)(2).

"(3) LOCAL OMBUDSMAN ENTITY.—The term 'local Ombudsman entity' means an entity designated under section 712(a)(5)(A) to carry out the duties described in section 712(a)(5)(B) with respect to a planning and service area or other substate area.

"(4) PROGRAM.—The term 'program' means the State Long-Term Care Ombudsman program established in section 712(a)(1)(B).

"(5) REPRESENTATIVE.—The term 'representative' includes an employee or volunteer who represents an entity designated under section 712(a)(5)(A) and who is individually designated by the Ombudsman.

"(6) RESIDENT.—The term 'resident' means an older individual who resides in a long-term care facility.

"SEC. 712. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(a), a State agency shall, in accordance with this section—

"(A) establish and operate an Office of the State Long-Term Care Ombudsman; and

"(B) carry out through the Office a State Long-Term Care Ombudsman program.

"(2) OMBUDSMAN.—The Office shall be headed by an individual, to be known as the State Long-Term Care Ombudsman, who shall be selected from among individuals with expertise and experience in the fields of long-term care and advocacy.

"(3) FUNCTIONS.—The Ombudsman shall serve on a full-time basis, and shall, personally or through representatives of the Office—

"(A) identify, investigate, and resolve complaints that—

"(i) are made by, or on behalf of, residents; and

"(ii) relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents (including the welfare and rights of the residents with respect to the appointment and activities of guardians and representative payees), of—

"(I) providers, or representatives of providers, of long-term care services;

"(II) public agências; or

"(III) health and social service agencies;

"(B) provide services to assist the residents in protecting the health, safety, welfare, and rights of the residents;

"(C) inform the residents about means of obtaining services provided by providers or agencies described in subparagraph (A)(ii) or services described in subparagraph (B);

"(D) ensure that the residents have regular and timely access to the services provided through the Office and that the residents and complainants receive timely responses from representatives of the Office to complaints;

"(E) represent the interests of the residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

"(F) provide administrative and technical assistance to entities designated under paragraph (5) to assist the entities in participating in the program;

"(G)(i) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long-term care facilities and services in the State;

"(ii) recommend any changes in such laws, regulations, policies, and actions as the Office determines to be appropriate; and

"(iii) facilitate public comment on the laws, regulations, policies, and actions;

"(H)(i) provide for training representatives of the Office;

"(ii) promote the development of citizen organizations, to participate in the program; and

"(iii) provide technical support for the development of resident and family councils to protect the well-being and rights of residents; and

"(I) carry out such other activities as the Commissioner determines to be appropriate.

"(4) CONTRACTS AND ARRANGEMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the State agency may establish and operate the Office, and carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.

"(B) LICENSING AND CERTIFICATION ORGANIZATIONS; ASSOCIATIONS.—The State agency may not enter into the contract or other arrangement described in subparagraph (A) with—

"(i) an agency or organization that is responsible for licensing or certifying long-term care services in the State; or

"(ii) an association (or an affiliate of such an association) of long-term care facilities, or of any other residential facilities for older individuals.

"(5) DESIGNATION OF LOCAL OMBUDSMAN ENTITIES AND REPRESENTATIVES.—

"(A) DESIGNATION.—In carrying out the duties of the Office, the Ombudsman may designate an entity as a local Ombudsman entity, and may designate an employee or volunteer to represent the entity.

"(B) DUTIES.—An individual so designated shall, in accordance with the policies and procedures established by the Office and the State agency—

"(i) provide services to protect the health, safety, welfare and rights of residents;

"(ii) ensure that residents in the service area of the entity have regular, timely access to representatives of the program and timely responses to complaints and requests for assistance;

"(iii) identify, investigate, and resolve complaints made by or on behalf of residents that relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents;

"(iv) represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

"(v)(I) review, and if necessary, comment on any existing and proposed laws, regulations, and other government policies and actions, that pertain to the rights and well-being of residents; and

"(II) facilitate the ability of the public to comment on the laws, regulations, policies, and actions;

"(vi) support the development of resident and family councils; and

"(vii) carry out other activities that the Ombudsman determines to be appropriate.

"(C) ELIGIBILITY FOR DESIGNATION.—Entities eligible to be designated as local Om-

budsman entities, and individuals eligible to be designated as representatives of such entities, shall—

"(i) have demonstrated capability to carry out the responsibilities of the Office;

"(ii) be free of conflicts of interest;

"(iii) in the case of the entities, be public or nonprofit private entities; and

"(iv) meet such additional requirements as the Ombudsman may specify.

"(D) POLICIES AND PROCEDURES.—

"(i) IN GENERAL.—The State agency shall establish, in accordance with the Office, policies and procedures for monitoring local Ombudsman entities designated to carry out the duties of the Office.

"(ii) POLICIES.—In a case in which the entities are grantees, or the representatives are employees, of area agencies on aging, the State agency shall develop the policies in consultation with the area agencies on aging. The policies shall provide for participation and comment by the agencies and for resolution of concerns with respect to case activity.

"(iii) CONFIDENTIALITY AND DISCLOSURE.—The State agency shall develop the policies and procedures in accordance with all provisions of this subtitle regarding confidentiality and conflict of interest.

"(b) PROCEDURES FOR ACCESS.—

"(1) IN GENERAL.—The State shall ensure that representatives of the Office shall have—

"(A) access to long-term care facilities and residents;

"(B)(i) appropriate access to review the medical and social records of a resident, if—

"(I) the representative has the permission of the resident, or the legal representative of the resident; or

"(II) the resident is unable to consent to the review and has no legal representative; or

"(ii) access to the records as is necessary to investigate a complaint if—

"(I) a legal guardian of the resident refuses to give the permission;

"(II) a representative of the Office has reasonable cause to believe that the guardian is not acting in the best interests of the resident; and

"(III) the representative obtains the approval of the Ombudsman;

"(C) access to the administrative records, policies, and documents, to which the residents have, or the general public has access, of long-term care facilities; and

"(D) access to and, on request, copies of all licensing and certification records maintained by the State with respect to long-term care facilities.

"(2) PROCEDURES.—The State agency shall establish procedures to ensure the access described in paragraph (1).

"(c) REPORTING SYSTEM.—The State agency shall establish a statewide uniform reporting system to—

"(1) collect and analyze data relating to complaints and conditions in long-term care facilities and to residents for the purpose of identifying and resolving significant problems; and

"(2) submit the data, on a regular basis, to—

"(A) the agency of the State responsible for licensing or certifying long-term care facilities in the State;

"(B) other State and Federal entities that the Ombudsman determines to be appropriate;

"(C) the Commissioner; and

"(D) the National Ombudsman Resource Center established in section 202(a)(21).

"(d) DISCLOSURE.—

"(1) IN GENERAL.—The State agency shall establish procedures for the disclosure by the Ombudsman or local Ombudsman entities of files maintained by the program, including records described in subsection (b)(1) or (c).

"(2) IDENTITY OF COMPLAINANT OR RESIDENT.—The procedures described in paragraph (1) shall—

"(A) provide that, subject to subparagraph (B), the files and records described in paragraph (1) may be disclosed only at the discretion of the Ombudsman (or the person designated by the Ombudsman to disclose the files and records); and

"(B) prohibit the disclosure of the identity of any complainant or resident with respect to whom the Office maintains such files or records unless—

"(i) the complainant or resident, or the legal representative of the complainant or resident, consents to the disclosure and the consent is given in writing;

"(ii)(I) the complainant or resident gives consent orally; and

"(II) the consent is documented contemporaneously in a writing made by a representative of the Office in accordance with such requirements as the State agency shall establish; or

"(iii) the disclosure is required by court order.

"(e) CONSULTATION.—In planning and operating the program, the State agency shall consider the views of area agencies on aging, older individuals, and providers of long-term care.

"(f) CONFLICT OF INTEREST.—The State agency shall—

"(1) ensure that no individual, or member of the immediate family of an individual, involved in the designation of the Ombudsman (whether by appointment or otherwise) or the designation of an entity designated under subsection (a)(5), is subject to a conflict of interest;

"(2) ensure that no officer or employee of the Office, representative of a local Ombudsman entity, or member of the immediate family of the officer, employee, or representative, is subject to a conflict of interest;

"(3) ensure that the Ombudsman—

"(A) does not have a direct involvement in the licensing or certification of a long-term care facility or of a provider of a long-term care service;

"(B) does not have an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or a long-term care service;

"(C) is not employed by, or participating in the management of, a long-term care facility; and

"(D) does not receive, or have the right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility; and

"(4) establish, and specify in writing, mechanisms to identify and remove conflicts of interest referred to in paragraphs (1) and (2), and to identify and eliminate the relationships described in subparagraphs (A) through (D) of paragraph (3), including such mechanisms as—

"(A) the methods by which the State agency will examine individuals, and immediate family members, to identify the conflicts; and

"(B) the actions that the State agency will require the individuals and such family members to take to remove such conflicts.

"(g) LEGAL COUNSEL.—The State agency shall ensure that—

"(1)(A) adequate legal counsel is available, and is able, without conflict of interest, to—

"(i) provide advice and consultation needed to protect the health, safety, welfare, and rights of residents; and

"(ii) assist the Ombudsman and representatives of the Office in the performance of the official duties of the Ombudsman and representatives; and

"(B) legal representation is provided to any representative of the Office against whom suit or other legal action is brought or threatened to be brought in connection with the performance of the official duties of the Ombudsman or such a representative; and

"(2) the Office pursues administrative, legal, and other appropriate remedies on behalf of residents.

"(h) ADMINISTRATION.—The State agency shall require the Office to—

"(1) prepare an annual report—

"(A) describing the activities carried out by the Office in the year for which the report is prepared;

"(B) containing and analyzing the data collected under subsection (c);

"(C) evaluating the problems experienced by, and the complaints made by or on behalf of, residents;

"(D) containing recommendations for—

"(i) improving quality of the care and life of the residents; and

"(ii) protecting the health, safety, welfare, and rights of the residents;

"(E)(i) analyzing the success of the program including success in providing services to residents of board and care facilities and other similar adult care facilities; and

"(ii) identifying barriers that prevent the optimal operation of the program; and

"(F) providing policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of residents, to protect the health, safety, welfare, and rights of residents, and to remove the barriers;

"(2) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other government policies and actions that pertain to long-term care facilities and services, and to the health, safety, welfare, and rights of residents, in the State, and recommend any changes in such laws, regulations, and policies as the Office determines to be appropriate;

"(3)(A) provide such information as the Office determines to be necessary to public and private agencies, legislators, and other persons, regarding—

"(i) the problems and concerns of older individuals residing in long-term care facilities; and

"(ii) recommendations related to the problems and concerns; and

"(B) make available to the public, and submit to the Commissioner, the chief executive officer of the State, the State legislature, the State agency responsible for licensing or certifying long-term care facilities, and other appropriate governmental entities, each report prepared under paragraph (1);

"(4)(A) not later than 1 year after the date of the enactment of this title, establish procedures for the training of the representatives of the Office, including unpaid volunteers, based on model standards established by the Associate Commissioner for Ombudsman Programs, in consultation with representatives of citizen groups, long-term care providers, and the Office, that—

"(i) specify a minimum number of hours of initial training;

"(ii) specify the content of the training, including training relating to—

"(I) Federal, State, and local laws, regulations, and policies, with respect to long-term care facilities in the State;

"(II) investigative techniques; and

"(III) such other matters as the State determines to be appropriate; and

"(iii) specify an annual number of hours of in-service training for all designated representatives; and

"(B) require implementation of the procedures not later than 21 months after the date of the enactment of this title;

"(5) prohibit any representative of the Office (other than the Ombudsman) from carrying out any activity described in subparagraphs (A) through (G) of subsection (a)(3) unless the representative—

"(A) has received the training required under paragraph (4); and

"(B) has been approved by the Ombudsman as qualified to carry out the activity on behalf of the Office;

"(6) coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illnesses established under—

"(A) part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.); and

"(B) the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.);

"(7) coordinate, to the greatest extent possible, ombudsman services with legal assistance provided under section 306(a)(2)(C), through adoption of memoranda of understanding and other means; and

"(8) permit any local Ombudsman entity to carry out the responsibilities described in paragraph (1), (2), (3), (6), or (7).

"(i) LIABILITY.—The State shall ensure that no representative of the Office will be liable under State law for the good faith performance of official duties.

"(j) NONINTERFERENCE.—The State shall—

"(1) ensure that willful interference with representatives of the Office in the performance of the official duties of the representatives (as defined by the Commissioner) shall be unlawful;

"(2) prohibit retaliation and reprisals by a long-term care facility or other entity with respect to any resident, employee, or other person for filing a complaint with, providing information to, or otherwise cooperating with any representative of, the Office; and

"(3) provide for appropriate sanctions with respect to the interference, retaliation, and reprisals.

"SEC. 713. REGULATIONS.

"The Commissioner shall issue and periodically update regulations respecting—

"(1) conflicts of interest by persons described in paragraphs (1) and (2) of section 712(f); and

"(2) the relationships described in subparagraphs (A) through (D) of section 712(f)(3).".

SEC. 703. PROGRAMS FOR PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

(a) PURPOSE.—The purpose of this section is to assist States in the design, development, and coordination of comprehensive services of the State and local levels to prevent, treat, and remedy elder abuse, neglect, and exploitation.

(b) PROGRAMS.—Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by section 702) is amended by adding at the end the following:

"CHAPTER 3—PROGRAMS FOR PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION

"SEC. 721. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

"(a) ESTABLISHMENT.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(b), a State agency shall, in accordance with this section, and in consultation with area agencies on aging, develop and enhance programs for the prevention of elder abuse, neglect, and exploitation.

"(b) USE OF ALLOTMENTS.—The State agency shall use an allotment made under subsection (a) to carry out, through the programs described in subsection (a), activities to develop, strengthen, and carry out programs for the prevention and treatment of elder abuse, neglect, and exploitation, including—

"(1) providing for public education and outreach to identify and prevent elder abuse, neglect, and exploitation;

"(2) ensuring the coordination of services provided by area agencies on aging with services instituted under the State adult protection service program;

"(3) promoting the development of information and data systems, including elder abuse reporting systems, to quantify the extent of elder abuse, neglect, and exploitation in the State;

"(4) conducting analyses of State information concerning elder abuse, neglect, and exploitation and identifying unmet service, enforcement, or intervention needs;

"(5) conducting training for individuals, professionals, and paraprofessionals, in relevant fields on the identification, prevention, and treatment of elder abuse, neglect, and exploitation, with particular focus on prevention and enhancement of self-determination and autonomy;

"(6) providing technical assistance to programs that provide or have the potential to provide services for victims of elder abuse, neglect, and exploitation and for family members of the victims;

"(7) conducting special and on-going training, for individuals involved in serving victims of elder abuse, neglect, and exploitation, on the topics of self-determination, individual rights, State and Federal requirements concerning confidentiality, and other topics determined to be a State agency to be appropriate; and

"(8) promoting the development of an elder abuse, neglect, and exploitation system—

"(A) that includes a State elder abuse, neglect, and exploitation law that includes provisions for immunity, for persons reporting instances of elder abuse, neglect, and exploitation, from prosecution arising out of such reporting, under any State or local law;

"(B) under which a State agency—

"(i) on receipt of a report of known or suspected instances of elder abuse, neglect, or exploitation, shall promptly initiate an investigation to substantiate the accuracy of the report; and

"(ii) on a finding of elder abuse, neglect, or exploitation, shall take steps, including appropriate referral, to protect the health and welfare of the abused, neglected, or exploited older individual;

"(C) that includes, throughout the State, in connection with the enforcement of elder abuse, neglect, and exploitation laws and with the reporting of suspected instances of elder abuse, neglect, and exploitation—

"(i) such administrative procedures;

"(ii) such personnel trained in the special problems of elder abuse, neglect, and exploitation prevention and treatment;

"(iii) such training procedures;

"(iv) such institutional and other facilities (public and private); and

"(v) such related multidisciplinary programs and services,

as may be necessary or appropriate to ensure that the State will deal effectively with elder abuse, neglect, and exploitation cases in the State;

"(D) that preserves the confidentiality of records in order to protect the rights of older individuals;

"(E) that provides for the cooperation of law enforcement officials, courts of competent jurisdiction, and State agencies providing human services with respect to special problems of elder abuse, neglect, and exploitation;

"(F) that enables an older individual to participate in decisions regarding the welfare of the older individual, and makes the least restrictive alternatives available to an older individual who is abused, neglected, or exploited; and

"(G) that includes a State clearinghouse for dissemination of information to the general public with respect to—

"(i) the problems of elder abuse, neglect, and exploitation;

"(ii) the facilities described in subparagraph (C)(iv); and

"(iii) prevention and treatment methods available to combat instances of elder abuse, neglect, and exploitation.

"(c) APPROACH.—In developing and enhancing programs under subsection (a), the State agency shall use a comprehensive approach, in consultation with area agencies on aging, to identify and assist older individuals who are subject to abuse, neglect, and exploitation, including older individuals who live in State licensed facilities, unlicensed facilities, or domestic or community-based settings.

"(d) COORDINATION.—In developing and enhancing programs under subsection (a), the State agency shall coordinate the programs with other State and local programs and services for the protection of vulnerable adults, particularly vulnerable older individuals, including programs and services such as—

"(1) area agency on aging programs;

"(2) adult protective service programs;

"(3) the State Long-Term Care Ombudsman program established in chapter 2;

"(4) protection and advocacy programs;

"(5) facility and long-term care provider licensure and certification programs;

"(6) medicaid fraud and abuse services, including services provided by a State medicaid fraud control unit, as defined in section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q));

"(7) victim assistance programs; and

"(8) consumer protection and law enforcement programs, as well as other State and local programs that identify and assist vulnerable older individuals.

"(e) REQUIREMENTS.—In developing and enhancing programs under subsection (a), the State agency shall—

"(1) not permit involuntary or coerced participation in such programs by alleged victims, abusers, or members of their households;

"(2) require that all information gathered in the course of receiving a report described in subsection (b)(8)(B)(i), and making a referral described in subsection (b)(8)(B)(ii), shall remain confidential except—

"(A) if all parties to such complaint or report consent in writing to the release of such information;

"(B) if the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; or

"(C) upon court order; and

"(3) make all reasonable efforts to resolve any conflicts with other public agencies with respect to confidentiality of the information described in paragraph (2) by entering into memoranda of understanding that narrowly limit disclosure of information, consistent with the requirement described in paragraph (2).

"(f) DESIGNATION.—The State agency may designate a State entity to carry out the programs and activities described in this chapter.".

SEC. 704. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.

Title VII of the Older Americans Act of 1965 (as added by section 701 and amended by the preceding sections) is amended by adding at the end the following:

"CHAPTER 4—STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM

"SEC. 731. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(c), a State agency shall, in accordance with this section and in consultation with area agencies on aging, establish a program to provide leadership for improving the quality and quantity of legal and advocacy assistance as a means for ensuring a comprehensive elder rights system.

"(2) COORDINATION AND ASSISTANCE.—In carrying out the program established under this chapter, the State agency shall coordinate, and provide assistance to, area agencies on aging and other entities in the State that assist older individuals in—

"(A) understanding the rights of the older individuals;

"(B) exercising choice;

"(C) benefiting from services and opportunities authorized by law;

"(D) maintaining the rights of the older individuals and, in particular, of the older individuals with reduced capacity; and

"(E) solving disputes.

"(b) FUNCTIONS.—In carrying out this chapter, the State agency shall—

"(1) establish a focal point for elder rights policy review, analysis, and advocacy at the State level, including such issues as guardianship, age discrimination, pension and health benefits, insurance, consumer protection, surrogate decisionmaking, protective services, public benefits, and dispute resolution;

"(2) provide an individual who shall be known as a State legal assistance developer, and other personnel, sufficient to ensure—

"(A) State leadership in securing and maintaining legal rights of older individuals;

"(B) State capacity for coordinating the provision of legal assistance;

"(C) State capacity to provide technical assistance, training and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons as appropriate; and

"(D) State capacity to promote financial management services for older individuals at risk of conservatorship;

"(3)(A) develop, in conjunction with area agencies on aging and legal assistance providers, statewide standards for the delivery of legal assistance to older individuals; and

"(B) provide technical assistance to area agencies on aging and legal assistance providers to enhance and monitor the quality and quantity of legal assistance to older individuals, including technical assistance in developing plans for targeting services to reach the older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority individuals;

"(4) provide consultation to, and ensure, the coordination of activities with the legal assistance provided under title III, services provided by the Legal Service Corporation, and services provided under chapters 2, 3, and 5, as well as other State or Federal programs administered at the State and local levels that address the legal assistance needs of older individuals;

"(5) provide for the education and training of professionals, volunteers, and older individuals concerning elder rights, the requirements and benefits of specific laws, and methods for enhancing the coordination of services;

"(6) promote, and provide as appropriate, education and training for individuals who are or might become guardians or representative payees of older individuals, including information on—

"(A) the powers and duties of guardians or representative payees; and

"(B) alternatives to guardianship;

"(7) promote the development of, and provide technical assistance concerning, pro bono legal assistance programs, State and local bar committees on aging, legal hot lines, alternative dispute resolution, programs and curricula, related to the rights and benefits of older individuals, in law schools and other institutions of higher education, and other methods to expand access by older individuals to legal assistance and advocacy and vulnerable elder rights protection activities;

"(8) provide for periodic assessments of the status of elder rights in the State, including analysis—

"(A) of the unmet need for assistance in resolving legal problems and benefits-related problems, methods for expanding advocacy services, the status of substitute decision-making systems and services (including systems and services regarding guardianship, representative payeeship, and advance directives), access to courts and the justice system, and the implementation of civil rights and age discrimination laws in the State; and

"(B) of problems and unmet needs identified in programs established under title III and other programs; and

"(9) for the purpose of identifying vulnerable elder rights protection activities provided by the entities under this chapter, and coordinating the activities with programs established under title III and chapters 2, 3, and 5, develop working agreements with—

"(A) State entities, including the consumer protection agency, the court system, the attorney general, the State equal employment opportunity commission, and other State agencies; and

"(B) Federal entities, including the Social Security Administration, Health Care Financing Administration, and the Department of Veterans' Affairs, and other entities.".

SEC. 705. OUTREACH, COUNSELING, AND ASSISTANCE PROGRAMS.

(a) PURPOSE.—The purpose of this section is to provide outreach, counseling, and assistance in order to assist older individuals in obtaining benefits under—

(1) public and private health insurance, long-term care insurance, life insurance, and pension plans; and

(2) public programs under which the individuals are entitled to benefits, including benefits under—

(A) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

(B) the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(C) the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(D) the program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); and

(E) the program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

(b) PROGRAM.—Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by the preceding sections) is amended by adding at the end the following:

"CHAPTER 5—OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM

"SEC. 741. STATE OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM FOR INSURANCE AND PUBLIC BENEFITS.

"(a) DEFINITIONS.—As used in this section:

"(1) INSURANCE BENEFIT.—The term 'insurance benefit' means a benefit under—

"(A) the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(B) the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(C) a public or private insurance program;

"(D) a medicare supplemental policy; or

"(E) a pension plan.

"(2) MEDICARE SUPPLEMENTAL POLICY.—The term 'medicare supplemental policy' has the meaning given the term in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1)).

"(3) PENSION PLAN.—The term 'pension plan' means an employee pension benefit plan, as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)).

"(4) PUBLIC BENEFIT.—The term 'public benefit' means a benefit under—

"(A) the Federal Old-Age, Survivors, and Disability Insurance Benefits programs under title II of the Social Security Act (42 U.S.C. 401 et seq.);

"(B) the medicare program established under title XVIII of the Social Security Act, including benefits as a qualified medicare beneficiary, as defined in section 1905(p) of the Social Security Act;

"(C) the medicaid program established under title XIX of the Social Security Act;

"(D) the program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

"(E) the program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

"(F) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); or

"(G) a program determined to be appropriate by the Commissioner.

"(5) STATE INSURANCE ASSISTANCE PROGRAM.—The term 'State insurance assistance program' means the program established under subsection (b)(1).

"(6) STATE PUBLIC BENEFIT ASSISTANCE PROGRAM.—The term 'State public benefit assistance program' means the program established under subsection (b)(2).

"(b) ESTABLISHMENT.—In order to receive an allotment under section 703 from funds appropriated under section 702(d), a State agency shall, in coordination with area agencies on aging and in accordance with this section, establish—

"(1) a program to provide to older individuals outreach, counseling, and assistance related to obtaining insurance benefits; and

"(2) a program to provide outreach, counseling, and assistance to older individuals who may be eligible for, but who are not receiving, public benefits.

"(c) INSURANCE AND PUBLIC BENEFITS.—The State agency shall—

"(1) in carrying out a State insurance assistance program—

"(A) provide information and counseling to assist older individuals—

"(i) in filing claims and obtaining benefits under title XVIII and title XIX of the Social Security Act;

"(ii) in comparing medicare supplemental policies and in filing claims and obtaining benefits under such policies;

"(iii) in comparing long-term care insurance policies and in filing claims and obtaining benefits under such policies;

"(iv) in comparing other types of health insurance policies not described in clause (iii) and in filing claims and obtaining benefits under such policies;

"(v) in comparing life insurance policies and in filing claims and obtaining benefits under such policies;

"(vi) in comparing other forms of insurance policies not described in clause (v), in comparing pension plans, and in filing claims and obtaining benefits under such policies and plans as the State agency may determine to be necessary; and

"(vii) in comparing current and future health and post-retirement needs related to pension plans, and the relationship of benefits under such plans to insurance benefits and public benefits;

"(B) establish a system of referrals to appropriate providers of legal assistance, and to appropriate agencies of the Federal or State government regarding the problems of older individuals related to health insurance benefits, other insurance benefits, and public benefits;

"(C) give priority to providing assistance to older individuals with greatest economic need;

"(D) ensure that services provided under the program will be coordinated with programs established under chapters 2, 3, and 4, and under title III;

"(E) provide for adequate and trained staff (including volunteers) necessary to carry out the program;

"(F) ensure that staff (including volunteers) of the agency and of any agency or organization described in subsection (d) will not be subject to a conflict of interest in providing services under the program;

"(G) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to insurance benefits and public benefits;

"(H) provide for the coordination of information on insurance benefits between the staff of departments and agencies of the State government and the staff (including volunteers) of the program; and

"(I) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, health or other insurance benefits; and

"(2) in carrying out a State public benefits assistance program—

"(A) carry out activities to identify older individuals with greatest economic need who may be eligible for, but who are not receiving, public benefits;

"(B) conduct outreach activities to inform older individuals of the requirements for eligibility to receive such benefits;

"(C) assist older individuals in applying for such benefits;

"(D) establish a system of referrals to appropriate providers of legal assistance, or to appropriate agencies of the Federal or State government regarding the problems of older individuals related to public benefits;

"(E) comply with the requirements specified in subparagraphs (C) through (F) of paragraph (1) with respect to the State public benefits assistance program;

"(F) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to public benefits;

"(G) provide for the coordination of information on public benefits between the staff of State entities and the staff (including volunteers) of the State public benefits assistance program; and

"(H) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, public benefits.

"(d) ADMINISTRATION.—The State agency may operate the State insurance assistance program and the State public benefits assistance program directly, in cooperation with other State agencies, or under an agreement with a statewide nonprofit organization, an area agency on aging, or another public or nonprofit agency or organization.

"(e) MAINTENANCE OF EFFORT.—Any funds appropriated for the activities under this chapter shall supplement, and shall not supplant, funds that are expended for similar purposes under any Federal, State, or local program providing insurance benefits or public benefits.

"(f) COORDINATION.—A State that receives an allotment under section 703 and receives a grant to provide services under section 4360 of the Omnibus Reconciliation Act of 1990 (42 U.S.C. 1395b-4) shall coordinate the services with activities provided by the State agency through the programs described in paragraphs (1) and (2) of subsection (b).".

SEC. 706. NATIVE AMERICAN ORGANIZATION PROVISIONS.

Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by the preceding sections) is amended by adding at the end the following:

"Subtitle B—Native American Organization Provisions

"SEC. 751. NATIVE AMERICAN PROGRAM.

"(a) ESTABLISHMENT.—The Commissioner, acting through the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging, shall establish and carry out a program for—

"(1) assisting eligible entities in prioritizing, on a continuing basis, the needs of the service population of the entities relating to elder rights; and

"(2) making grants to eligible entities to carry out vulnerable elder rights protection activities that the entities determine to be priorities.

"(b) APPLICATION.—In order to be eligible to receive assistance under this subtitle, an entity shall submit an application to the Commissioner, at such time, in such manner, and containing such information as the Commissioner may require.

"(c) ELIGIBLE ENTITY.—An entity eligible to receive assistance under this section shall be—

"(1) an Indian tribe; or

"(2) a public agency, or a nonprofit organization, serving older individuals who are Native Americans.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993, 1994, and 1995.".

SEC. 707. GENERAL PROVISIONS.

Title VII of the Older Americans Act of 1965 (as added by section 701, and amended by the preceding sections) is amended by adding at the end the following:

"Subtitle C—General Provisions

"SEC. 761. DEFINITIONS.

"As used in this title:

"(1) ELDER RIGHT.—The term 'elder right' means a right of an older individual.

"(2) VULNERABLE ELDER RIGHTS PROTECTION ACTIVITY.—The term 'vulnerable elder rights protection activity' means an activity funded under chapter 2, 3, 4, or 5 of this title.

"SEC. 762. ADMINISTRATION.

"A State agency or an entity described in section 751(c) may carry out vulnerable elder rights protection activities either directly or through contracts or agreements with public or nonprofit private agencies or organizations, such as—

"(1) other State agencies;

"(2) area agencies on aging;

"(3) county governments;

"(4) institutions of higher education;

"(5) Indian tribes; or

"(6) nonprofit service providers or volunteer organizations.

"SEC. 763. TECHNICAL ASSISTANCE.

"(a) OTHER AGENCIES.—In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of such Federal entities as may be appropriate.

"(b) COMMISSIONER.—The Commissioner shall provide technical assistance and training (by contract, grant, or otherwise) to persons and entities that administer programs established under this title.

"SEC. 764. AUDITS.

"(a) ACCESS.—The Commissioner, the Comptroller General of the United States, and any duly authorized representative of the Commissioner or the Comptroller shall have access, for the purpose of conducting an audit or examination, to any books, documents, papers, and records that are pertinent to financial assistance received under this title.

"(b) LIMITATION.—State agencies, area agencies on aging, and entities described in section 751(c) shall not request information or data from providers that is not pertinent to services furnished under this title or to a payment made for the services.".

SEC. 708. TECHNICAL AND CONFORMING AMENDMENTS.

(a) OMBUDSMAN PROGRAM.—

(1) SOCIAL SECURITY ACT.—

(A) Section 1819 of the Social Security Act (42 U.S.C. 1395i-3) is amended in subsections (c)(2)(B)(iii)(II) and (g)(5)(B) by striking "established under section 307(a)(12) of the Older Americans Act of 1965" and inserting "established under title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act".

(B) Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended in subsections (c)(2)(B)(iii)(II) and (g)(5)(B) by striking "established under section 307(a)(12) of the Older Americans Act of 1965" and inserting "established under title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act".

(2) OLDER AMERICANS ACT OF 1965.—

(A) Section 207(b) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)) is amended—

(i) in paragraph (1)(A), by striking "section 307(a)(12)(C)" and inserting "titles III and VII in accordance with section 712(c)"; and

(ii) in paragraph (3)—

(I) by striking "by section 307(a)(12)(H)(i)" and inserting "under titles III and VII in accordance with section 712(h)(1)"; and

(II) by striking subparagraph (E) and inserting the following:

"(E) each public agency or private organization designated as an Office of the State Long-Term Care Ombudsman under title III or VII in accordance with section 712(a)(4)(A).".

(B) Section 301(c) of the Older Americans Act of 1965 (42 U.S.C. 3021(c)) is amended by striking "section 307(a)(12), and to individuals designated under such section" and inserting "section 307(a)(12) in accordance with section 712, and to individuals within such programs designated under section 712".

(C) Section 351(4) of the Older Americans Act of 1965 (42 U.S.C. 3030l(4)) is amended by striking "section 307(a)(12)" and inserting "titles III and VII in accordance with section 712".

(b) PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.—Section 321(15) of the Older Americans Act of 1965 (42 U.S.C. 3030d(15)) is amended by striking "clause (16) of section 307(a)" and inserting "chapter 3 of subtitle A of title VII and section 307(a)(16)".

(c) OUTREACH PROGRAMS.—

(1) Section 202(a)(20) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(20)) is amended by striking "under section 307(a)(31)".

(2) Section 207(c) of the Older Americans Act of 1965 (42 U.S.C. 3018(c)) is amended—

(A) in the first sentence, by striking "on the evaluations required to be submitted under section 307(a)(31)(D)" and inserting "on the outreach activities supported under this Act"; and

(B) in paragraph (1), by striking "outreach activities supported under section 306(a)(6)(P)" and inserting "the activities".

(3) Section 303(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(1)) is amended by striking "for purposes other than outreach activities and application assistance under section 307(a)(31)".

(4) Section 307(a)(20)(A) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(20)(A)) is amended by striking "sections 306(a)(2)(A) and 306(a)(6)(P)" and inserting "section 306(a)(2)(A)".

TITLE VIII—AMENDMENTS TO OTHER LAWS; RELATED MATTERS

Subtitle A—Long-Term Health Care Workers

SEC. 801. DEFINITIONS.

As used in this subtitle:

(1) NURSING HOME NURSE AIDE.—The term "nursing home nurse aide" means an individual employed at a nursing or convalescent home who assists in the care of patients at such home under the direction of nursing and medical staff.

(2) HOME HEALTH CARE AIDE.—The term "home health care aide" means an individual who—

(A) is employed by a government, charitable, nonprofit, or proprietary agency; and

(B) cares for elderly, convalescent, or handicapped individuals in the home of the individuals by performing routine home assistance (such as housecleaning, cooking, and laundry) and assisting in the health care of such individuals under the direction of a physician or nurse.

SEC. 802. INFORMATION REQUIREMENTS.

(a) NATIONAL CENTER FOR HEALTH STATISTICS.—The Director of the National Center for Health Statistics of the Centers for Disease Control shall collect, and prepare a report containing—

(1) demographic information on home health care aides and nursing home nurse aides, including information on the—

(A) age, race, marital status, education, number of children and other dependents, gender, and primary language, of the aides; and

(B) location of facilities at which the aides are employed in—

(i) rural communities; or

(ii) urban or suburban communities; and

(2) information on the role of the aides in providing institution-based and home-based long-term care.

(b) DEPARTMENT OF LABOR.—The Secretary of Labor shall—

(1) collect, and prepare a report containing, information on home health care aides, including—

(A) information on conditions of employment, including—

(i) the length of employment of the aides with the current employer of the aides;

(ii) the number of aides who are—

(I) employed by a for-profit employer;

(II) employed by a nonprofit private employer;

(III) employed by a charitable employer;

(IV) employed by a government employer; or

(V) independent contractors;

(iii) the number of full-time, part-time, and temporary positions for the aides;

(iv) the ratio of the aides to professional staff;

(v) the types of tasks performed by the aides, the level of skill needed to perform the tasks, and whether the tasks are completed in a institution-based or home-based setting; and

(vi) the average number and range of hours worked each week by the aides; and

(B) information on availability of the employment benefits for home health care aides and a description of the benefits, including—

(i) information on health insurance coverage;

(ii) the type of pension plan coverage;

(iii) the amount of vacation leave;

(iv) wage rates; and

(v) the extent of work-related training provided; and

(2) collect, and prepare a report containing, information on nursing home nurse aides, including—

(A) the information described in subparagraphs (A) and (B) of paragraph (1); and

(B) information on—

(i) the type of facility of the employer of the aides, such as a skilled nursing facility, as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)), or an intermediate care facility within the meaning of section 1121(a) of the Social Security Act (42 U.S.C. 1320a(a));

(ii) the number of beds at the facility; and

(iii) the ratio of the aides to residents of the facility.

SEC. 803. REPORTS.

(a) REPORTS TO COMMISSIONER ON AGING.—

(1) TRANSMITTAL.—

(A) NATIONAL CENTER FOR HEALTH STATISTICS REPORT.—Not later than March 1, 1994, the Director of the National Center for Health Statistics of the Centers for Disease Control shall transmit to the Commissioner on Aging the report required by section 802(a).

(B) DEPARTMENT OF LABOR REPORTS.—

(i) HOME HEALTH CARE AIDES.—Not later than March 1, 1993, the Secretary of Labor shall transmit to the Commissioner on Aging a plan for the collection of the information described in section 802(b)(1). Not later than March 1, 1995, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(1).

(ii) NURSING HOME NURSE AIDES.—Not later than March 1, 1994, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(2).

(2) PREPARATION.—

(A) NATIONAL CENTER FOR HEALTH STATISTICS REPORT.—The report required by section 802(a) shall be prepared and organized in such a manner as the Director of the National Center for Health Statistics may determine to be appropriate.

(B) DEPARTMENT OF LABOR REPORTS.—The reports required by paragraphs (1) and (2) of section 802(b) shall be prepared and organized in such a manner as the Secretary of Labor may determine to be appropriate.

(3) PRESENTATION OF INFORMATION.—The reports required by section 802 shall not identify by name individuals supplying information for purposes of the reports. The reports shall present information collected in the aggregate.

(b) REPORT TO CONGRESS.—The Commissioner on Aging shall review the reports required by section 802 and shall submit to the appropriate committees of Congress a report containing—

(1) the reports required by section 802;

(2) the comments of the Commissioner on the reports; and

(3) additional information, regarding the roles of nursing home nurse aides and home health care aides in providing long-term care, obtained through the State Long-Term Care Ombudsman program established under sections 307(a)(12) and 712 of the Older Americans Act of 1965.

SEC. 804. OCCUPATIONAL CODE.

The Secretary of Labor shall include an occupational code covering nursing home nurse aides and an occupational code covering home health care aides in each wage survey of relevant industries conducted by the Department of Labor that begins after the date of enactment of this Act.

Subtitle B—National School Lunch Act

SEC. 811. MEALS PROVIDED THROUGH ADULT DAY CARE CENTERS.

(a) IN GENERAL.—Section 17(o)(2)(A)(i) of the National School Lunch Act (42 U.S.C. 1766(o)(2)(A)(i)) is amended by inserting ", or a group living arrangement," after "homes".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if the amendment had been included in the Older Americans Act Amendments of 1987.

Subtitle C—Native American Programs

SEC. 821. SHORT TITLE.

This subtitle may be cited as the "Native American Programs Act Amendments of 1992".

SEC. 822. AMENDMENTS.

The Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.) is amended—

(1) in section 803 (42 U.S.C. 2991b)—

(A) by striking "Secretary" each place the term appears and inserting "Commissioner"; and

(B) in the first sentence of subsection (a)—

(i) by striking "Indian organizations" and inserting "Indian and Alaska Native organizations"; and

(ii) by striking "nonreservation area" and inserting "area that is not an Indian reservation or Alaska Native village";

(2) in section 803A (42 U.S.C. 2991b-1)—

(A) in subsection (a)(1)—

(i) by striking "one agency" and all that follows through "of Native Hawaiians" and inserting "the Office of Hawaiian Affairs of the State of Hawaii (referred to in this section as the 'Office')";

(ii) by striking "5-year"; and

(iii) in subparagraph (A) by striking "such agency or Native Hawaiian organization" and inserting "the Office";

(B) by striking "agency or organization to which a grant is awarded under subsection (a)(1) of this section" each place the term appears and inserting "Office";

(C) by striking "agency or organization" each place the term appears and inserting "Office";

(D) by striking "Secretary" each place the term appears and inserting "Commissioner";

(E) in subsection (a)(2) by inserting before the period at the end the following: "and a requirement that the grantee contribute to the revolving loan fund an amount of non-Federal funds equal to the amount of such grant";

(F) by striking subsection (b)(6);

(G) in subsection (f)(1) by striking "fiscal years 1988, 1989, and 1990 the aggregate amount of $3,000,000 for all such fiscal years" and inserting "each of the fiscal years 1992, 1993, and 1994, $1,000,000";

(H) by striking subsection (f)(3); and

(I) by striking subsection (g) and inserting the following:

"(g)(1) The Commissioner, in consultation with the Office, shall submit a report to the President pro tempore of the Senate and the Speaker of the House of Representatives not later than January 1 following each fiscal year, regarding the administration of this section in such fiscal year.

"(2) Such report shall include the views and recommendations of the Commissioner with respect to the revolving loan fund established under subsection (a)(1) and with respect to loans made from such fund, and shall—

"(A) describe the effectiveness of the operation of such fund in improving the economic and social self-sufficiency of Native Hawaiians;

"(B) specify the number of loans made in such fiscal year;

"(C) specify the number of loans outstanding as of the end of such fiscal year; and

"(D) specify the number of borrowers who fail in such fiscal year to repay loans in accordance with the agreements under which such loans are required to be repaid.";

(3) after section 803A (42 U.S.C. 2991b-1) by inserting the following:

"ESTABLISHMENT OF ADMINISTRATION FOR NATIVE AMERICANS

"SEC. 803B. (a) There is established in the Department of Health and Human Services (referred to in this title as the 'Department') the Administration for Native Americans (referred to in this title as the 'Administration'), which shall be headed by a Commissioner of the Administration for Native Americans (referred to in this title as the 'Commissioner'). The Administration shall be the agency responsible for carrying out the provisions of this title.

"(b) The Commissioner shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) The Commissioner shall—

"(1) provide for financial assistance, loan funds, technical assistance, training, research and demonstration projects, and other activities, described in this title;

"(2) serve as the effective and visible advocate on behalf of Native Americans within the Department, and with other departments and agencies of the Federal Government regarding all Federal policies affecting Native Americans;

"(3) with the assistance of the Intra-Departmental Council on Native American Affairs established by subsection (d)(1), coordinate activities within the Department leading to the development of policies, programs, and budgets, and their administration affecting Native Americans, and provide quarterly reports and recommendations to the Secretary;

"(4) collect and disseminate information related to the social and economic conditions of Native Americans, and assist the Secretary in preparing an annual report to the Congress about such conditions;

"(5) give preference to individuals who are eligible for assistance under this title, in entering into contracts for technical assistance, training, and evaluation under this title; and

"(6) encourage agencies that carry out projects under this title, to give preference to such individuals in hiring and entering into contracts to carry out such projects.

"(d)(1) There is established in the Office of the Secretary the Intra-Departmental Council on Native American Affairs. The Commissioner shall be the chairperson of such Council and shall advise the Secretary on all matters affecting Native Americans that involve the Department. The Director of the Indian Health Service shall serve as vice chairperson of the Council.

"(2) The membership of the Council shall be the heads of principal operating divisions within the Department, as determined by the Secretary, and such persons in the Office of the Secretary as the Secretary may designate.

"(3) In addition to the duties described in subsection (c)(3), the Council shall, within 180 days following the date of the enactment of the Native American Programs Act Amendments of 1992, prepare a plan, including legislative recommendations, to allow tribal governments and other organizations described in section 803(a) to consolidate grants administered by the Department and to designate a single office to oversee and audit the grants. Such plan shall be submitted to the committees of the Senate and the House of Representatives having jurisdiction over the Administration for Native Americans.

"(e) The Secretary shall assure that adequate staff and administrative support is provided to carry out the purpose of this title. In determining the staffing levels of the Administration, the Secretary shall consider among other factors the unmet needs of the Native American population, the need to provide adequate oversight and technical assistance to grantees, the need to carry out the activities of the Council, the additional reporting requirements established, and the staffing levels previously maintained in support of the Administration.";

(4) by striking section 804 (42 U.S.C. 2991c) and inserting the following:

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 804. The Commissioner shall provide, directly or through other arrangements—

"(1) technical assistance to the public and private agencies in planning, developing, conducting, and administering projects under this title;

"(2) short-term in-service training for specialized or other personnel that is needed in connection with projects receiving financial assistance under this title; and

"(3) upon denial of a grant application, technical assistance to a potential grantee in revising a grant proposal.";

(5) in section 805 (42 U.S.C. 2991d) by striking "Secretary" each place the term appears and inserting "Commissioner";

(6) in section 806 (42 U.S.C. 2991d-1) by striking "Secretary" each place the term appears and inserting "Commissioner";

(7) in section 807 (42 U.S.C. 2991e) by striking "Secretary" each place the term appears and inserting "Commissioner";

(8) in section 808 (42 U.S.C. 2991f) by striking "Secretary" each place the term appears and inserting "Commissioner";

(9) in section 809 (42 U.S.C. 2991g) by striking "Secretary" each place the term appears and inserting "Commissioner";

(10) in section 810 (42 U.S.C. 2991h)—

(A) by striking "Secretary" and inserting "Commissioner";

(B) by designating the text as subsection (a); and

(C) by adding at the end the following:

"(b) If an application is rejected on the grounds that the applicant is ineligible or that activities proposed by the applicant are ineligible for funding, the applicant may appeal to the Secretary, not later than 30 days after the date of receipt of notification of such rejection, for a review of the grounds for such rejection. On appeal, if the Secretary finds that an applicant is eligible or that its proposed activities are eligible, such eligibility shall not be effective until the next cycle of grant proposals are considered by the Administration.";

(11) in section 811 (42 U.S.C. 2992)—

(A) by striking "Secretary" each place the term appears and inserting "Commissioner";

(B) in subsection (a)—

(i) by inserting "(1)" after "(a)", and

(ii) by adding at the end the following:

"(2) The projects assisted under this title shall be evaluated in accordance with this section not less frequently than at 3-year intervals.";

(12) after section 811 (42 U.S.C. 2992) by inserting the following:

"ANNUAL REPORT

"SEC. 811A. The Secretary shall, not later than January 31 of each year, prepare and transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives an annual report on the social and economic conditions of American Indians, Native Hawaiians, other Native American Pacific Islanders (including American Samoan Natives), and Alaska Natives, together with such recommendations to Congress as the Secretary considers to be appropriate.";

(13) after section 812 (42 U.S.C. 2992a) by inserting the following:

"STAFF

"SEC. 812A. In all personnel actions of the Administration, preference shall be given to individuals who are eligible for assistance under this title. Such preference shall be implemented in the same fashion as the preference given to veterans referred to in section 2108(3)(C) of title 5, United States Code. The Commissioner shall take such additional actions as may be necessary to promote recruitment of such individuals for employment in the Administration.";

(14) by striking section 813 (42 U.S.C. 2992b) and inserting the following:

"ADMINISTRATION

"SEC. 813. Nothing in this title shall be construed to prohibit interagency funding agreements made between the Administration and other agencies of the Federal Gov-

ernment for the development and implementation of specific grants or projects.";

(15) in section 816(a) (42 U.S.C. 2992d(a))—

(A) by striking "1988" and all that follows and inserting "1992, 1993, 1994, and 1995."; and

(B) by striking "and 803A" and inserting a comma and "803A, subsection (e) of this section, and any other provision of this title for which there is an express authorization of appropriations;

(16) in section 816(b) (42 U.S.C. 2992d(b)) by striking "and 803A" and inserting a comma and "803A, 804, subsection (e) of this section, and any other provision of this title for which there is an express authorization of appropriations";

(17) in section 816(c)(1) (42 U.S.C. 2992d(c)(1))—

(A) by striking "(1) Except as provided in paragraph (2), there are" and inserting "There are"; and

(B) by striking "1988, 1989, 1990, and 1991" and inserting "1992, 1993, 1994, and 1995";

(18) by striking section 816(c)(2) (42 U.S.C. 2992d(c)(2));

(19) in section 816(d) by striking "1991,";

(20) in section 816 (42 U.S.C. 2992d) by adding at the end the following:

"(e)(1) For fiscal years 1992 and 1993, there are authorized to be appropriated such sums as may be necessary for the purpose of—

"(A) establishing demonstration projects to conduct research related to Native American studies and Indian policy development; and

"(B) continuing the development of a detailed plan, based in part on the results of the projects, for the establishment of a National Center for Native American Studies and Indian Policy Development.

"(2) Such a plan shall be delivered to the Congress not later than 30 days after the date of enactment of this subsection."; and

(21) in sections 802, 803(a), 806(a)(2), 808, and 815(2) (42 U.S.C. 2991a, 2991b(a), 2991d-1(a)(2), 2991f, and 2992c(2)) by striking "Alaskan Native" each place the term appears and inserting "Alaska Native".

Subtitle D—White House Conference on Aging

SEC. 831. WHITE HOUSE CONFERENCE ON AGING.

(a) NAME OF CONFERENCE.—The heading of title II of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

"TITLE II—WHITE HOUSE CONFERENCE ON AGING"

(b) FINDINGS.—Section 201(a) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in paragraph (1)—

(A) by striking "51,400,000 in 1986" and inserting "52,923,000 in 1990"; and

(B) by striking "101,700,000" and inserting "103,646,000";

(2) in paragraph (2) by striking "every 6" and inserting "every 8"; and

(3) by amending paragraph (3) to read as follows:

"(3) the out-of-pocket costs to older individuals for health care increased from 12.3 percent in 1977 to 18.2 percent in 1988,".

SEC. 832. CONFERENCE REQUIRED.

Section 202 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a) by striking "The President may call a White House Conference on Aging in 1991" and inserting "Not later than December 31, 1994 the President shall convene the White House Conference on Aging";

(2) in subsection (c) by striking paragraphs (1) through (6) and inserting the following:

"(1) to increase the public awareness of the interdependence of generations and the essential contributions of older individuals to society for the well-being of all generations;

"(2) to identify the problems facing older individuals and the commonalities of the problems with problems of younger generations;

"(3) to examine the well-being of older individuals, including the impact the wellness of older individuals has on our aging society;

"(4) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and improving the well-being of the aging;

"(5) to develop recommendations for the coordination of Federal policy with State and local needs and the implementation of such recommendations; and

"(6) to review the status and multigenerational value of recommendations adopted at previous White House Conferences on Aging."; and

(3) in subsection (d)(2) by adding at the end the following: "Delegates shall include individuals who are professionals, individuals who are nonprofessionals, minority individuals, and individuals from low-income families.".

SEC. 833. CONFERENCE ADMINISTRATION.

Section 203 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting "(including organizations representing older Indians)" after "appropriate organizations";

(B) in paragraph (3)—

(i) by striking "prepare and"; and

(ii) by inserting ", prepared by the Policy Committee," after "agenda";

(C) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(D) by inserting before paragraph (2), as so redesignated, the following:

"(1) provide written notice to all members of the Policy Committee of each meeting, hearing, or working session of the Policy Committee not later than 48 hours before the occurrence of such meeting, hearing, or working session,";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "assure" and inserting "and as part of the White House Conference on Aging, ensure";

(B) in paragraph (1), by striking "will" and inserting "shall";

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

(D) by inserting after paragraph (1) the following:

"(2) the agenda prepared under subsection (a)(4) for the Conference is published in the Federal Register not later than 30 days after such agenda is approved by the Policy Committee, and the Secretary may republish such agenda together with the recommendations of the Secretary regarding such agenda,"; and

(E) by redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively; and

(3) by adding at the end the following:

"(c) GIFTS.—The Secretary may accept, on behalf of the United States, gifts (in cash or in kind, including voluntary and uncompensated services), which shall be available to carry out this title. Gifts of cash shall be available in addition to amounts appropriated to carry out this title.

"(d) RECORDS.—The Secretary shall maintain records regarding—

"(1) the sources, amounts, and uses of gifts accepted under subsection (c); and

"(2) the identity of each person receiving assistance to carry out this title, and the amount of such assistance received by each such person.".

SEC. 834. POLICY COMMITTEE; RELATED COMMITTEES.

Section 204 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) by amending the heading to read as follows:

"SEC. 204. POLICY COMMITTEE; RELATED COMMITTEES.";

(2) in subsection (b) by striking "(b) OTHER COMMITTEES.—" and inserting the following: "(2) OTHER COMMITTEES.—";

(3) in subsection (a)—

(A) by striking "(a) ADVISORY COMMITTEE.—The Secretary" and inserting "(b) ADVISORY AND OTHER COMMITTEES.—

"(1) IN GENERAL.—The President"; and

(B) by adding at the end the following: "The President shall consider for appointment to the advisory committee individuals recommended by the Policy Committee.";

(4) by inserting before subsection (b), as so redesignated, the following:

"(a) POLICY COMMITTEE.—

"(1) ESTABLISHMENT.—There is established a Policy Committee comprised of 25 members to be selected, not later than 90 days after the enactment of the Older Americans Act Amendments of 1992, as follows:

"(A) PRESIDENTIAL APPOINTEES.—Thirteen members shall be selected by the President and shall include—

"(i) 3 members who are officers or employees of the United States; and

"(ii) 10 members with experience in the field of aging, who may include representatives of public aging agencies, institution-based organizations, and minority aging organizations.

"(B) HOUSE APPOINTEES.—Four members shall be selected by the Speaker of the House of Representatives, after consultation with the Minority Leader of the House of Representatives, and shall include members of the Committee on Education and Labor of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Select Committee on Aging of the House of Representatives. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

"(C) SENATE APPOINTEES.—Four members shall be selected by the Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, and shall include members of the Committee on Labor and Human Resources of the Senate, the Committee on Finance of the Senate, and the Special Committee on Aging of the Senate. Not more than 3 members selected under this subparagraph may be associated or affiliated with the same political party.

"(D) JOINT APPOINTEES.—Four members shall be selected jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate, after consultation with the minority leaders of the House and Senate, and shall include representatives with experience in the field of aging, who may include representatives described in subsection (a)(1)(A)(ii). Not more than 2 members selected under this subparagraph may be associated or affiliated with the same political party.

"(2) DUTIES OF THE POLICY COMMITTEE.—The Policy Committee shall initially meet at the call of the Secretary, but not later than 30

days after the last member is selected under subsection (a). Subsequent meetings of the Policy Committee shall be held at the call of the chairperson of the Policy Committee. Through meetings, hearings, and working sessions, the Policy Committee shall—

"(A) make recommendations to the Secretary to facilitate the timely convening of the Conference;

"(B) formulate and approve a proposed agenda for the Conference not later than 60 days after the first meeting of the Policy Committee;

"(C) make recommendations for participants and delegates of the Conference;

"(D) establish the number of delegates to be selected under section 202(d)(2); and

"(E) formulate and approve the initial report of the Conference in accordance with section 205.

"(3) QUORUM; COMMITTEE VOTING; CHAIRPERSON.—

"(A) QUORUM.—Thirteen members shall constitute a quorum for the purpose of conducting the business of the Policy Committee, except that 17 members shall constitute a quorum for purposes of approving the agenda required by paragraph (2)(B) and the report required by paragraph (2)(E).

"(B) VOTING.—The Policy Committee shall act by the vote of the majority of the members present.

"(C) CHAIRPERSON.—The President shall select a chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee."; and

(5) in the first sentence of subsection (c)—

(A) by striking "Each such committee" and inserting "Each committee established under subsection (b)"; and

(B) by inserting ", and individuals who are Native Americans" before the period at the end.

SEC. 835. REPORT OF THE CONFERENCE.

Section 205 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in subsection (a) by striking "60" and inserting "90";

(2) in subsection (b) by striking "Secretary, not later than 180" and inserting "Policy Committee, not later than 90";

(3) in subsection (c)—

(A) by striking "(c) FINAL REPORT.—The Secretary" and inserting the following:

"(c) REPORTS.—

"(1) INITIAL REPORT.—The Policy Committee";

(B) by striking "prepare a final report" and inserting "prepare and approve an initial report"; and

(C) by adding at the end the following:

"(2) Not later than 60 days after such initial report is transmitted by the Policy Committee, the Secretary shall publish such initial report in the Federal Register. The Secretary may republish a final report together with such additional views and recommendations as the Secretary considers to be appropriate."; and

(4) in subsection (d)—

(A) in the heading of such subsection by striking "SECRETARY" and inserting "POLICY COMMITTEE"; and

(B) by striking "Secretary" and inserting "Policy Committee".

SEC. 836. AUTHORIZATION OF APPROPRIATIONS.

Section 207 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

"SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for fiscal years 1992 through 1994 to carry out this title.

"(2) CONTRACTS.—Authority to enter into contracts under this title shall be effective only to the extent, or in such amounts as are, provided in advance in appropriations Acts.

"(b) AVAILABILITY OF FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), funds appropriated to carry out this title and funds received as gifts under section 203(c) shall remain available for obligation or expenditure until June 30, 1995, or the expiration of the one-year period beginning on the date the Conference adjourns, whichever occurs earlier.

"(2) UNOBLIGATED FUNDS.—Except as provided in paragraph (3), any such funds neither expended nor obligated before June 30, 1995, or the expiration of the one-year period beginning on the date the Conference adjourns, whichever occurs earlier, shall be available to carry out the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

"(3) CONFERENCE NOT CONVENED.—If the Conference is not convened before June 30, 1994, such funds neither expended nor obligated before such date shall be available to carry out the Older Americans Act of 1965.".

SEC. 837. SAVINGS PROVISION.

All personnel assigned or engaged under section 202(b) or section 203(a)(5) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) as in effect immediately before the date of the enactment of this Act shall continue to be assigned or engaged under such section after such date notwithstanding the amendments made by this subtitle.

SEC. 838. SENSE OF THE CONGRESS.

It is the sense of the Congress that the White House Conference on Aging should consider the impact of the earnings test in effect under section 203 of the Social Security Act (42 U.S.C. 403) on older individuals who are employed.

SEC. 839. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 206 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in paragraph (1), by striking "means" and all that follows and inserting "has the meaning given the term in section 102(17) of the Older Americans Act of 1965 (42 U.S.C. 3002(17))."; and

(2) in paragraph (4) by striking "authorized in subsection (b)".

(b) TABLE OF CONTENTS.—The table of contents of the Older Americans Act Amendments of 1987 (42 U.S.C. note) is amended—

(1) by striking the item relating to title II and inserting the following:

"TITLE II—WHITE HOUSE CONFERENCE ON AGING";

and

(2) by striking the item relating to section 204 and inserting the following:

"Sec. 204. Policy committee; related committees.".

TITLE IX—GENERAL PROVISIONS

SEC. 901. LIMITATION ON AUTHORITY TO ENTER INTO CONTRACTS.

Any authority to enter into contracts under this Act or an amendment made by this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriations Acts.

SEC. 902. REGULATIONS.

Except as otherwise specifically provided, the Secretary of Health and Human Services shall, not later than 120 days after the date of the enactment of this Act, issue proposed regulations to carry out the amendments made by titles I through VII.

SEC. 903. SENSE OF CONGRESS.

(a) IN GENERAL.—It is the sense of the Congress that a recipient of a grant or other Federal financial assistance awarded under this Act or an amendment made by this Act to assist the recipient in purchasing equipment or products should, in expending the assistance, purchase American-made equipment or products, respectively.

(b) NOTICE.—The Secretary of Health and Human Services shall provide procedures to inform such recipients of the sense of the Congress under subsection (a).

SEC. 904. TECHNICAL AMENDMENTS.

(a) The Older Americans Act of 1965 (42 U.S.C. 3001–3057n) is amended—

(1) in section 101(8) by striking "the vulnerable elderly" and inserting "vulnerable older individuals";

(2) in section 102(2) by striking "Virgin Islands" and inserting "United States Virgin Islands";

(3) in section 201(c)(3)—

(A) in subparagraphs (A)(i), (B), (E), and (G) by inserting "individuals who are" after "older" the first place it appears in each of such subparagraphs;

(B) in subparagraph (B) by striking "older Native Americans" the last place it appears and inserting "such individuals"; and

(C) in subparagraph (E) by striking "the Act" and inserting "this Act";

(4) in section 202—

(A) in subsection (a)—

(i) in paragraph (1) by striking "the elderly" each place it appears and inserting "older individuals";

(ii) in paragraph (15)—

(I) by striking "the elderly" and inserting "older individuals"; and

(II) by striking "older people" and inserting "such individuals"; and

(iii) in paragraphs (13), (15), (16), and (17) by striking "purposes" and inserting "objectives";

(B) in subsection (b)—

(i) in paragraph (1) by striking "with health systems agencies designated under section 1515 of the Public Health Service Act (42 U.S.C. 3001–4),"; and

(ii) in paragraph (3) by striking "the elderly" and inserting "older individuals";

(5) in section 203(b) by striking "purposes" the second place it appears and inserting "objectives";

(6) in section 204—

(A) in subsection (b)(4) by striking "the daily rate specified for grade GS–18 in section 5332" and inserting "the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316"; and

(B) in paragraphs (1), (3), and (4) of subsection (d), as amended by section 205(c), by striking "Americans" and inserting "individuals";

(7) in section 205(a)(1), as so redesignated by section 206—

(A) by striking "purposes" and inserting "objectives"; and

(B) by striking "to:" and inserting "to—";

(8) in section 207(a)(4) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need";

(9) the last sentence of section 211 is amended by striking "purposes" and inserting "objectives";

(10) in section 304(a)(1)—

(A) by striking "aged 60 or older" each place it appears, and inserting "of older individuals";

(B) by striking "Virgin Islands" each place it appears and inserting "United States Virgin Islands"; and

(C) in the last sentence by striking "clause" and inserting "subparagraph";

(11) in section 305—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (D) by striking "the elderly" each place it appears and inserting "older individuals";

(II) in subparagraph (E) by striking "individuals aged 60 and older" and inserting "older individuals"; and

(III) in subparagraph (E) by striking "Indians" and inserting "individuals who are Indians"; and

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A) by striking "clause" and inserting "paragraph";

(II) in subparagraph (D) by striking "subclause" and inserting "subparagraph"; and

(III) in subparagraph (E) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need";

(B) in subsection (b)—

(i) in paragraphs (1) and (4) by striking "clause (1) of subsection (a)" and inserting "subsection (a)(1)"; and

(ii) in paragraph (2) by striking "designated under such clause" and inserting "designated under subsection (a)(1)"; and

(C) in subsection (d) by striking "clause" and inserting "paragraph";

(12) in section 306—

(A) in subsection (a)—

(i) in paragraph (1) by striking "Indians" and inserting "individuals who are Indians";

(ii) in paragraph (2)(B) by striking "elderly" and inserting "older individuals who are"; and

(iii) in paragraph (5)(A)(i) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need"; and

(iv) in paragraph (6)—

(I) in subparagraph (D) by striking "the elderly" each place it appears and inserting "older individuals";

(II) in subparagraph (G) by striking "clause" and inserting "paragraph";

(III) in subparagraph (N) by striking "Indians" the first place it appears and inserting "individuals who are Indians"; and

(IV) in subparagraph (N) by striking "elder Indians in such area and shall inform such older Indians" and inserting "such individuals in such area and shall inform such individuals"; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by inserting "on aging" after "area agency" the first place it appears; and

(II) by striking "clause" each place it appears and inserting "paragraph"; and

(ii) in paragraph (2)(D) by striking "clause" and inserting "paragraph";

(13) in section 307—

(A) in subsection (a)—

(i) in paragraph (8) by striking "the greatest economic or social needs" and inserting "greatest economic need and older individuals with greatest social need";

(ii) in paragraph (13)—

(I) in subparagraph (A) by striking "individuals aged 60 or older" and inserting "older individuals";

(II) in subparagraph (A) by striking "the elderly" and inserting "older individuals";

(III) in subparagraph (B) by striking "subclause" and inserting "subparagraph"; and

(IV) in subparagraph (I) by striking "elderly participants" and inserting "participating older individuals";

(iii) in paragraph (14)(D) by striking "clause" and inserting "subparagraph"; and

(iv) in paragraph (16)(B) by striking "clause" and inserting "paragraph"; and

(B) in subsection (b)(2) by striking "clause" and inserting "paragraph";

(14) in section 308(b)—

(A) in paragraphs (1)(B) and (2)(B) by striking "Virgin Islands" and inserting "United States Virgin Islands"; and

(B) in paragraphs (3)(B)(iii) and (4) by striking "purposes" each place it appears and inserting "objectives";

(15) in section 321(a)—

(A) in paragraph (4) by striking "elderly" and inserting "older";

(B) in paragraph (14)—

(i) by striking "older, poor individuals 60 years of age or older" and inserting "low-income older individuals"; and

(ii) by striking "the older poor" and inserting "low-income older individuals"; and

(C) in paragraph (15) by striking "clause" and inserting "paragraph";

(16) in section 402(b) by striking "Alcohol" and inserting "the Alcohol";

(17) in section 412(b) by striking "purposes" and inserting "objectives";

(18) in section 421(a) by striking "purposes" and inserting "objectives";

(19) in section 422—

(A) in the second sentence of subsection (a)(1) by striking "the rural elderly" and inserting "older individuals residing in rural areas";

(B) in subsection (b)—

(i) in paragraph (1) by striking "elderly" and inserting "older individuals who are";

(ii) in paragraph (2) by striking "the elderly" and inserting "older individuals";

(iii) in paragraph (6) by striking "the rural elderly" and inserting "older individuals residing in rural areas"; and

(iv) in paragraph (8) by striking "the rural elderly" and inserting "older individuals residing in rural areas";

(20) in section 602 by striking "older Indians, older Alaskan Natives, and older Native Hawaiians" and inserting "older individuals who are Indians, older individuals who are Alaskan Natives, and older individuals who are Native Hawaiians";

(21) in section 611(a)—

(A) in the matter preceding paragraph (1) by inserting "individuals who are" after "older"; and

(B) in paragraph (9) by striking "Indian elderly population" and inserting "population of older individuals who are Indians";

(22) in section 613 by inserting "individuals who are" after "older"; and

(23) in section 614(a)—

(A) in paragraph (7) by striking "Indians aged 60 and older" and inserting "older individuals who are Indians";

(B) in paragraph (8) by striking "clause" and inserting "paragraph"; and

(C) in paragraphs (1), (6), (8), and (10) by inserting "individuals who are" after "older" each place it appears.

(b) The Older Americans Community Service Employment Act (42 U.S.C. 3056 et seq.) is amended—

(1) in section 502(b)(1)—

(A) in subparagraph (C) by striking "1954" and inserting "1986"; and

(B) in subparagraph (J) by striking "persons" each place it appears and inserting "individuals"; and

(2) in paragraphs (3) and (4)(A) of section 506(a) by striking "Virgin Islands" each place it appears and inserting "United States Virgin Islands".

SEC. 905. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

(a) IN GENERAL.—Except as provided in section 811(b), any other provision of this Act (other than this section), and in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) FEDERAL COUNCIL ON AGING.—Incumbent members of the Federal Council on Aging may serve on the Council until their successors are appointed under section 204 of the Older Americans Act of 1965 (42 U.S.C. 3015) as amended by section 205 of this Act.

(2) STATE AND COMMUNITY PROGRAMS ON AGING.—The amendments made by sections 303(a)(2), 303(a)(3), 303(f), 304, 305, 306, 307, 316, 317, and 320 shall not apply with respect to fiscal year 1992.

(3) PROJECT REPORTS.—The amendments made by sections 410, 411, 413, 414, 415, 416, 418, and 419 shall not apply with respect to fiscal year 1992.

(4) COMMUNITY SERVICE EMPLOYMENT.—The amendments made by sections 501, 504, and 506 shall not apply with respect to fiscal year 1992.

(5) INDIAN AND NATIVE HAWAIIAN PROGRAMS.—The amendments made by sections 601 and 603 shall not apply with respect to fiscal year 1992.

(6) VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.—The amendments made by title VII shall not apply with respect to fiscal year 1992.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. MITCHELL. I ask unanimous consent that S. 3008 be indefinitely postponed.

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

Mr. MITCHELL. I thank my colleague for his cooperation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

FACES OF THE HEALTH CARE CRISIS: WHEN THE LOSS OF A JOB MEANS THE LOSS OF HEALTH CARE COVERAGE

Mr. RIEGLE. Mr. President, I rise today in a continuing effort to put a face on America's health care crisis. I have been speaking, now, for the last few weeks about individual cases that come to my attention in Michigan of individuals and families with major health care problems they are not able

to manage because they lack health insurance or are not in a financial position to pay for private health insurance.

The case I want to talk about today is the family of Anthony and Judith Pyrkosz of Livonia, MI, who wrote to me in August of this year about their family's health care problems.

Anthony and his wife, Judith, and their children Andrea, 13; Debbie, 12; and Michael, 10, were insured through Anthony's employer. Unfortunately in January 1987, due to cutbacks and a company buyout, Anthony was laid off from his senior position as a technical specialist. He had been employed at the company for 22 years. At the time of Anthony's layoff, the family could not afford to continue paying premium payments of $400 per month after termination of his employment. Since that time, the family has been without health care coverage.

After Anthony's layoff, both he and Judith began an active search for job opportunities utilizing Anthony's high level of technical expertise. Unable to find employment, Anthony started his own business doing home repairs. Judith, who has a bachelor of arts in music from Wayne State University, went back to college to obtain a bachelor's in computer programming under a grant from Madonna University.

In 1990, Judith's daughter, Debbie, became ill with a condition requiring multiple doctor visits and consultations. Judith had difficulty even finding a doctor to treat her daughter because of their lack of health insurance. The cost of Debbie's doctor visits and procedures over a 1-year period totaled about $2,000. This cost could only be paid off by taking out a loan through Judith's mother. At this time, Judith was forced to quit school just two classes away from finishing her degree. She had obviously hoped to find a job with health benefits.

Currently, Anthony's home repair business is doing better and Judith works part time as an organist and piano teacher and takes temporary jobs as a clerk/typist. Money is very tight for the Pyrkosz family. The recession has adversely affected the job market, therefore limiting the job opportunities available to Judith and Anthony. Anthony's home repair business is variable because of the recession and people's reluctance to spend money when the economy is in the tough situation that we know about.

Two years ago, when they looked into purchasing health insurance through the National Association for Self-Employed, the monthly premium cost was between $350 to $500 for family coverage. Judith and Anthony were still unable to afford that extra cost in their family budget.

Judith has put off preventative treatments for her arthritic hip. Standing for any long period of time causes a great deal of pain in her hip. In order to prevent faster degeneration of the bone tissue, doctors recommend cortisone shots to reduce inflammation of the hip. Unfortunately, Judith is unable to afford the $50 shot and the $35 office visit to administer it. And without preventive treatments, her arthritic condition will only worsen over time.

That is obviously not what we want for her, nor is that good for our country. So Judith has been unable to afford doctor's visits for her children when they become sick with colds or the flu. In her letter to me, which I have here, she writes: "My husband and I do live in fear of any of us developing medical problems of a more serious nature."

Their family, I might say, has a history of heart disease which also weighs heavily on their mind in light of this situation where they are just not able to afford health insurance or to find work that has health insurance coverage with it. The loss of the job and high cost of health insurance have caused this particular family to lose not only their health care coverage but also the peace of mind so essential for the welfare and well-being of any family. It is increasingly true for many families across the country that affordable health care is simply beyond reach and unavailable and families are going without that protection, and that is a risk to them and, as I say, a risk to the well-being of our country.

We can do something about this. I have presented a plan in the Senate, together with Senator MITCHELL, Senator KENNEDY, and Senator ROCKEFELLER, cosponsored by other Senators, a plan called Health America, which would control health care costs and provide coverage in stages to everybody in our country. It is a reasonable and sensible approach.

I noticed just today one of the major physician groups has come out in favor of exactly the kind of program that we proposed that would establish cost controls on a national basis and to provide coverage to people throughout the country. I applaud that physicians group for doing so.

Mr. President, I ask unanimous consent that the letter that I received from Judith dated August 7 be printed in the RECORD.

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

LIVONIA, MI, *August 7, 1992.*

DEAR SENATOR RIEGLE: I have heard you were interested in hearing from people who cannot afford medical insurance for themselves and/or their families. We are in just that type of situation.

Five years ago my husband and I, and our three small children were insured through my husband's employer. Unfortunately, due to cutbacks, he was laid off. I was working a part-time job which did not offer benefits. Since then our situation has only worsened.

Despite having an excellent work record and being highly skilled, my husband has not been able to find work. I also have not done well in the job market, and thus far have only found temporary work as a clerk/typist.

As can be expected these circumstances dictate a rather restricted life style in which the cost of medical or health insurance cannot be supported. We have already experienced some difficulties simply because we do not have the money necessary to carry health insurance. When my husband was laid off I returned to school to earn a Bachelor's in Computer Programming. I had only two classes left (8 hours) when my daughter became ill and needed a small operation. It was not a serious situation and only required a simple in-office operation, however, I had difficulty even finding a doctor to treat her because of our lack of health insurance. As it was, the financial drain was enough, that I have been unable to finish those last two classes, finish my degree, and possibly find a job with health insurance benefits.

Through the mercy of God, none of us has yet been very ill or seriously injured (my daughter's ailment was not a major ailment). However, my husband and I do live in fear of any of us developing medical problems of a more serious nature. As it is now, I have a condition for which early medical treatment is recommended for immediate and as a preventive measure (arthritis) but cannot afford.

I have often felt that with a National Health Insurance Policy in effect, our plight might be less precarious. Additionally, with such a policy in force, businesses, that have long carried the financial burden of insuring their employees, may gain enough additional resources to enable them to hire more people, people like me and my husband.

My husband and I appreciate that you care enough about your constituents to pursue this policy on the behalf of people like us. We endorse your every effort and wish you success in your endeavors, if only for the sake of our children.

Thank you for your consideration.

Sincerely,

JUDITH A. PYRKOSZ.

PREVENTING A WIDER BALKAN WAR

Mr. BOREN. Mr. President, several weeks ago, the Senate declared its willingness to consider the use of force in the former Yugoslavia. While I supported that resolution, I would like to speak today about the need to focus on diplomacy in this ongoing conflict.

Much of the outrage about the violence in Bosnia has centered around allegations of genocide in Serbian detention centers. There can be no doubt that the hideous policy of "ethnic cleansing" is morally repugnant, and it is something many of us never expected would occur again in our lifetimes. But it is important, Mr. President, to keep our eyes open to something else which, not too long ago, few would have expected: the possibility of a wider Balkan and Islamic war.

As the fighting in Bosnia continues, many believe that the spread of violence to Kosovo, the Albanian enclave in Serbia, is inevitable. While 90 percent of Kosovo's population is Alba-

nian, Kosovo's institutions, security forces, and media are controlled by the Serbs. The Albanians of Kosovo want their own independent state with no ties to Serbia. But the seventh century kingdom of Serbia was born in Kosovo, and many Serbs continue to regard this land as the cradle of their nation. Furthermore, Slobodan Milosevic, the president of Serbia, is said to believe that he has a sacred mandate to rid Kosovo of its 2 million Moslems, who are mostly Albanian.

Consider the regional ramifications. As some have surmised, a move by Milosevic to drive the Moslems out of Kosovo could draw neighboring Albania into the battle. Macedonia's Albanians, about a third of the population, could then join in a struggle for a single Moslem state in the region. Greece, a historical ally of Serbia, could enter the fray, as could Bulgaria, under pressure from Macedonia's Slavs. At some point, Turkey would want to act on behalf of the Moslems and to counter Greece's entry into the war. And, Mr. President, there is increasing concern that Iran and other Islamic nations may feel compelled to provide direct assistance to the Moslems of the region.

Of course, Mr. President, this is speculation, and alarmism certainly has no place in the crafting of our foreign policy in this delicate region. Perhaps the ongoing peace conference in London will resolve this crisis. But the point is clear: Our objective must be to prevent a wider conflict. This is in our national interest.

I would argue, in fact, that the possibility of a greater Balkan war is the single factor which distinguishes the fighting in Bosnia from other civil wars that are raging across the globe.

The United States should take a number of concrete and urgent measures to minimize this possibility.

We should immediately initiate diplomatic overtures to leaders of the major Islamic nations. If we are to avert, or limit, state-sponsored Moslem intervention in the Yugoslavian crisis, the United States should make clear that we have no intention of letting Serbian aggression against Moslems go unchecked. A perceived Western blind spot for such aggression is an invitation for wider and more uncontrollable participation in the Balkan conflict. Already there are reports that Iran is sending materiel to the Moslems in Bosnia.

We should seriously consider the option of persuading the United Nations to impose a multilateral no-fly and no-artillery zone around Sarajevo. The purpose of such an initiative would be to ensure that humanitarian relief delivery is not disrupted and to prevent further senseless violence against the civilians of Sarajevo. Any Serbian fixed wing aircraft or helicopter gunship that flies in the zone would be intercepted or fired upon by a multinational air force. Any active Serbian artillery battery in the zone would be subject to prompt counterfire.

We should also encourage the United Nations to place peacekeepers on the various borders of the region in order to preempt the kind of escalation and military mobilization which in the past have made Balkan wars so explosive.

The President should send a highly visible United States emissary to consult not only with leaders from Islamic countries but from Greece, Bulgaria, Italy, and other nations in the region. Much of the violence that has already occurred in the former Yugoslavia could possibly have been averted with active preventive diplomacy. This is not to cast blame, or to lament over what might have been. I say this simply to warn my colleagues that if we neglect preventive diplomacy on a regional scale, then we risk regional war.

And in addition, Mr. President, I believe the United States should make clear its support for Secretary General Boutros Ghali in his call for a multinational military force, as provided for in article 43 of the U.N. Charter. I have written on this subject, and I would remind the Senate that our colleague from Delaware, Senator BIDEN, has already introduced a resolution calling upon the President to initiate the establishment of such a force. It is time to fulfill the promise of the United Nations, and to meet the goal articulated by Harry Truman when he called for a standing U.N. military force in 1947.

If we are debating the possibility of sending American troops to the region, then it is incumbent upon us, Mr. President, to exhaust every diplomatic avenue first. There are ways to exercise American leadership without immediately resorting to military action.

Of course, military action may well become necessary. And if so, Mr. President, it must be guided by two principles. First, of course, any military action be multilateral. Second, military force should not be used solely to punish the Serbs, who are the widely acknowledged aggressors and provocatuers, but rather to complement a concerted and rational diplomatic effort. Again, Mr. President, aggressive diplomacy must be the backbone of American efforts in the region.

This is truly a decisive test for the post-cold war world, Mr. President. We need not freeze ourselves between the unappealing and false choice of doing nothing or going in alone. American leadership does not mean bearing all the burdens of intervention. But it is still absolutely necessary. I call upon President Bush, and upon the Senate, to act now—with moral certainty and practical urgency—to help bring an end to this conflict.

TRIBUTE TO MAJ. GEN. WILLIAM R. BERKMAN

Mr. THURMOND. Mr. President, I rise to pay tribute to an outstanding soldier and true patriot, Maj. Gen. William R. Berkman, who recently retired after serving 6 years on active duty as military executive of the Reserve Forces Policy Board in the Office of the Secretary of Defense and 7 years as Chief of the U.S. Army Reserve. General Berkman is a man of great character, courage, and capacity, and his long and distinguished career includes more than 42 years of service to his country. I would like to commend him for his many contributions to our national security.

General Berkman was commissioned a second lieutenant in June 1950, and served on active duty from 1952 to 1954. His Army Reserve assignments include service in various positions in the 445th Civil Affairs Company and the 351st Civil Affairs Command. He served as commander of the 351st, a major U.S. Army Reserve command including all civil affairs, psychological operations, special forces, and civil preparedness support units in the 6th U.S. Army area, from June 1975 until his return to active duty in 1979.

As military executive of the Reserve Forces Policy Board from August 1986 until July of this year, General Berkman demonstrated outstanding leadership, professional knowledge, and skill in developing and recommending policies on a broad range of Reserve component issues. These policies substantially contributed to the readiness and effectiveness of National Guard and Reserve Forces, as demonstrated during Operations Desert Shield, Desert Storm, and Provide Comfort. In recognition of his efforts, he has been awarded the Department of Defense Distinguished Service Medal.

He continues to serve as the honorary Chief of the U.S. Army Reserve Civil Affairs Corps. In this capacity, he conceived and spearheaded an important project to document civil affairs efforts in the Persian Gulf war. This vital information will prove to be a valuable legacy to the Department of Defense.

As a civilian, General Berkman majored in economics at the University of California, Berkeley, where he earned his A.B. and J.D. degrees. He is also a graduate of the Army War College.

Mr. President, I have worked very closely with General Berkman on issues affecting the National Guard and Reserve and the civil affairs community. I have been consistently impressed by his intimate knowledge of the needs of our Reserve components, as well as his commitment to seeing that those needs are met.

I want to take this opportunity to commend General Berkman for his outstanding record of service to our Nation, and his distinguished tenure as

military executive of the Reserve Forces Policy Board. My best wishes are with the general and his lovely wife, Betty Ann, as they begin this new chapter of their lives.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 662, H.R. 5677, the Labor-HHS appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

MOTION TO PROCEED

Mr. MITCHELL. Mr. President, I now move to proceed to calendar 662, H.R. 5677, and I send to the desk a cloture motion on the motion to proceed.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on motion to proceed to H.R. 5677, an act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1993, and for other purposes:

Robert C. Byrd, Daniel K. Akaka, Harry Reid, Dennis DeConcini, Carl Levin, Tom Harkin, Herb Kohl, Paul Wellstone, Joe Biden, B.A. Mikulski, Brock Adams, Paul Simon, Joseph Lieberman, Richard Bryan, Tom Daschle, George Mitchell.

CALL OF THE ROLL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the mandatory quorum, as required under rule XXII, be waived in relation to this cloture motion.

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

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I would like to now state the significance of the action that has just occurred and the consequences which flow from that action. We are attempting to complete congressional action on all of the 13 appropriations bills prior to the end of the fiscal year on September 30. We have been strongly urged to do so by the President repeatedly, including a statement made just a few days ago by the President in that regard.

We have completed action on nine of those bills in the Senate, and this Labor-HHS bill was to be the 10th. It had been my intention to begin action on that bill this evening and to complete action on that bill tomorrow night and then, as I had publicly stated earlier, to return to consideration of the defense authorization bill on Thursday in the hope that we could complete action on that bill by the close of business on Friday evening.

Since objection has been made to proceeding to the Labor-HHS appropriations bill, the filing of a cloture motion to terminate debate on the motion to proceed to that bill has been required and the vote on cloture will therefore occur on Thursday morning. That means we will for the next 24 hours debate the motion to proceed to the bill as opposed to debating and voting on the bill itself.

The consequence of that is if cloture is invoked on Thursday morning, we will proceed to take this bill up on Thursday and, therefore, not begin the defense authorization bill until Friday. That means we will be in on Saturday doing the defense appropriations bill, and the consequence of this action will be that we will work on debating and voting on a bill on Saturday instead of on Wednesday.

I recognize that every Senator has a right under the rules to object to proceeding to a bill and can, thereby, delay commencement of consideration of the bill for 2 days. That will occur here. But I think the consequences are unfortunate because this means that instead of the possibility of a Saturday session, we will now have the virtual certainty of a Saturday session. I make this announcement so that Senators can plan their schedules accordingly.

It remains my intention to complete action on the Labor-HHS appropriations bill and the defense authorization bill this week, whatever time it takes to complete that, including Saturday and, if necessary, Sunday. I regret that, but unfortunately there appears to be no alternative to that.

Mr. President, I yield the floor and I invite any comment which the distinguished Republican leader may have.

Mr. DOLE. Mr. President, I understand—I have not looked at the bill myself—I understand from colleagues on my side that a couple of matters inserted in committee may necessitate all this extra parliamentary maneuvering with regard to tobacco and the so-called Beck decision. I am not sure, with a combination of those two forces, whether cloture can be invoked. They are important, and there are a number of Senators on each side interested in at least one or the other of these objectionable provisions in the appropriations bill. If they were not in the bill, then we would have no objection, of course, to proceeding.

But I understand the majority leader's concern. There will be Members here to address the motion to proceed.

It would be my hope rather than take all day tomorrow on the motion to proceed that we might find a substitute so we can avoid a Saturday session, if that is at all possible. We are willing to cooperate, depending on what it may be.

Mr. MITCHELL. Mr. President, I assure my colleagues I will make every effort to do that. We will begin immediately seeing if there is some alternative which we can employ to make a Saturday session less likely. So far, we have not had success in that regard because of a confluence of events of which the Republican leader is aware. We will do our best in that regard.

With respect to the pending motion, it has not been my practice to insist that Senators come and debate the motion to prevent the Chair from putting the question to the Senate. But I think in view of the lateness of the session and the universal desire of Senators, the leaders included, to complete this session by the weekend of October 3 and 4, that I have an obligation to insist upon that at this time and for the remainder of this session. Therefore, those Senators who have expressed an objection will have to be present to protect their rights and to continue the debate to prevent the Chair from putting the question.

I also state now and thereby provide notice that if Senators simply put in quorum calls, we will have to have votes on motions to instruct the Sergeant at Arms to provide the presence of Senators. We simply now, given the lateness of the session, and the need—not the desire alone—but the need to complete action on these appropriations bills, will have to maintain a discipline that was not required at an earlier time in the session.

So I thank my colleagues for their courtesy, but I now again wish to reiterate and make clear to Senators that there may be rollcall votes this evening and tomorrow, if it is necessary to get out of quorum calls. And there is now a very high likelihood of a session this Saturday and possibly on Sunday to complete action on the Defense authorization bill, if that is necessary. I hope it will not be. We will do everything possible to obviate that, but we are going to complete action on these bills this week, if at all possible, because of the importance of completing action on these measures prior to the end of the fiscal year.

Mr. EXON. Will the leader yield for a question?

Mr. MITCHELL. Certainly.

Mr. EXON. Mr. President, I know the majority leader and the minority leader have very difficult decisions to make during these timeframes, and as far as staying here and working Saturday on the Defense authorization bill,

although I, like others, had plans, I am willing to do that. I think we have to have some accommodation back and forth. Everyone has a right to object, and the majority leader has had to go through the cloture procedure.

Is there any possibility—there is not going to be any difference, I suggest, on the cloture whether we would wait until Thursday or whether we could by unanimous consent agree to have a cloture vote in the morning. It would seem to me that might expedite things a great deal, and I am just making inquiry of the majority leader and the Senator from Kansas as to whether or not that might be a possibility to accommodate everyone. I do not see that those who are objecting are going to be any better off by delaying 1 more day, although they have that right.

Has the Senator tried to get unanimous consent for a cloture vote in the morning?

Mr. MITCHELL. Yes.

Mr. EXON. And that was turned down?

Mr. MITCHELL. We have, and we were advised it was not possible.

Mr. EXON. With regrets, I yield the floor.

Mr. MITCHELL. Mr. President, I now yield the floor.

Mr. DOLE. Mr. President, in my previous remarks, I may have been in error. As I understand now correctly, there are no tobacco provisions in the bill which are objectionable. I guess the objection was based on what might have been offered as an amendment. So I want the record to reflect that.

Mr. MITCHELL. Mr. President, I now suggest——

Mr. SASSER. Mr. President, let me inquire of the majority leader. Is objection being made to going to the health and human services bill because someone may offer an amendment dealing with tobacco? Is that the objection?

Mr. MITCHELL. Well, I did not make the objection.

Mr. DOLE. No. I corrected that.

Mr. MITCHELL. My understanding is that the objection is based in part upon that and also in part upon other provisions which are in the bill to which some Senators object. But it is both the possibility of an amendment relating to tobacco that may be offered and a provision in the bill unrelated to that. And I am not clear on what the other provision is. That is in part the reason.

Mr. SASSER. I thank the majority leader.

Mr. ADAMS. Will the majority leader yield?

Mr. MITCHELL. Certainly.

Mr. ADAMS. I did not hear the early part of the colloquy. But is the Senator going to move under the 2-hour rule, is that it, tomorrow morning to proceed? I just did not get which bill the Senator was going to apply that to.

Mr. MITCHELL. I have made no decision beyond this evening.

Mr. ADAMS. I see.

Mr. MITCHELL. I sought unanimous consent to proceed to the bill and objection was made to that. I moved to proceed to the bill and filed cloture on that motion to proceed. Under the rules, that cloture vote will occur Thursday morning.

Mr. ADAMS. That is Labor-HHS, is that correct?

Mr. MITCHELL. Yes. That is right.

Mr. ADAMS. I thank the majority leader.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, appoints Dr. Stanley Z. Koplik, of Kansas, to the Advisory Committee on Student Financial Assistance, for a term beginning October 1, 1992.

The Chair, on the behalf of the President pro tempore, pursuant to Public Law 98-399, as amended, appoints the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Massachusetts [Mr. KENNEDY], to the Martin Luther King, Jr., Federal Holiday Commission.

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

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

The bill clerk proceeded to call the roll.

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

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

HARRY BECK

Mr. GRAMM. Mr. President, we are engaged in a dispute here that should really have nothing to do with an appropriations bill that will soon be before the Senate. I thought it would be instructive to come over and talk about what the issue is that is in dispute, so that people who are following the deliberations of the Senate will know what it is we are debating, and why there are such deep differences over it.

What I would like to do is simply go through and talk about the issue, what gave rise to it, why it is so fundamentally important, and why some of us feel very strongly about it. At least then we will all have a better perception as to what the issue is and where I stand.

This issue originated with one person, a fellow named Harry Beck. Harry Beck was an employee of the then Bell Telephone System, who was not a member of the union. Harry decided he did not want to be a member of the union, but the courts had ruled that since such employees were getting services from the union, that to eliminate what they called "free riders", those non-union employees such as Harry Beck had to pay what was called an "agency fee." Even though he did not want to be a member of the union, the courts had determined that he was benefitting from the union's collective bargaining representation, and so he was required to pay the equivalent of union dues, called "agency fees." And Harry did that.

Then, in 1976, Harry filed a lawsuit saying that although the court said that he had to pay for collective bargaining services, and that he had to pay an agency fee equal to union dues, he believed that the funds he was paying as the dues equivalent were far more than was being expended in representing him in collective bargaining.

This started an incredible 12-year lawsuit. Along the way, a lower court determined that only 21 percent of Harry's dues, or the equivalent of dues, was going to what is termed "core services." Those core services include collective bargaining, contract administration, and grievance adjustments. The courts determined that 79 percent of Harry's dues were not spent on representing him in collective bargaining, or giving him a grievance procedure, or paying for the overhead related to it; and that, in fact, those funds were spent on something else.

Well, 12 years later, after this citizen, Harry Beck, went to court and protested that his union dues were being used for activities that he did not support, that they were being used for purposes other than simply paying for collective bargaining, the Supreme Court ruled in the now famous Beck decision that Harry had to only pay the cost of the collective bargaining services, that he did not have to pay the union, which he did not want to join, money that might be used, for example, for political purposes, to support candidates that Harry did not support.

So 12 years later, after this man had gone through the whole legal process, the Supreme Court found that Harry Beck was not required to pay that portion of this fee, that, in fact, the only fee he was required to pay was the fee that was directly related to collective bargaining. The court said that the union had no right to take Harry's money and use it to support political candidates or political causes that he did not support or to do anything else with it other than to represent Harry Beck in collective bargaining.

Now, President Bush, in implementing the Beck decision under the Constitution, has directed that guidelines be issued which will outline the procedures needed to inform employees where their money is going, and what it is being used for, so that they can determine if those activities are what they want their money to be spent on.

The President directed that that be done by companies performing Federal contract work, and, in addition, on April 13, 1992, the President announced

that the Labor Department would issue rules clarifying what the Court decision said, what employers and unions were required to do in notifying workers of their constitutional rights as determined by the Supreme Court.

What has happened? What has happened is that the Appropriations Committee has decided that it is going to override the Court decision, that Harry may have spent 12 years in court trying to get rights, but that they are going to take them away from him indirectly by not allowing any money to be spent to promulgate these new rules and regulations to implement the Supreme Court decision.

In essence, it is similar to when John Marshall, as Chief Justice of the Court, announced a Supreme Court decision and Andrew Jackson said, "He made the decision; now let him enforce it."

What is happening here is that the courts have moved to protect Harry Beck's rights and the rights of millions of Harry Becks all over America by saying that unions have to tell workers what they spend their dues on, so that the workers can determine whether or not that is what they want the money spent on, and now the Congress is going to come in and say, well, the Supreme Court may have found that Harry Beck had a constitutional right, but we are not going to let him be notified, we are not going to let these regulations that come from the Supreme Court decision be implemented, because we are going to specifically prohibit funds from being spent to revise and update these Labor Department regulations as directed by the President.

So the issue, Mr. President, is a very, very simple issue. I wish every American understood this issue. My guess is they might never know what the issue is. But I am going to give them an opportunity to know it, by outlining it over the next few days.

One man, a guy named Harry, went into court and said, "I do not want to be a member of this union. This is a free country. I live in America, and I do not want to be a union member."

Now, there probably would be 100 Members of the Senate who would stand up if Harry said, "I want to be a union member and nobody will let me be a member." Every Member of the Senate would stand up and say that man was wronged. Well, there are many who will stand up and say he is wronged when he says he does not want to be a member and yet is forced to pay money for activities he opposes.

The court had said, a person does not have to join a union, but must pay union dues, because, if not, individuals may get collective bargaining services they do not pay for, you become a free rider, and that undermines the union.

Harry, however, went to court and said, "But if not all of my money that I am paying is being used for that purpose, do I have to pay money to the unions to use to support candidates and to support causes that I do not support? Don't I have a constitutional protection against my money being taken from me against my will to support people and causes and activities that I do not support?"

The lower court, in fact, determined that only 21 percent of Harry's union dues equivalent was used for the purpose that he was required to pay it; 79 percent was used for something else. Twelve years later—it is an amazing thing sometimes how hard it is to get justice in this great land of ours—but 12 years later the Supreme Court, in a historic ruling, said Harry does have rights, that the union has to tell Harry what is being done with his money, and he is required to pay only for the services of collective bargaining, which is what originally the courts had intended to require in any case.

So they said that Harry and millions of Harrys all over America have to be notified that there has been a Supreme Court ruling and they have to be told what their union dues or union dues equivalent are used for. They have to be provided with that information. And they can choose not to pay dues for purposes, other than collective bargaining, that they do not individually support. If they do support them and they want to go on paying for them, they certainly are free to do so, but they do not have to do it. Twelve years after this man Harry went into court, the Supreme Court ruled in his favor.

Now the President has implemented regulations that are aimed at notifying people of the rights that the Supreme Court, based on the action of this one man, found that they had. What this Congress, if it adopts the bill that is being brought up here, would be doing is saying, "Look, Harry, the Supreme Court may say you have rights, but we are not going to give them to you." We are not going to give him those rights, because we are going to put a rider on this bill that says the Supreme Court said to Harry, "You have a right to know what your union dues are used for," but it is illegal for the executive branch of Government to take appropriated funds and to notify people what those rights are. It would be illegal to implement these regulations. Now, that is the issue, pure and simple.

Do we want to pass a bill that prohibits the use of funds to revise regulations and to revise the notification process based on the Supreme Court ruling in the Beck decision? I say, no, we do not want to prohibit that, because the Supreme Court said that Harry had these rights, and I want him to have them. In fact, I think every American ought to have those rights. In fact, I think most of the 250 million people who live in this country would be shocked, absolutely shocked, at the prohibition proposed in the bill that would have the effect of preventing workers from knowing what their rights are.

But what this bill is attempting to do is to undo that Supreme Court decision through the back door with a little rider that says, "We will not let the Government propose regulations which would implement the Supreme Court ruling. We will not let the Government tell workers through the notification process what their rights are."

I would be embarrassed if I were for this provision. I would be embarrassed for people to know that I was trying to prevent the workers of America from getting notification of rights that the Supreme Court of the United States has found that they have.

I would have a difficult time explaining to people why we did not want workers to know that they had rights as determined by the Supreme Court. I would have a hard time explaining to my mama or my kinfolk or my constituents why I would not allow money to be spent to revise regulations and update procedures to tell people what their constitutional rights are as found by the Supreme Court of the United States. And I am grateful that I am not in a position that I am trying to deny people the right to know and the right to respond.

Now, there is a real question here. We all want to adjourn. Nobody wants to adjourn by October 3 more than I do. I want to bring up our appropriation bills, I want to pass them, I want to pass them at a level the President can sign them, I want him to sign them, then I want all of us to go home and take our case to the American people and let them decide about this election.

But I want to make it clear I feel strongly about this issue. Harry spent 12 years, 12 long years, waiting for the courts to determine what his constitutional rights were. The courts found that Harry had rights. I am going to use all the powers that I have as an individual Senator to see that we do not, through the back door, through a manipulation in a little provision on a great big appropriation bill, take those rights away from millions of Harrys all over this country.

I do not know how far I can get in trying to stop this from happening. I do not know where the votes are going to be. But I know this: I am going to oppose this by every measure that is available. I am going to oppose bringing it up. I am going to move to knock it out of the bill. I am going to move to amend it many times on many subjects. Because this one man spent 12 years trying to get these rights for himself and for millions of people in this country, and I do not intend, if I am able to control it, to see his rights taken away.

I yield the floor.

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.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I now ask that there be a period for morning business.

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

CABLE CONFERENCE REPORT

Mr. GORTON. Mr. President, as a former attorney general, I have spent many years fighting on the side of consumers. Continuing that record in the Senate, I am proud to have joined with Senator DANFORTH, the cable bill's sponsor, and other proponents such as Senator LIEBERMAN. It's no small coincidence that so many former AG's are sponsors of this bill.

I support the cable bill because it will protect consumers from the kind of monopoly abuses that have sent cable rates skyrocketing by approximately 60 percent in the last 4 years.

I find it ironic, given this record, that the cable industry now has the audacity to try to blame the Congress, and this legislation, for raising rates. I hope my colleagues and the public won't be fooled by this misinformation campaign.

The reason the cable industry is spending millions of dollars fighting this bill, and sending out 37 million pieces of mail to their customers to defeat it, is a simple one. It recognizes that this bill is going to result in the one thing it fears most—consumer choice, an end to its monopoly, what every other unregulated business in America faces—competition.

Let's look at what this bill will really do.

In areas where there is no competition—practically everywhere—the cable bill allows for rate regulation of basic cable service, defined as the tier of programming that the broadcast channels are on, as well as the equipment used for the provision of that service. It also allows a customer or a local official to bring a complaint to the Federal Communications Commission that the next tier of programming is offered at an unreasonable rate. These provisions are quite different from the Senate bill which would have allowed for rate regulation of the lowest tier of programming to which at least 30 percent of people subscribe. The administration characterized S. 12 as re-regulatory; I would point out that we have come a long way in addressing that concern with this conference report which is clearly less regulatory. And, of course, under this bill rate regulation disappears entirely as soon as competition in a given area exists.

The conference report also includes a Senate provision which requires cable systems to deal fairly with local broadcast stations. Presently, cable systems pay for all the programming they show except for what people watch the most, the local broadcast stations. The cable companies have been taking these signals for free. The conference report allows local stations to negotiate for retransmission consent or carriage. Many stations will negotiate for nonmonetary compensation such as channel position or promotional consideration. I believe this is an important provision as it will strengthen local television stations so that they can maintain their ability to provide news, sports, weather and other local programming in competition with the cable systems.

The cable companies have said that this provision will be very costly. I disagree. First, the conference report specifically gives the FCC the authority to ensure that retransmission consent does not adversely affect subscribers' rates. Second, this is the tier of programming subject to rate regulation in areas where there is no effective competition. Third, the Consumer Federation of America has estimated that this bill could save consumers up to $6 billion per year. This estimate is based on the 30 percent lower rates that consumers, on the average, pay in areas where competition exists multiplied by the approximately $20 billion spent on cable services. With profit margins this large, it tells me that there is room for the cable industry to absorb whatever small costs this provision may bring.

In my mind, the most important provisions of this bill are those that encourage competition. Chairman Al Sikes of the Federal Communications Commission [FCC] stated before the Commerce Committee, that in order to foster competition, Congress should eliminate monopoly franchising. I worked with the FCC and included in the Senate bill three provisions to encourage competition during the franchising process. These provisions have been included in the conference report. I agreed with Chairman Sikes because out of the nearly 11,000 cable systems nationwide, only 53 are in direct competition with another franchise. The rates for these systems are about 30 percent lower than in areas with only 1 franchise and on a per-channel basis, the rates are 50 percent lower.

Another important competitive provision I backed in the Senate bill, and Congressman TAUZIN included in the House bill, will force cable-affiliated programmers to make their programming available to competitors at reasonable rates. Consumers, predominately in rural areas, have suffered far too long from artificially high rates. On the average, the price of programming provided to satellite distributors is four to five times higher than that which is provided to cable systems. This bill will end that practice. Not only will this mean that rates will decrease for satellite dish subscribers, but it will mean that with lower operating costs, dishes will become more competitive in areas already serviced by cable. No wonder this is the single provision for which cable has fought the hardest. Once again, cable fears an end to its monopoly.

The cable industry has launched a full fledged campaign to try to mislead the public into thinking that this bill will raise their rates. Let's look at what Senator LIEBERMAN and I call cable's fables. First, they mailed a flyer to all their customers quoting a Department of Commerce study which they know was based substantially on the data they provided to them. Next, they quoted newspapers out of context to make it look like those papers oppose the bill when in fact most of the editorials pointed out good points, and weaker points, about earlier versions of the bill. It would be just as simple for me to quote other portions of those same editorials supporting provisions in the bill but I'm not about to stoop to their methods. They have spent countless dollars keeping the advertising companies in business churning out clever ads saying this bill is bad for consumers when the truth is that the largest consumer group in the country, the Consumer Federation of America strongly supports this bill.

Let's not be fooled by cable's fables, the phony statistics, neon green mailings, expensive ads, and out-of-context quotes. Read the bill for yourself. Look who is really for and against this bill and ask yourself who are you going to trust—Hollywood and the cable industry, the only two opponents or consumer groups, labor organizations, seniors' groups and our local officials.

I have worked for 4 long years to get to this point. I have done so because I have heard cable customer's complaints week after week, year after year. I have done so because I do not believe that it is right to let an unregulated monopoly continue untouchable and unchallenged. I come to the floor today to urge my colleagues to look beyond the surface of the cable association's rhetoric. Take a look at what this legislation will really do and then ask yourself if you are willing to continue to go along with the status quo or if it is time for a change. You know what the status quo means—rate increases that average three times the inflation rate and little chance for competitors to challenge the cable monolith. Change means two things—minimal rate reregulation in the short-term and a chance for other multi-

channel providers to get in and compete against the incumbent cable system. If you believe as I do, in the free market, in competition, then I urge you to vote for change and vote for the cable conference report.

A SUDDEN, SENSELESS LOSS

Mr. COATS. Mr. President, on Friday, in one tragic instant, the State of Indiana was left in mourning. Six hoosiers, four of them public men, died in an airplane collision. For 4 days, we have felt the shock and horror of sudden, senseless loss. Today, these men are buried, and we remember the accomplishments of leaders: Mike Carroll, Frank McKinney, Robert Welch, and John Weliever, each showed a genius for civic contribution. Day by day, they did the quiet work of building Indiana.

They were some of the central contributors to the renaissance of Indianapolis in the 1980's, from its emphasis on amateur sports, to its landing of an NFL team, to making neighborhoods a major focus of city administration.

These were men whose minds were always full of plans and projects. They worked with enthusiasm, but served without fanfare. They held a vision of what Indiana could become—and they turned that vision into buildings and parks and stadiums. They defined their own success as the success of their community.

These were rare qualities of rare men. Each will be missed and mourned and remembered with respect.

I want to add that my colleague Senator LUGAR is in Indiana today to give the eulogy for his friend, Mike Carroll. Mike was a deputy mayor of Indianapolis when Senator LUGAR was mayor. Afterward, he also served as Senator LUGAR'S State Director. I would like especially to offer my condolences and thanks to Senator LUGAR as he comforts a family and speaks for the sorrow of our State.

These four men, Republicans and Democrats, were headed together to a meeting where they would study ways to promote the White River Urban Park in Indianapolis. They went without press releases and attention, just one more act of civic pride and confidence in the future. Those acts were countless. Our gratitude is endless.

There is no adequate explanation for a loss of this kind, particularly for family and friends who are left with grief beyond comfort. Sudden tragedy leaves a ragged wound. It attacks our trust in a just and gentle future.

There is refuge and comfort in one fact alone. As Martin Luther King wrote: "We don't know what the future holds, but we know who holds the future." And so we trust in a God who holds all our moments, past and future; we pray for those who feel this sudden loss; and we remember the lasting contributions of exceptional men.

NATIONAL POW/MIA RECOGNITION DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 337 designating National POW/MIA Recognition Day, and that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read three times, passed, and the motion to reconsider laid upon the table, the preamble agreed to, and that any statements relating to this joint resolution appear in the RECORD at the appropriate place.

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

Mr. DOLE. Mr. President, I ask unanimous consent that I be named as a cosponsor.

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

Mr. MITCHELL. Mr. President, I make a similar request.

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

The joint resolution (S.J. Res. 337) deemed to have been read three times and passed, and its preamble is as follows:

S.J. RES. 337

Whereas the United States has fought in many wars, most recently in unprecedented unity with Allied forces in the Persian Gulf;

Whereas thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still listed as missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer acute and continuing hardships;

Whereas, in Public Law 101-355, the Federal Government officially recognized and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing in action, or unaccounted for in Southeast Asia; and

Whereas the sacrifices of Americans still missing and unaccounted for from all our Nation's wars and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NATIONAL POW/MIA RECOGNITION DAY.

September 18, 1992, is designated as "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SEC. 2. REQUIREMENT TO DISPLAY NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG.

(a) IN GENERAL.—The POW/MIA flag shall be displayed—

(1) at all national cemeteries and the National Vietnam Veterans Memorial on May 30, 1993 (Memorial Day), September 18, 1992 (National POW/MIA Recognition Day), and November 11, 1992 (Veteran's Day); and

(2) on, or on the grounds of, the buildings specified in subsection (b) on September 18, 1992; as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing, and unaccounted for, thus ending the uncertainty for their families and the Nation.

(b) BUILDINGS.—The buildings specified in this subsection are—

(1) the White House; and

(2) the buildings containing the primary offices of the—

(A) Secretary of State;

(B) Secretary of Defense;

(C) Secretary of Veterans Affairs; and

(D) Director of the Selective Service Commission.

(c) POW/MIA FLAG.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101-355.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 4484. An act to authorize appropriations for fiscal year 1993 for the Maritime Administration;

H.R. 4706. An act to amend the Consumer Product Safety Act to extend the authorization of appropriations under that Act, and for other purposes;

H.J. Res. 409. Joint resolution designating January 16, 1993, as "National Good Teen Day"; and

H.J. Res. 422. Joint resolution designating November 1992 as "Neurofibromatosis Awareness Month."

The message further announced that the House has agreed to the following resolution:

H. Res. 564. A resolution relative to the death of the Honorable Ted Weiss, a Representative from the State of New York.

The message also announced that pursuant to section 1(a)(2)(B) of House Concurrent Resolution 192, the minority leader appoints the following Republican Members of the House to serve as members of the Joint Committee on the Organization of the Congress: Representatives GRADISON, vice chairman, WALKER, SOLOMON, DREIER of California, EMERSON, and ALLARD.

The message further announced that pursuant to the provisions of section 8104 of Public Law 101-511, the minority leader appoints from private life, Mr. Robert E. Pursley of Stamford, CT, to serve as a member on the National Commission on Defense and National Security on the part of the House.

At 3:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5488) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROYBAL, Mr. HOYER, Ms. PELOSI, Mr. COLEMAN of Texas, Mr. SKAGGS, Mr. VISCLOSKY, Mr. WHITTEN, Mr. WOLF, Mr. LIGHTFOOT, Mr. ROGERS, and Mr. MCDADE as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5679) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. TRAXLER, Mr. STOKES, Mr. MOLLOHAN, Mr. CHAPMAN, Mr. ATKINS, Ms. KAPTUR, Mr. WHITTEN, Mr. GREEN of New York, Mr. COUGHLIN, Mr. LOWERY of California, and Mr. MCDADE as managers of the conference on the part of the House.

The message further announced that the Senate has passed the bill (S. 1029) to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4451. An act to amend the Civil Liberties Act of 1988 to increase the authorization for the Trust Fund under that Act, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 323. An act 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;

S.J. Res. 303. Joint resolution to designate October 1992 as "National Breast Cancer Awareness Month"; and

H.J. Res. 413. Joint resolution to designate September 15, 1992, as "Commodore John Barry Day."

The enrolled bill and joint resolutions were subsequently signed by President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bill and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4706. An act to amend the Consumer Product Safety Act to extend the authorization of appropriations under that Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.J. Res. 409. Joint resolution designating January 16, 1993, as "National Good Teen Day"; to the Committee on the Judiciary.

H.J. Res. 422. Joint resolution designating November 1992 as "Neurofibromatosis Awareness Month"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4484. An act to authorize appropriations for fiscal year 1993 for the Maritime Administration.

H.R. 4551. An act to amend the Civil Liberties Act of 1988 to increase the authorization for the trust fund under that act, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRANSTON, from the Committee on Veterans' Affairs, with amendments:

S. 2974. A bill to amend title 38, United States Code, to revise certain administrative provisions relating to the United States Court of Veterans Appeals, and for other purposes (Rept. No. 102-400).

By Mr. CRANSTON, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2575. A bill to amend chapter 74 of title 38, United States Code, to revise certain pay authorities that apply to nurses and other health care professionals, and for other purposes (Rept. No. 102-401).

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. SHELBY:

S. 3232. A bill to amend title XVIII of the Social Security Act to expand coverage of speech-language pathology and audiology services under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. COCHRAN (for himself and Mr. JEFFORDS):

S. 3233. A bill to amend the Fair Labor Standards Act of 1938 relating to the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (by request):

S. 3234. A bill to amend title 38, United States Code, to provide an additional opportunity to enroll for educational assistance to certain individuals who receive voluntary separation from active duty in the Armed Forces, and for other purposes; to the Committee on Veterans Affairs.

By Mr. PELL:

S. 3235. A bill to extend the coverage of certain Federal labor laws to foreign-flag vessels, and for other purposes; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Mr. SMITH, Mr. MITCHELL, Mr. MCCAIN, Mr. ROBB, Mr. GRASSLEY, Mr. REID, Mr. BROWN, Mr. DASCHLE, Mrs. KASSEBAUM, Mr. KERREY, Mr. KOHL, Mr. HELMS, Mr. PELL, Mr. SPECTER, Mr. CONRAD, Mr. COATS, Mr. SANFORD, Mr. COHEN, Mr. LEAHY, Mr. PRESSLER, Mr. SARBANES, Mr. BRYAN, Mr. CRANSTON, Mr. BINGAMAN, Mr. SASSER, Mr. BOREN, Mr. BUMPERS, Mr. SHELBY, Mr. FOWLER, and Mr. DOLE):

S.J. Res. 337. Joint resolution designating September 18, 1992, as "National POW/MIA Recognition Day", and authorizing display of the National League of Families POW/MIA flag; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL:

S. Res. 340. A resolution to appoint the Chairman of the Committee on Environment and Public Works; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 3232. A bill to amend title XVIII of the Social Security Act to expand coverage of speech-language pathology and audiology services under the Medicare Program, and for other purposes; to the Committee on Finance.

MEDICARE COMMUNICATION DISORDERS AND SERVICES AMENDMENTS ACT OF 1992

• Mr. SHELBY. Mr. President, today I am introducing the Medicare Communication Disorders and Services Amendments Act of 1992. Current Medi-

care regulations severely limit the access of Americans with communication disorders to beneficial rehabilitation services. Over 8 million Americans over the age of 65 suffer from some degree of hearing loss and 11 of every 1,000 Americans over 65 have a speech disorder.

These individuals do not have access to the rehabilitation services that could markedly improve their lives. Communication rehabilitation is limited to speech language pathologists who work in hospitals, nursing homes, or rehabilitations agencies. As a result, those in need of communications rehabilitation must often seek Medicaid approved pathologists in areas far distant from their homes where clinic based pathologists are employed. In addition, Medicare may not cover hearing loss if the cause of that loss cannot be determined nor will it cover hearing disorders if the patient takes a hearing test and no active ear disease is discovered. Furthermore, audiologists are not reimbursed for rehabilitative services that teach the hearing impaired how to cope with their environment.

Advances in treatment technology for communication disorders have produced numerous devices which effectively allow those individuals with communications disorders to regain the ability to communicate. However, Medicaid provides no reimbursement for the purchase of these devices.

The bill that I am introducing today will amend title 18 of the Social Security Act. This legislation will clarify hearing test rules, provide for greater access to speech language pathologists' and audiologists' services and make rehabilitation devices available to older Americans with various communication disorders.

We should not leave these people behind, Mr. President. Speech pathology and audiology treatments are no less valuable to one's total health and quality of life than visual or physical rehabilitation. I urge my colleagues to support this measure that will raise the priority of these services to their necessary level.●

By Mr. COCHRAN (for himself and Mr. JEFFORDS):

S. 3233. A bill to amend the Fair Labor Standards Act of 1938 relating to the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes; to the Committee on Labor and Human Resources.

WORKPLACE LEAVE FAIRNESS ACT

Mr. COCHRAN. Mr. President, today, I am pleased to introduce the Workplace Leave Fairness Act, a bill that will amend the Fair Labor Standards Act so that employers may allow their employees to take unpaid partial day leave without risking the loss of their exemption from Federal overtime pay requirements. The distinguished Senator from Vermont, Mr. JEFFORDS, is a cosponsor of the bill.

The dynamics of today's workplace are dramatically different than in 1938 when the Fair Labor Standards Act was enacted. More and more employers are adapting to change by adopting flexible schedules for their employees and more and more employees are allowed to set their own flexible work schedules.

Mr. President, while most of us would agree with and encourage this flexibility, some of my colleagues may be surprised to learn that recent court decisions and Department of Labor regulations have called into question the flexible policies adopted by employers who have tried to meet the home and family needs of their employees. Employers in both the public and private sectors are finding themselves in violation of the overtime pay requirements of Federal wage and hour laws. Many could owe huge amounts of back pay to their salaried employees who were never intended to be covered by those requirements.

Employees whose duties are administrative, executive, or professional and who are paid on a salary basis—so-called white collar employees—are exempt from the minimum wage and overtime pay requirements of the act. Under Department regulations, an employer may dock an employee's pay for 1 full day or more for absences for personal reasons, illness or injury without losing the exemption. Under recent rulings and interpretations by the Federal courts and the Department of Labor, if an employer docks an employee's pay for absences of less than 1 full day—even where the employee has used up all available paid leave—the employee is no longer exempt from the minimum wage and overtime pay requirements of the act.

These rulings with regard to partial day docking for unpaid leave purposes have put employers in the position of having to tell their exempt employees that, if they wish to take any unpaid leave, they have to take it in full-day increments. This inflexible requirement imposes a real burden on the working parent who has used up his or her paid leave but still needs to take a few hours off on an occasional basis to drive a child or an elderly parent to the doctor.

It is even more disturbing, Mr. President, that if an employer docks an exempt employee's pay for a partial days absence, not only that employee, but every other exempt employee of the city, county, State government or private firm may no longer be exempt. Furthermore, the employer may be held liable for back overtime pay for any hours those previously exempt employees may have worked in excess of a 40 hour week—even though their administrative, professional or executive duties exempted them from the act.

This could be financially devastating for employers—both public and private—who could be liable for large amounts of back overtime pay at 1½ times regular pay over a period of several years for all hours worked in excess of 40 hours per week by previously exempt employees. State and local governments, as well as large and small companies could be liable for millions of dollars owed to employees who everyone intended to be exempt under the act.

One example of the impact this may have on small businesses is illustrated by the case of Linda Froehlich who has 14 employees at her environmental consulting firm in Ohio. Ms. Froehlich's policy allowed her employees to take partial day absences for any reason—a policy which was especially beneficial to those employees who were working parents and needed the flexible leave policy to respond to family needs. Although she thought she was in full compliance with the rules, Ms. Froehlich learned that she was in violation of the regulations under the Fair Labor Standards Act and owed $19,000 in back pay to current and former employees.

Mr. President, the Workplace Leave Fairness Act will correct this problem by allowing employers to dock less than a full days pay for a professional, administrative and executive employee who has exhausted his or her paid leave and wishes to take unpaid leave for a partial day absence. The bill will restore the exemption retroactively to conform the law to what employees and employers in both the public and private sectors thought it was all along, and will protect public and private sector employers from large and unintended back pay judgments.

The Department of Labor on August 19, took a first step toward addressing this problem by issuing regulations that apply to employees in the public sector. These rules will allow public sector employers to provide unpaid partial day absences without having the employees lose their exempt status. However, I am advised that the Department did not provide retroactive relief in the regulations, pending specific legislative authority.

Mr. President, I urge those of my colleagues who have worked hard for enactment of federally mandated family and medical leave to take a careful look at the current rules and court decisions interpreting the FLSA that punish employers who are trying to provide their employees with unpaid family and medical leave. I hope they will agree with me that if we really want to encourage more flexibility and fairness in the workplace to ensure that working parents will get the unpaid leave they really need, we ought first ensure that current law and the regulations and decisions that interpret it will encourage, rather than discourage, those employers who would provide unpaid family and medical leave.

I invite my colleagues to join me in this effort by supporting enactment of the Workplace Leave Fairness Act.

By Mr. CRANSTON (by request):

S. 3234. A bill 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.

ADDITIONAL OPPORTUNITIES FOR ENROLLMENT IN EDUCATIONAL PROGRAMS

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 3234, a bill to provide an additional opportunity to enroll for educational assistance to certain servicemembers who receive voluntary separation incentives upon discharge from active duty in the Armed Forces. The Secretary of Veterans Affairs submitted this legislation by letter dated July 24, 1992, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the transmittal letter and the enclosed section-by-section analysis.

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

S. 3234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. OPPORTUNITY TO ENROLL FOR CERTAIN ACTIVE-DUTY PERSONNEL WHO RECEIVE VOLUNTARY SEPARATION INCENTIVES UPON SEPARATION FROM SERVICE.

(a) IN GENERAL.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 3018A the following:

"§ 3018B. Opportunity to enroll for certain active-duty personnel who participate in voluntary separation incentives programs

"(a)(1) Notwithstanding any other provision of law, and except as provided in paragraph (2), an individual who—

"(A) after September 30, 1991, and before October 1, 1995, is separated from the active military, naval, or air service with an honorable discharge and receives voluntary separation incentives under section 1174a or 1175 of title 10, United States Code;

"(B) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(C) in the case of any individual who has made an election under section 3011(c)(1) or 3012(d)(1) of this title, withdraws such election before such separation pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

"(D) in the case of any person enrolled in the educational benefits program provided by chapter 32 of this title makes an irrevocable election, pursuant to procedures referred to in clause (C) of this paragraph, before such separation to receive benefits under this section in lieu of benefits under such chapter 32; and

"(E) before such separation elects to receive assistance under this section pursuant to procedures referred to in clause (C) of this paragraph,

"is entitled to basic educational assistance under this chapter.

"(2)(A) Notwithstanding the election provisions of paragraph (1) of this subsection, an individual described therein who is so discharged prior to, or within 180 days after, the date of enactment of this section without having been afforded notice and opportunity to make the election required by paragraph (1) (including the withdrawal of election required by clause (C) of that paragraph) and who makes such election, pursuant to subparagraph (B) of this paragraph, within 180 days after the date of enactment of this section is entitled to basic educational assistance under this chapter.

"(B) The Secretary of Defense shall assure that each individual described in subparagraph (A) of this paragraph is afforded such notice and opportunity, within 180 days after the date of enactment of this section, to make the election (or withdrawal of election) required by paragraph (1) of this subsection, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for such purpose or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy.

"(b)(1) The basic pay or the separation incentives of an individual described in subsection (a)(1) of this section shall be reduced by $1,200.

"(2) In the case of an individual described in subsection (a)(2) of this section, the Secretary of Defense, through the Secretary of the military department concerned, shall collect $1,200 from each such individual who makes the election (or withdrawal of election) required to become entitled to basic educational assistance under this chapter, which amount shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c) A withdrawal referred to in subsection (a)(1)(C) of this section and made under that subsection or subsection (a)(2) is irrevocable.

"(d)(1) An individual described in subsection (a)(1)(D) or (a)(2) of this section who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(1)(D) or (a)(2) of this section shall be disenrolled from such chapter 32 program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund, as provided in section 3223 (b) or (c) of this title, to the individual the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 3018A the following new item:

"3018B. Opportunity to enroll for certain active-duty personnel who participate in voluntary separation incentive programs".

(c) CONFORMING AMENDMENT.—Section 3013(d) of such title is amended by inserting "or 3018B" after "3018A".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall be effective as of October 1, 1991, but in no event shall an individual described therein be paid basic educational assistance under chapter 30 of title 38, United States Code, based on entitlement established under that section, for any period of education or training pursued prior to the date, as determined by the Secretary of Defense, that the individual makes the election (or withdrawal of election) required to receive such assistance under that section.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, July 24, 1992.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "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." I request that this measure be referred to the appropriate committee and promptly enacted.

This measure would allow participants in the Special Separation Benefits (SSB) program and the Voluntary Separation Incentive (VSI) program to participate in the Montgomery GI Bill (MGIB). To be eligible, the individual must voluntarily separate from active duty with an honorable discharge on or after October 1, 1991, and before October 1, 1995, the "sunset" date for both the SSB and VSI programs. (The retroactive nature of this proposal will provide equity to those who have already voluntarily separated under SSB/VSI.) Acceptance of this opportunity for MGIB enrollment would require a formal election by the participant which, generally, must be made before such voluntary separation, and would require a $1,200 reduction in the individual's basic pay or voluntary separation incentive. (Where such reduction is not feasible, the Secretary of Defense would collect that amount directly from the eligible participant.)

The end of the cold war has allowed the United States to begin the process of major downsizing of its military forces. To facilitate that effort, in 1990, Congress passed Public Law 101-510 which provided for various benefits and services to assist those servicemembers being separated or who had been recently separated. As part of those benefits, that law amended chapter 30 of title 38 to permit individuals who are involuntarily separated from active duty to participate in the MGIB program if they agreed to a $1,200 basic pay reduction. This included individuals who previously made an election not to participate in that program.

This draft bill seeks to continue the smooth transition to the civilian economy of those individuals who will be leaving active-duty service in the military due to the current force drawdown. Thus, it would further amend chapter 30 to permit VSI and SSB participants to avail themselves of the educational assistance benefits provided under the MGIB program.

This draft bill would affect direct spending and, therefore, is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget estimates that enactment of this legislation would decrease direct spending by $11 million in FY 1992 and increase direct spending by $174 million for the period FY 1993 through FY 1997.

To offset the pay-as-you-go cost of this draft bill, the President's FY 1993 Budget included $72.4 billion in mandatory savings proposals for the period FY 1992 through FY 1997. Of this total amount, $3 billion falls within the jurisdiction of the Veterans' Affairs Committees. The Administration respectfully urges the Committees to consider selecting from among these proposals to offset the direct spending costs of this draft bill.

We are advised by the Office of Management and Budget that there is no objection to the submission of this draft bill to Congress, and that its enactment would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI.

SECTION-BY-SECTION ANALYSIS

SECTION 1

Opportunity to enroll for certain active-duty personnel who receive voluntary separation incentives upon separation from service

This section would amend chapter 30 of title 38, United States Code, by adding a new section, section 3018B, to permit certain individuals who have served more than 6 years on active duty and receive voluntary separation incentives upon being voluntarily separated from active duty with an honorable discharge to receive chapter 30 Montgomery GI Bill (MGIB) education benefits. This offer to receive MGIB education benefits would be available only to participants in the Special Separation Benefits (SSB) or Voluntary Separation Incentive (VSI) programs (under 10 U.S.C. §1174a or §1175, respectively) who voluntarily separate from active duty after September 30, 1991, and before October 1, 1995 (the "sunset" date for both the SSB and VSI programs).

The new section 3018B would afford eligible voluntary separatees the opportunity to enroll in the MGIB under the same concepts that currently apply to persons involuntarily separated from active duty as described in section 3018A. Thus, an individual offered eligibility by this measure who initially opted not to participate in chapter 30 must withdraw that election and elect to enroll in that chapter prior to the individual's voluntary separation. Similarly, an eligible participant in the chapter 32 Post-Vietnam Era Educational Assistance Program (VEAP) must make an irrevocable election, prior to voluntary separation, to receive chapter 30 benefits in lieu of chapter 32 educational assistance. Covered individuals who do not otherwise qualify for either chapter 30 or 32 benefits likewise must make a preseparation election to receive MGIB assistance under the provisions of section 3018B.

The new section 3018B, however, includes an exception to the preseparation election requirement to accommodate individuals who are made potentially eligible for MGIB benefits under the section but who are not afforded an opportunity to make the required election. This would include, for example, individuals who voluntarily separate before the date of enactment and those serving in remote areas who are not given access to the administrative procedures for making the election prior to separation. Such individuals are permitted 180 days after the date of enactment within which to make the required election to receive MGIB benefits. The Secretary of Defense is directed to assure that these individuals receive appropriate notice and opportunity to make an election within such period.

The basic pay or voluntary separation incentive of an eligible individual under this section who makes the required preseparation election to enroll in chapter 30 will be reduced by $1,200. In the case of an individual who makes a post-enactment election under the previously mentioned exception, the Secretary of Defense is directed to collect $1,200 directly from the individual and deposit same in the U.S. Treasury.

A chapter 32 contributory program participant who makes such election will be disenrolled from that program as of the date of election, and his or her unused contributions to that program will be refunded by the Secretary of Veterans Affairs.

Each individual who establishes entitlement to chapter 30 education benefits under this section would be entitled to the lesser of 36 months (or the part-time equivalent) of educational assistance or the number of months of such assistance matching the number of months the individual served on active duty. Before applying for such MGIB benefits, however, the entitled individual must have completed the requirements of a secondary school diploma (or equivalency certificate) or successfully completed 12 credit hours in a standard college degree program.

Funding for this expanded MGIB entitlement would be provided by the Department of Veterans Affairs from funds appropriated or otherwise available to the Department for the payment of readjustment benefits.

SECTION 2

Effective date

This section would provide that the amendments made by section 1 of this measure, extending entitlement to MGIB educational assistance to certain individuals who are voluntarily discharged from active duty and receive voluntary separation incentives from the military, would be effective as to eligible individuals who are voluntarily separated on or after October 1, 1991, but no payment of MGIB benefits based on entitlement established under that section shall be made for any period prior to the date, as determined by the Secretary of Defense, that the individual makes the election (or withdrawal of election) required to receive such benefits.●

By Mr. PELL:

S. 3235. A bill to extend the coverage of certain Federal labor laws to foreign-flag vessels, and for other purposes; to the Committee on Foreign Relations.

MARITIME FAIR LABOR ACT

● Mr. PELL. Mr. President, today I am introducing legislation to extend coverage of the National Labor Relations Act and the Fair Labor Standards Act to certain foreign-flag ships which are based or do substantial business in U.S. ports and are engaged in commerce primarily in American waters.

It is no secret that loopholes in American law allow vessels working for the most part in U.S. waters to operate under foreign flags. This exploitation of American law gives foreign-flagged vessels a competitive advantage over U.S.-flagged vessels because foreign-flagged vessels are not required to pay the same level of fees and taxes required of U.S. vessels. However, the most glaring competitive advantage enjoyed by foreign-flagged vessels is the right to ignore basic labor standards in the employment of maritime workers.

Foreign-flagged vessels, typically registered in countries such as Panama, Liberia and Honduras, are able to avoid minimum accepted standards of pay, health, safety and the rights of association and collective action generally found in developed nations. Crews of foreign-flagged cargo vessels are typically drawn from undeveloped nations such as the Philippines, Burma and Pakistan. These crews of convenience are hired because of their willingness to accept extremely low wages, sometimes less than a dollar an hour, along with terrible working and living conditions.

At one time, a vessel's flag represented the nationality of the owner or the home port of the vessel. However, over the last several decades, it has been acceptable business practice for ship owners from developed countries to register their ships in countries that offer flags of convenience. A flag of convenience is usually offered by a country with no history as a maritime nation and with no desire or ability to administer the ships registered under its own flag.

In addition to low flag registration fees and little or no taxes, foreign-flag vessels avoid the minimal safety standards and wage standards imposed by developed nations with legitimate maritime oversight operations. The avoidance of these basic labor standards puts U.S. maritime workers at a distinct disadvantage because it encourages foreign-flag ship owners to obtain crews of convenience rather than operate with a U.S. crew.

The legislation I am introducing today would narrow the competitive advantage currently enjoyed by foreign-flag vessels working in U.S. waters. The narrowing of this gap will help the U.S. maritime industry in general and U.S. maritime workers in particular by providing at least a fighting chance to compete against foreign-flagged vessels. More important, this legislation would force foreign-flag vessels to obey basic standards of fair play and treatment for workers that have little or no protection even though they are working within a stone's-throw of our shores.

I realize that we all think of the cargo sector of the foreign-flagged maritime industry when we look to overcome the competitive obstacle faced by U.S. maritime workers. However, this legislation is also directed at increasing job opportunities for U.S. workers within the foreign-flagged cruise industry as well.

The cruise industry is a growing sector of the travel and tourism market. This growth is evident not only in the traditional ports of Miami, Portland, Maine, and Alaska, but also in newly emerging centers of tourism such as my home city of Newport, RI. According to the Newport County Convention and Visitors Bureau, cruise ship traffic through Newport has increased steadily over the last few years with the number of cruise ships stopping in Newport increasing from 27 5 years ago to 41 in 1992.

I want to make sure that American workers are given every opportunity to be a part of this healthy segment of travel and tourism industry. We should not be content with merely providing places to shop and eat for cruise passengers that come ashore for the afternoon; we should also be aggressive in encouraging the hiring of American workers by the foreign-flagged cruise industry. I believe that by applying American labor standards to the foreign-flagged cruise industry, we are giving American workers a chance to compete for a growing number of jobs available on foreign-flagged cruise vessels serving U.S. passengers and stopping at U.S. ports.

In introducing this legislation, I recognize that there may be concerns about passing legislation that targets workers from other nations. However, we have acted several times in the past on legislation affecting foreign business interests. There are U.S. securities laws and seaworthiness laws that apply to ships registered with other countries. Except for a few provisions in the U.S. shipping codes, however, the treatment of the crew on those ships is exempt from U.S. laws.

In addition, we have laws regulating aliens who live and work in this country, tax laws regulating international industries, securities laws regulating all foreign securities firms doing business in the United States and oilspill prevention laws specifically regulating the delivery of petroleum to U.S. ports.

The United States has a history of passing legislation that regulates foreign interests doing business in the United States, enough so that the lack of substantive U.S. oversight of maritime labor in our home waters and ports is an exception rather than the norm. I am also convinced that this legislation will only affect those nations that operate flag-of-convenience operations and will not burden nations with adequate labor standards and the ability to enforce them.

In closing, I would like to point out that this legislation is a modified version of legislation introduced in the House of Representatives by Congressman WILLIAM CLAY of Missouri. I look forward to the ultimate approval of this important legislation.●

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. CRANSTON, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 21, a bill to provide for the protection of the public lands in the California desert.

S. 1451

At the request of Mr. BIDEN, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors 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. 2103

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2103, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 2103, supra.

S. 2362

At the request of Mr. MCCAIN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced Medicare payment provision for new physicians.

S. 2389

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2389, a bill to extend until January 1, 1999, the existing suspension of duty on Tamoxifen citrate.

S. 2661

At the request of Mr. MOYNIHAN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2661, a bill to authorize the striking of a medal commemorating the 250th anniversary of the founding of the American Philosophical Society and the birth of Thomas Jefferson.

S. 2667

At the request of Mr. HEFLIN, the names of the Senator from Delaware [Mr. ROTH], the Senator from Utah [Mr. HATCH], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 2667, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use.

S. 2837

At the request of Mr. HARKIN, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 2837, a bill to amend the Public Health Service Act to provide for a program to carry out research on the drug known as diethylstilbestrol, to educate health professionals and the public on the drug, and to provide for certain longitudinal studies regarding individuals who have been exposed to the drug.

S. 2904

At the request of Mr. MURKOWSKI, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2904, a bill to amend the Internal Revenue Code of 1986 to permit rollovers into individual retirement accounts of separation pay from the Armed Forces.

S. 2922

At the request of Mr. COHEN, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2922, a bill to assist the States in the enactment of legislation to address the criminal act of stalking other persons.

S. 2966

At the request of Mr. HATFIELD, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2966, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies.

S. 2970

At the request of Mr. SASSER, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 2970, a bill to amend the Cash Management Improvement Act of 1990, and for other purposes.

S. 2985

At the request of Mr. BIDEN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 2985, a bill to authorize the Board for International Broadcasting to support a "Radio Free China."

S. 3096

At the request of Mr. DANFORTH, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 3096, a bill to establish a grant program under the Administrator of the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by children under the age of 16.

S. 3169

At the request of Mr. LAUTENBERG, the names of the Senator from Utah [Mr. GARN] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 3169, a bill to pro-

tect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 3177

At the request of Mr. KOHL, the names of the Senator from Nevada [Mr. REID] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 3177, a bill to amend title 13, United States Code, to require the Secretary of Commerce to notify the Senate and House of Representatives about changes in the methodology for producing numbers used in any Federal funding formula.

S. 3221

At the request of Mr. LAUTENBERG, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from North Carolina [Mr. HELMS], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 3221, a bill to deny most-favored-nation status to Serbia and Montenegro unless certain conditions are met.

SENATE JOINT RESOLUTION 321

At the request of Mr. KOHL, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Joint Resolution 321, a joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week."

SENATE JOINT RESOLUTION 325

At the request of Mr. BIDEN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Joint Resolution 325, a joint resolution entitled the "Collective Security Participation Resolution."

SENATE JOINT RESOLUTION 328

At the request of Mr. COCHRAN, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Tennessee [Mr. SASSER], the Senator from Georgia [Mr. NUNN], the Senator from Nevada [Mr. REID], the Senator from Illinois [Mr. DIXON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Hawaii [Mr. AKAKA], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 328, a joint resolution to acknowledge the sacrifices that military families have made on behalf of the Nation and to designate November 23, 1992, as "National Military Families Recognition Day."

SENATE JOINT RESOLUTION 330

At the request of Mr. KENNEDY, the names of the Senator from Kentucky [Mr. FORD], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 330, a joint resolution to designate March 1993 as "Irish-American Heritage Month."

SENATE RESOLUTION 340—APPOINTING THE CHAIRMAN OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 340

Resolved, That the Senator from New York, Daniel Patrick Moynihan, be and he is hereby, appointed Chairman of the Committee on Environment and Public Works.

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS, TRANSFERS, AND RESCISSIONS ACT, 1992

BYRD (AND OTHERS) AMENDMENTS NO. 2986

Mr. BYRD (for himself, Mr. HATFIELD, Mr. INOUYE, Mr. AKAKA, Mr. GRAHAM, Mr. MACK, Mr. JOHNSTON, and Mr. BREAUX) proposed an amendment to the bill (H.R. 5620) making supplemental appropriations, transfers, and rescissions for the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 31, on line 23, before the colon, insert: *Provided further*, That in establishing yields for disaster payments to producers of the 1992 crop of sugarcane and sugar beets, the Secretary of Agriculture may make adjustments to county yields for adverse weather conditions during the 1989, 1990 and 1991 crop years

On page 31, line 16, strike "$320,000,000" and insert in lieu thereof: "$300,000,000"

On page 31, line 20, strike "and shall include . . ." through "and nursery inventory" on line 23.

On page 32, between lines 2 and 3 insert: "For an additional amount for the "Commodity Credit Corporation Fund" to cover the costs arising from the consequences of natural disasters, $30,000,000, for the Tree Assistance Program, to remain available until the end of fiscal year 1993: *Provided*, That $10,000,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: *Provided further*, That such funds shall be used to fund the costs of replanting, re-seeding, or repairing damage to commercial trees and seedlings, including orchard and nursery inventory: *Provided further*, That payments under this program shall be determined in accordance with Public Law 101-624: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985."

On page 35, line 11, strike "$3,000,000" and insert in lieu thereof: $18,000,000

On page 35, line 14, strike "$50,000,000" and insert in lieu thereof: $300,000,000

On page 35, line 17, after "agriculture" insert: nor shall such a loan guarantee be denied under provisions of 7 U.S.C. 1926(a)(7)

On page 35, on line 24, before the period, insert: *Provided further*, That $15,000,000 of the $18,000,000 provided for the cost of guaranteed industrial development loans shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress

On page 42, line 10, strike "and Typhoon Omar, $50,000,000" and insert in lieu thereof: Hurricane Iniki, and Typhoon Omar, $70,000,000

On page 43, line 16, strike the sum "$140,365,000" and insert in lieu thereof: $256,800,000

On page 43 after line 25, insert the following: In addition $20,000,000, to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act is transmitted by the President to Congress.

On page 60, line 10, strike "$83,600,000" and insert in lieu thereof "$63,600,000"

On page 61, after line 2, insert the following: Alcohol, Drug Abuse, and Mental Health Administration.

For an additional amount for "Alcohol, Drug Abuse, and Mental Health", to carry out Section 1911 of the Public Health Service Act for areas affected by natural disasters such as Hurricane Andrew, Hurricane Iniki, and Typhoon Omar, $20,000,000, of which $10,000,000 shall be for mental health services, to remain available through September 30, 1993: *Provided*, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

On page 61, line 20, strike "$22,500,000" and insert in lieu thereof "*$42,500,000*"

On page 61, line 21, strike "$10,000,000" and insert in lieu thereof "*$30,000,000*"

On page 62 on line 14 before the period insert: *Provided further*, That $20,000,000 of these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

On page 61, after line 3, insert the following: Payments to States for Child Care Assistance

For an additional amount for "Payments to States for Child Care Assistance", for areas affected by natural disasters such as Hurricane Andrew, Hurricane Iniki, and Typhoon Omar, $20,000,000, *Provided*, That all funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and

Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

On page 65, strike lines 20 through 22 and insert the following in lieu thereof:

(6) Notwithstanding any other provision of law, the Secretary of Education is authorized to grant to recipients of Federal funds under programs authorized by the Rehabilitation Act of 1973, as amended, that are substantially affected by Hurricane Andrew, Hurricane Iniki or Typhoon Omar, a waiver or modification of restrictions regarding requirements for the matching of Federal funds, maintenance of effort, and time period for the obligation of Federal funds, but only if such recipients demonstrate to the satisfaction of the Secretary in the application submitted under subsection (c) that such restrictions impose a demonstrable barrier to the progress of such recipient in overcoming the effects of Hurricane Andrew or Typhoon Omar.

(1) The Secretary shall only grant waivers under this authority for Fiscal Years 1992 and 1993.

(*d*) REALLOCATION OF FUNDS.

(1) For Fiscal Year 1992, the Secretary shall make up to seventy-five percent of excess amounts available for reallotment under Section 110, 633, and 703 of the Rehabilitation Act of 1973 to recipients of Federal funds under the Act substantially affected by Hurricane Iniki, Hurricane Andrew, or Typhoon Omar, upon the receipt of an application submitted under subsection (c).

(*e*) APPLICATION.

Each recipient of Federal funds under programs authorized the Rehabilitation Act desiring a waiver and/or reallotment under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary may reasonably require."

On page 65 at line 23 strike "(c)" and insert:

On page 66 at line 21 strike "(d)" and insert: "*(g)*"

On page 73 at line 25 after the word "Andrew" insert: , "*Hurricane Iniki*"

On page 74 at line 8 before the colon insert: "*and Hurricane Iniki:*"

On page 77, line 9, after "Andrew," insert: "*Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters.*"

On page 77, line 18, after "Andrew," inserts: "*Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters,*"

On page 78, after line 4 insert the following: "*(Including Transfer of Funds)*"

On page 78, line 7, after "Andrew," insert: "*Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters,*"

On page 79, after line 24, insert the following new paragraph: "HOME Investment Partnerships Program

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, for use only in areas impacted by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other presidentially declared disasters, $60,000,000, to remain available until expended: *Provided*, That the Secretary shall not, as a condition of assisting a participating jurisdiction under such Act using amounts provided under this heading, require any contributions by or in behalf of a participating jurisdiction, notwithstanding section 220 of Public Law 101-625: *Provided further*, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers, except for provisions requiring nondiscrimination, in connection with the obligation by the Secretary or any use by any recipient of these funds upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended: *Provided further*, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress: *Provided further*, That notwithstanding any other provision of this Act, funds provided under this heading that are allocated by the Secretary to the State of Hawaii are for use by the State in meeting the responsibilities with which it has been charged under the provisions of the Act of July 9, 1921 (42 Stat. 108), and in the case of programs for individuals directly to lessees under the provisions of the Act of July 9, 1921."

On page 79, line 17, strike, "$20,397,000" and insert in lieu thereof "*$30,397,000*"

On page 79, line 21, strike "$1,628,000,000" and insert in lieu thereof "*$2,428,000,000*"

On page 79, line 24, immediately before the period, insert the following new proviso: ": *Provided further*, That $10,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress"

Page 81, line 2, insert the following before the period: ": *Provided further*, That, notwithstanding any other provision of law, amounts provided under this paragraph shall be made available to the State of Hawaii under the same terms and conditions as funds made available to the State of Florida."

On page 80, line 6, strike "$3,800,000" and insert in lieu thereof "*$4,000,000*"

On page 80, line 11, immediately before the period, insert the following new proviso: ": *Provided further*, That $200,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress"

On page 80, line 16, strike "$1,904,000,000" and insert in lieu thereof "*$2,843,000,000*"

On page 80, line 19, strike "$143,000,000" and insert in lieu thereof "*$493,000,000*"

On page 81, line 2, immediately before the period, insert the following new proviso: ": *Provided further*, That an additional $589,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress"

On page 81, line 7, after "Andrew," strike "$15,000,000," and insert in lieu thereof: "*Hurricane Iniki, Typhoon Omar, and other Presidentially-declared disasters, $50,000,000,*"

On page 81, line 11, strike "$60,000,000" and insert in lieu thereof "*$200,000,000*"

On page 81, line 15, immediately before the period, insert the following new proviso: ": *Provided further*, That $35,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress"

On page 81, line 19, after "Andrew," insert *Hurricane Iniki,*"

On page 81, line 20, strike "$5,000,000" and insert in lieu thereof "*$15,000,000*"

On page 81, line 24, immediately before the period, insert the following new proviso: ": *Provided further*, That $10,000,000 of the amounts made available under this heading shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of said Act, is transmitted by the President to Congress"

COHEN (AND OTHERS) AMENDMENT NO. 2987

Mr. COHEN (for himself, Mr. SPECTER, Mr. THURMOND, Mr. GRASSLEY, Mr. CHAFEE, Mr. D'AMATO, Mr. BIDEN, and Mr. COATS) proposed an amendment to the bill H.R. 5620, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. .

(a) FINDINGS AND DECLARATIONS.—The Congress finds and declares that—

(1) the criminal act of stalking other persons is a problem of deep concern;

(2) previously available legal recourse against stalking, such as restraining orders, have proven largely ineffective;

(3) anti-stalking legislation has been enacted or proposed by several of the States;

(4) the constitutionality of several of the States' anti-stalking statutes may be in question; and

(5) the Congress has an interest in assisting the States in enacting anti-stalking legislation that is constitutional and enforceable.

(b) EVALUATION.—The Attorney General, acting through the Director of the National Institute of Justice, shall—

(1) evaluate anti-stalking legislation and proposed anti-stalking legislation in the States;

(2) develop model anti-stalking legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as a result of the evaluation; and

(4) not later than 1 year after the date of enactment of this Act, report to the Congress the findings and the need or appropriateness of further action by the Federal Government.

(c) EXPENSES.—Expenses incurred in conducting the evaluation and developing model legislation under subsection (b) shall be paid out of funds that are available to the Na-

tional Institute of Justice for fiscal year 1992.

DOLE AMENDMENT NO. 2988

Mr. BYRD (for Mr. DOLE) proposed an amendment to the bill H.R. 5620, supra, as follows:

On page 42, line 10, after "Iniki," insert the following: "the severe storms that caused damage to electrical cooperatives in the State of Kansas on June 15, 1992, and July 7 and 8, 1992,".

REID AMENDMENT NO. 2989

Mr. BYRD (for Mr. REID) proposed an amendment to the bill H.R. 5620, supra, as follows:

At the appropriate place insert the following new section:

SEC. . Funds appropriated for the Office of Economic Adjustment at the Department of Defense for fiscal year 1992 are reduced by $1,000,000, and funds appropriated for the Office of the Secretary of Defense for fiscal year 1992 are increased by $1,000,000 for the purpose of making an economic impact grant to Nye County, Nevada.

CRAIG AMENDMENT NO. 2990

Mr. CRAIG proposed an amendment to the bill H.R. 5620, supra, as follows:

Beginning on page 15, strike out lines 21 through 25.

SANFORD AMENDMENT NO. 2991

Mr. BYRD (for Mr. SANFORD) proposed an amendment to the bill H.R. 5620, supra, as follows:

On page 2, line 24, after the word "Jersey." insert the following new paragraph:

"Notwithstanding section 318(d) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464(d)), amounts provided pursuant to Public Law 101-162 for the acquisition of Buxton Woods shall remain available to the State of North Carolina through September 30, 1993."

INOUYE (AND STEVENS) AMENDMENT NO. 2992

Mr. BYRD (for Mr. INOUYE, for himself and Mr. STEVENS) proposed an amendment to the bill H.R. 5620, supra, as follows:

On page 6 of the committee reported bill beginning on line 16 strike the matter up to the period on line 17 and insert in lieu thereof: "shall remain available until September 30, 1993".

LEAHY AMENDMENT NO. 2993

Mr. BYRD (for Mr. LEAHY) proposed an amendment to the bill H.R. 5620, supra, as follows:

At the end of line 2, page 32, add: "Notwithstanding any other provision of law or statute, any producer of crops and livestock who has suffered at least 40-percent loss to a program crop, 25-percent loss to livestock, and damage to building structures in 1992 as a consequence of a microburst wind occurrence shall be eligible for emergency crop loss assistance and emergency livestock feed assistance as set forth in the Disaster Assistance Act of 1990, Public Law 101-624 (7 U.S.C. 1421 note), and loan guarantees from the Rural Development Insurance Fund program (7 U.S.C. 1929a).".

JEFFORDS AMENDMENT NO. 2994

Mr. BYRD (for Mr. JEFFORDS) proposed an amendment to the bill H.R. 5620, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . WORKERS' FAMILY PROTECTION

(a) SHORT TITLE.—This section may be cited as the "Workers' Family Protection Act".

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) hazardous chemicals and substances that can threaten the health and safety of workers are being transported out of industries on workers' clothing and persons;

(B) these chemicals and substances have the potential to pose an additional threat to the health and welfare of workers and their families;

(C) additional information is needed concerning issues related to employee transported contaminant releases; and

(D) additional regulations may be needed to prevent future releases of this type.

(2) PURPOSE.—It is the purpose of this section to—

(A) increase understanding and awareness concerning the extent and possible health impacts of the problems and incidents described in paragraph (1);

(B) prevent or mitigate future incidents of home contamination that could adversely affect the health and safety of workers and their families;

(C) clarify regulatory authority for preventing and responding to such incidents; and

(D) assist workers in redressing and responding to such incidents when they occur.

(c) EVALUATION OF EMPLOYEE TRANSPORTED CONTAMINANT RELEASES.

(1) STUDY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health (hereafter in this section referred to as the "Director"), in cooperation with the Secretary of Labor, the Administrator of the Environmental Protection Agency, the Administrator of the Agency for Toxic Substances and Disease Registry, and the heads of other Federal Government agencies as determined to be appropriate by the Director, shall conduct a study to evaluate the potential for, the prevalence of, and the issues related to the contamination of workers' homes with hazardous chemicals and substances, including infectious agents, transported from the workplace is of such workers.

(B) MATTERS TO BE EVALUATED.—In conducting the study and evaluation under subparagraph (A), the Director shall—

(i) conduct a review of past incidents of home contamination through the utilization of literature and of records concerning past investigations and enforcement actions undertaken by—

(I) the National Institute for Occupational Safety and Health;

(II) the Secretary of Labor to enforce the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(III) States to enforce occupational safety and health standards in accordance with section 18 of such Act (29 U.S.C. 667); and

(IV) other government agencies (including the Department of Energy and the Environmental Protection Agency), as the Director may determine to be appropriate;

(ii) evaluate current statutory, regulatory, and voluntary industrial hygiene or other measures used by small, medium and large employers to prevent or remediate home contamination;

(iii) compile a summary of the existing research and case histories conducted on incidents of employee transported contaminant releases, including—

(I) the effectiveness of workplace housekeeping practices and personal protective equipment in preventing such incidents;

(II) the health effects, if any, of the resulting exposure on workers and their families;

(III) the effectiveness of normal house cleaning and laundry procedures for removing hazardous materials and agents from workers' homes and personal clothing;

(IV) indoor air quality, as the research concerning such pertains to the fate of chemicals transported from a workplace into the home environment; and

(V) methods for differentiating exposure health effects and relative risks associated with specific agents from other sources of exposure inside and outside the home;

(iv) identify the role of Federal and State agencies in responding to incidents of home contamination;

(v) prepare and submit to the Task Force established under paragraph (2) and to the appropriate committees of Congress, a report concerning the results of the matters studied or evaluated under clauses (i) through (iv); and

(vi) study home contamination incidents and issues and worker and family protection policies and practices related to the special circumstances of firefighters and prepare and submit to the appropriate committees of Congress a report concerning the findings with respect to such study.

(2) DEVELOPMENT OF INVESTIGATIVE STRATEGY.—

(A) TASK FORCE.—Not later than 12 months after the date of enactment of this Act, the Director, in cooperation with the National Institute of Environmental Health Services, shall establish a working group, to be known as the "Workers' Family Protection Task Force". The Task Force shall—

(i) be composed of not more than 15 individuals to be appointed by the Director from among individuals who are representative of workers, industry, scientists, industrial hygienists, the National Research Council, and government agencies, except that not more than one such individual shall be from each appropriate government agency and the number of individuals appointed to represent industry and workers shall be equal in number;

(ii) review the report submitted under paragraph (1)(B)(v);

(iii) determine, with respect to such report, the additional data needs, if any, and the need for additional evaluation of the scientific issues related to and the feasibility of developing such additional data; and

(iv) if additional data are determined by the Task Force to be needed, develop a recommended investigative strategy for use in obtaining such information.

(B) INVESTIGATIVE STRATEGY.—

(i) CONTENT.—The investigative strategy developed under subparagraph (A)(iv) shall identify data gaps that can and cannot be filled, assumptions and uncertainties associated with various components of such strategy, a timetable for the implementation of such strategy, and methodologies used to gather any required data.

(ii) PEER REVIEW.—The Director shall publish the proposed investigative strategy under subparagraph (A)(iv) for public comment and utilize other methods, including technical conferences or seminars and a review by the National Research Council, for the purpose of obtaining comments concerning the proposed strategy.

(iii) FINAL STRATEGY.—After the peer review and public comment is conducted under clause (ii), the Director, in consultation with the heads of other government agencies, shall propose a final strategy for investigating issues related to home contamination that shall be implemented by the National Institute for Occupational Safety and Health and other Federal agencies for the period of time necessary to enable such agencies to obtain the information identified under subparagraph (A)(iii).

(C) CONSTRUCTION.—Nothing in this section shall be construed as precluding any government agency from investigating issues related to home contamination using existing procedures until such time as a final strategy is developed or from taking actions in addition to those proposed in the strategy after its completion.

(3) IMPLEMENTATION OF INVESTIGATIVE STRATEGY.—Upon completion of the investigative strategy under subparagraph (B)(iii), each Federal agency or department shall fulfill the role assigned to it by the strategy.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 4 years after that date of enactment of this Act, and periodically thereafter, the Secretary of Labor, based on the information developed under subsection (c) and on other information available to the Secretary, shall—

(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed to protect workers and their families from employee transported releases of hazardous materials; and

(B) prepare and submit to the appropriate committees of Congress a report concerning the results of such determination.

(2) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate such regulations or standards as determined to be appropriate not later than 3 years after such determination.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

GRAHAM (AND OTHERS) AMENDMENT NO. 2995

Mr. GRAHAM (for himself, Mr. MACK, and Mr. NUNN) proposed an amendment to the bill H.R. 5620, supra, as follows:

On page 67, between lines 12 and 13, insert the following:

For an additional amount for "Military Construction, Air Force", $66,000,000, for the limited purpose of restoring airfield operations, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of the funds are available for the construction of facilities to support the 31st Tactical Fighter Wing or any other active Air Force units or missions pending completion of the 1993 base closure process.

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on allegations of bias within the Social Security Disability Program, on Tuesday, September 22, 1992, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 15, at 10 a.m. to hold a hearing on the Radio Free China Act—S. 2985.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, September 15, 1992, at 11 a.m. for a hearing on the promise of mental health research.

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

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Tuesday, September 15, 1992, at 10 a.m. to conduct a hearing on the Community Reinvestment Act.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., September 15, 1992, to receive testimony on H.R. 3638, making technical amendments to the law which authorizes modification of the boundaries of the Alaska Maritime National Wildlife Refuge; S. 2353, to provide for a land exchange with the city of Tacoma, WA; S. 2653 and H.R. 3457, to amend the Wild and Scenic Rivers Act by designating certain segments and tributaries of the Delaware River in Pennsylvania and New Jersey for study for potential addition to the National Wild and Scenic Rivers System and by authorizing the Secretary of the Interior to designate as components of the National Wild and Scenic Rivers System those segments and tributaries that the Secretary determines are eligible for designation, and for other purposes; H.R. 2859, a bill to direct the Secretary of the Interior to conduct a study of the historical and cultural resources in the vicinity of the city of Lynn, MA, and make recommendations on the appropriate role of the Federal Government in preserving and interpreting such historical and cultural resources; and S. 3217, a bill to amend the Wild and Scenic Rivers Act to designate segments of the Great Egg River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System, and for other purposes.

The PRESIDING OFFICER. Without objection, it is ordered.

ADDITIONAL STATEMENTS

THE 1992 NATIONAL EDUCATION AND LEADERSHIP AWARD CEREMONY

• Mr. LAUTENBERG. Mr. President, I want to commend and congratulate the Sons of Italy Foundation [SIF] for its highly successful National Education and Leadership Awards ceremony, in which I had the pleasure of participating on May 14.

On that day, the foundation awarded scholarships to the winners of the 1992 National Leadership Grant Competition and established a perpetual scholarship in the name of Anthony S. Fauci, M.D., Director of the National Institute of Allergy and Infectious Disease and the Office of AIDS Research, at the National Institutes of Health. A leader in our Nation's fight against AIDS, Dr. Fauci is a researcher and public servant highly deserving of such recognition. The SIF has shown superb judgment in publicly recognizing his significant achievements with an honor that will inspire outstanding young men and women in perpetuity.

In addition to the Anthony S. Fauci Scholarship, the foundation has established perpetual scholarships in the name of U.S. Supreme Court Justice Antonin Scalia, our deceased former colleague, U.S. Congressman Silvio O. Conte, former St. John's University head basketball coach Lou Carnesecca, and Vincenzo Sellaro, M.D., the founder of the Order Sons of Italy in America [OSIA] which established the SIF in 1959. In addition, an award was made for the second consecutive year in the name of Maj. Marie T. Rossi, a courageous American aviator who was killed in action last year in the Persian Gulf. I am proud to say that I personally contributed to this year's Marie T. Rossi Scholarship, and I had the pleasure of meeting the outstanding young woman who was this year's recipient.

OSIA's long and distinguished record of generous support for the education

of America's youth should be recognized by this revered body and indeed, by all citizens concerned about our educational system. During the past quarter century, OSIA has contributed more than $15 million in educational scholarships to deserving youth. In order to secure support for future generations, the board of directors of the Sons of Italy Foundation has launched plans to establish a $1 million permanent educational trust to endow the perpetual scholarship program.

The awards ceremony was attended by Senators LIEBERMAN and SPECTER, Representatives FOGLIETTA, GUARINI, MORELLA, and MANTON, HUD Under Secretary Alfred Delli Bovi, former president of the Catholic University of America, the Reverend William J. Byron, and American hero Joseph Ciccippio. Retired Speaker of the House, Thomas P. "Tip" O'Neill returned to Capitol Hill to address the assembled guests.

The leaders of the Order of the Sons of Italy in America and the Sons of Italy Foundation have demonstrated great foresight by encouraging the outstanding young people of America through merit-based financial aid for higher education and by recognizing them at a gala event in the Nation's capital. I commend Peter R. Zuzolo, national president of OSIA and chairman of SIF; Valentino Ciullo, vice chairman of the SIF; Frank J. Montemuro, Jr., chairman of the 1992 National Education and Leadership Awards ceremony; Joanne L. Strollo, chairlady of the OSIA national education committee; Joseph Sciame, vice president of the St. John's University and master of ceremonies; and Philip R. Piccigallo, Ph.D., national executive director of OSIA and the SIF, for their leadership roles in the 1992 national education and leadership award ceremony and the national leadership grant competition.

I now have the pleasure of sharing with you the 14 winners of the 1992 National Leadership Grant Competition, as follows:

Rosario Vaina, of Brooklyn, NY.

Gregory Francis Corbett, of Weymouth, MA.

Alicia Fedorczak, of Brookfield, WI.

Joanne E. Labriola, of Pittsburgh, PA.

Julie Lomonaco, of Dallas, TX.

Melissa Marie Santory, of Butler, PA.

Peter C. Amuso, of Kane, PA.

Maria A. Cucolo, of Wilmington, DE.

Melissa A. Napolitano, of Valhalla, NY.

Derek J. Purdy, of Santa Clara, CA.

Liza S. Reichenbach, of Philadelphia, PA.

Alexander R. Agosti, of Huntingon, NY.

Karen Biagini, of San Jose, CA.

Fred J. Donodeo, of Long Island City, NY.●

TRIBUTE TO DR. LINDA GLEIS, MODERN DAY HEROINE

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a woman whose life should serve as an example to all. Dr. Linda Gleis of Louisville is a mother of four who also serves as chairman of the Jefferson County Medical Society. While both of these accomplishments are noteworthy in their own right, let me list other activities that Dr. Gleis is involved with.

Dr. Gleis is one of five partners in Rehabilitation Associates PSC, specializing in physical medicine and rehabilitation. Dr. Gleis is the residency training director at the Frazier Rehab Center. She is chief of rehab medicine service at the VA Medical Center; assistant clinical professor of medicine at the University of Louisville School of Medicine, as well as chair of the Jefferson County Medical Society Board.

As if that were not enough, Mr. President, Dr. Gleis has also been elected to the board of Republic Bank & Trust Co. She is on the Metro United Way Leadership Circle Campaign; the Metro United Way Cabinet; the Archdiocese of Louisville salute steering committee; and the Jefferson County Office for Women Advisory Council. Mr. President, those are obligations which could wear out even the most enthusiastic. This is what makes Dr. Gleis so exceptional. She is the mother of four young children and still gives unselfishly of her valuable time.

If one were to glance at Dr. Gleis' résumé, one would, I believe, correctly come to the conclusion that she is an exceptionally qualified person. Dr. Gleis takes a much more humble view however, saying, "I view myself as an average person who has been in situations that have led to leadership roles. There's no way I view my skills as superior." Perhaps when I listed her accomplishments I should have included understatement among them.

Dr. Gleis handles her responsibilities with grace and charm, never seeming to let the demands frazzle her nerves. Instead she seems to run on nervous energy and just a few hours of sleep a night. She makes a point to try and be home for dinner with her family each night, often going to meetings once her children are in bed.

Many would be unable to finish what they start when faced with the demands that Dr. Gleis has grown accustomed. But by devoting her entire focused energy to each project she makes sure that she sees them through to completion. Dr. Linda Gleis is truly an example of how hard-working Americans can help improve their cities and towns through active participation.

I ask that my colleagues join me in recognizing this exceptional Louisvillian. I can think of few others who are so deserving of this body's praise. I also ask that an article from the August 10, 1992, Business First be printed in the RECORD.

The article follows:

WONDER WOMAN LIVES: SHE'S DISGUISED AS A DOCTOR

(By Eric Benmour)

It would be easy to confuse Dr. Linda Gleis and Wonder Woman. After all, friends and family gave her that nickname because of her physical resemblance to actress Lynda Carter, who played the character on television.

But more than that, Gleis does so much that it sounds like fiction.

"I don't know how she does it," says Terry Haag, who has known Gleis since the two were in high school. "I don't know how she sleeps. She amazes me."

Gleis, 40, is one of five partners in Rehabilitation Associates PSC, which specializes in physical medicine and rehabilitation and provides medical services to Frazier Rehab Center, where Gleis is residency-training director.

She is also chief of rehab medicine service at the VA Medical Center, assistant clinical professor of medicine at the University of Louisville School of Medicine, and chair of the Jefferson County Medical Society board.

Gleis also has been elected to the board of Republic Bank & Trust Co.; is married to Dr. Gregory E. Gleis, an orthopedic surgeon; has four children; is active in her church; and plays tennis.

Wait! That's not all.

She's also on the Metro United Way Leadership Circle Campaign; the Metro United Way Cabinet; the Archdiocese of Louisville Salute steering committee; and the Jefferson County Office for Women Advisory Council.

Over the years, Gleis has been honored by the University of Louisville School of Medicine with its service award; she received Bellarmine College's outstanding alumnus of the year award in 1991; and the first Salute to Catholic School alumni award.

"She's not one to sit and watch television," Greg Gleis says. "When I'm away from work, I calm down a lot more than she does. She's always into a project, whether it's cleaning the closet or working on the next committee or playing tennis with girlfriends."

"When Linda Gleis was attending Louisville's Assumption High School, her friends called her hyper," Haag says.

"Nobody wanted to sit behind her in class. She rocks all the time. She was always full of energy."

Gleis' mother, Joan Hulsey, says Gleis—the eldest of four children—rocks when she is concentrating.

"She has to be moving," she says.

Gleis is aware people call her Wonder Woman, but she downplays her accomplishments.

"I view myself as an average person who has been in situations that have led to leadership roles," says Gleis, who was a member of the 1991-92 Leadership Louisville class. She says people can do more than they realize, and one person can make a difference.

"There's no way I view my skills as superior," she says.

Greg Gleis says his wife is efficient, "but it's still a lot of time."

Linda Gleis says she has to sacrifice sleep, getting by on four hours at times.

Greg Gleis says that on the "average day," his wife is gone by 6:30 a.m. to 7 a.m., some days before 6 a.m. She's rarely home before 6 p.m. and frequently it's 7 p.m. It's not unusual for her to go to the hospital once or twice a week after 9 p.m.

His parents help take care of the children.

"The greatest day in our life was when my dad retired," Greg Gleis says. This freed up

both parents to be home to meet the children after school and provide transportation for them.

Gleis says he recently told his wife she could slow down. The next day she said no.

Home-cooked meals are a luxury.

"If it represents cooking, it's a Domino's pizza night," he says.

Linda Gleis never seems frazzled or overwhelmed by all the responsibilities, though, friends say.

Ethel Penny, who has known Gleis since the two were 8 years old, says friends aren't jealous of Gleis. Instead, they are surprised by how much she can accomplish, "and she seems to do it with such ease and such graciousness."

When asked how Gleis does it, Penny says: "She goes on nervous energy and I don't think she gets much sleep."

Gleis also served as president of the JCMS from May 1991 to May 1992. Greg Gleis says he supported his wife's efforts during the election.

"But I would not have been upset if she lost," he says. "I knew what was involved."

For example, someone has to take care of their four children—Eric, 11, Matthew, 9, Kevin, 5, and Anna, 1.

"There was no way I could be president of the medical society if I was a single parent," Linda Gleis says.

Linda Gleis says she and her husband feel it is important to be involved in the community and to balance their needs with those of the community.

Greg says before she was elected president of the JCMS, they divided up the morning time required to get their four children ready for school and day care.

After the election, "She was out of the house before the kids were up," he says.

Greg says he doesn't think the people at their day care would know Linda if they saw her.

While acknowledging her schedule is a hectic one, Gleis says she makes an effort to be home as much as possible.

Typically, Gleis says she makes it home for dinner and leaves after the children's bedtime. She only works one weekend out of five, and she says her morning obligations are primarily due to her private practice, which will add a sixth partner soon.

Gleis says she feels she's maintained a good balance between family life and her civic work, and she says no to requests that may be interesting but too time-consuming.

"The positive has outweighed the negative," she says.

Some of the positives include her accomplishments during her term as president of the medical society.

She wanted to make doctors and the public aware of the impact family violence can have, and in January began a year-long effort to increase such awareness through articles and questionnaires in the medical society's monthly magazine.

She supported efforts to get a mandatory seat-belt law passed in Kentucky.

She also suggested physicians give as a group to United Way, to make people realize the amount the physicians do contribute to the community.

During Gleis' term, the JCMS Foundation gave money to help plan a center for teaching children and adults about healthy lifestyles.

"She has boundless energy, she's interested in the problems of medicine, and she seems to be exceptionally well-organized to wear all the hats she does," says Dr. Arnold Belker, who preceded Gleis as JCMS president.

Belker says that through all the meetings and activities during her term, Gleis was "always cheerful."

Gleis also serves as a role model for other female physicians to get involved in the medical society because she showed "not only can you get involved, but this is what can happen," says Dr. Beverly Gaines, a member of the JCMS board.

Linda Gleis says by being so involved, she can make Louisville—the place where she grew up—a better place to live.

Joan Hulsey says she would like to take credit for her daughter's accomplishments, but believes much of Linda's energy is something she was born with.

Hulsey points to her grandmother on her father's side, who was a schoolteacher until she was 75.

Ethel Penny remembers her friend always having a lot of energy.

Hulsey says she tried to teach two lessons to her children—be honest and finish what you start.

Friends and associates say Gleis definitely finishes what she starts. She doesn't just sit on a board or take a job, she does her homework.

"When she is working on a project her entire self is into that project," says Joanne Berryman, president and chief executive officer of Frazier Rehab Center.

"That's unique."

Dr. Gaines says that when Gleis was treasurer of the medical society, "She gave concise reports everyone could understand."

Gleis says she decided to make medicine her career when she was in high school.

She says she was good in science and became a member of the National Honor Society. She decided to become a medical technologist and attended Bellarmine College.

But professors and the staff at St. Anthony Medical Center, where she worked during her studies, encouraged her to become a doctor.

She met Gregory in high school and they married before their senior year of college.

Linda Gleis says rehabilitation medicine appealed to her because it involved using a variety of disciplines. She works with newborns, infants, adults and the elderly, and not only deals with their physical problems, but emotional ones as well.

"Physical medicine brought it all together for me," she says.

Through her work with patients, she realized society could help prevent some injuries from occurring, such as those caused by people not wearing seat belts or from injuries caused during family violence, or from unhealthy lifestyles.

"You start to see where the real impact is on education and preventing them (injuries) from happening in the first place," she says.

She says she will continue to support legislation and education to help people prevent injuries.

As her duties with the medical society decline, Gleis says she will evaluate other requests. She decided to join Republic Bank's board because it was involved with the medical society's business bureau. In that capacity, the bank was helping develop private banking for physicians and donating funds so the medical society could recognize some of its members who contributed to the community.

She also knew Scott Trager, president and chief executive officer of Republic, from their work together on the Bellarmine Board of Overseers.

"She brings another view to our board, not only business matters but social matters," Trager says. He says Gleis is a good listener, a statement echoed by Dr. Gaines.

"She takes the time to listen to people," she says. "That always goes very well with people."

Gleis "extends herself through the talents of others," Berryman adds.

When Gleis isn't working on a project, she might be at a ball field, watching a son in a sport. Or she might be playing tennis.

She plays once a week and may run back to work afterwards, but it helps her keep her sanity, says tennis partner Karen Wimsatt.

"That's my only physical outlet," Gleis says.

She says she started playing about three years ago. She plays in a competitive league.

"She's a good player," Wimsatt says.

While Wimsatt says tennis helps Gleis keep her sanity, Gleis says she's never been close to being burned out.

She says her activities are varied, between work and personal activities, and she hasn't done too much.

"I don't want to be overextended," she says.

Wimsatt says Gleis doesn't do all she does for recognition.

"It's just the way she is," she says. "She likes to be busy." Wimsatt says Gleis doesn't show signs of being overwhelmed by all her obligations.

Gregory Gleis echoed Wimsatt's comment.

"I am surprised she tolerates it as well as she does," he says.

BIO: LINDA HOOD GLEIS

Title: Physician, chairman of the Jefferson County Medical Society.

Age: 40.

Hometown: Louisville.

Education: Bachelor of arts degree, medical technology, Bellarmine College, 1974; medical degree, University of Louisville, 1978.

Family: Husband, Gregory; children: Eric Raymond, 11; Matthew Gregory, 9; Kevin Graham, 5; Anna Gale, 1.●

CABRINI MEDICAL CENTER ANNIVERSARY

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to Cabrini Medical Center in Manhattan on the occasion of their 100th anniversary. The Cabrini Medical Center, founded by St. Frances Xavier Cabrini, will celebrate its 100th anniversary at a dinner on Thursday, September 17 at the Waldorf-Astoria Hotel, Manhattan.

In 1892, St. Frances Xavier Cabrini, the first American saint, and Patroness of Immigrants, set up 10 beds in two East Side tenements, and along with six of her Missionary Sisters of the Sacred Heart, took in the sick and poor. They called this humble beginning Columbus Hospital.

Amid the squalor and despair of wave after wave of poor immigrants, the hospital and the Sisters became a haven of love, compassion and caring. It grew and moved to larger and larger quarters. In 1974, it merged with Italian Hospital and was renamed in honor of its visionary founder, St. Frances Xavier Cabrini.

Today, Cabrini is a 499-bed voluntary acute care facility, a major teaching facility of New York Medical College, with broad health care programs, a

school for nursing, outpatient services at affiliated Stuyvesant Polyclinic, and a State designated HIV/AIDS center.

Cabrini Medical Center will kick off their year long centennial celebration with the benefit dinner, proceeds of which will go to the Cabrini HIV/AIDS program. Chairpersons are actress Isabella Rossellini and former Ambassador to Italy, Maxwell M. Raab. Ms. Rossellini's sister, TV personality Pia Lindstrom, will be mistress of ceremonies. Grace Mirabella, publication director of Mirabella magazine, will receive the St. Frances Cabrini Gold Medal Award for her service to the hospital's HIV/AIDS program. Broadway producer Martin Richards and executive director Ganga Stone will receive Gold Medal Community Service Awards.

This is a very special year for Cabrini Medical Center. They have much to celebrate and deserve our support since they are on the front lines everyday dealing with tragic and terrifying diseases. We must insure that they are not forgotten. The legacy of St. Frances Xavier Cabrini has surpassed the vision of this truly humanitarian woman. Let us not forget the Cabrini legacy as they plunge into the next century.•

TRIBUTE TO PADUCAH

•Mr. McCONNELL. Mr. President, I rise today to recognize Paducah, a historic river city in McCracken County.

Paducah is located along the Ohio River in far western Kentucky at the intersection of the Tennessee and Ohio rivers. It is a city rich with tradition, founded by the mythical Chickasaw Indian Chief Paduke, for which the town is named.

Though the river trade is in rapid decline, many still visit Paducah for its culture and entertainment. Paducah distinguishes itself by having its own symphony orchestra, an unusual accomplishment for a town of its size. There are also a number of museums, as well as a monthly foreign-film series. The Market House Theater leads a thriving theater scene, offering many well-known productions put on by volunteers of all ages. In addition, Paducah is home of the Museum of the American Quilter's Society. Its annual quilt show draws some 30,000 visitors from as far away as Europe and Asia. this show also coincides with the Dogwood Festival, at which time the city is covered in thousands of blooming dogwood trees.

Paducah was home to the famous correspondent and writer for the Saturday Evening Post, Irvin S. Cobb. Mr. Cobb helped Paducah achieve national recognition in his many speaking engagements across the United States. Another famous resident of Paducah was the former Vice President, Alben W. Barkely.

Though the population of Paducah has declined in recent years, many new homes and subdivisions are being built on the western edge of town near the expansive Kentucky Oaks Mall. Recently, the groundbreaking ceremony was held for the Information Age Park, a high-tech business park which will create thousands of new jobs in telecommunications. This will further broaden Paducah's economic base that is currently dependent on the Paducah gaseous diffusion plant, which employs nearly 2,000 of the town's residents.

Although Paducah suffers from many of the social problems of larger cities, Paducah has sparked a renaissance. This includes spending millions of dollars on downtown improvements, upgrading the convention center, and implementing a program called Pride 2000. This monumental domestic improvement program enlists hundreds of volunteers from every neighborhood to improve the city's appearance and help maintain its upkeep. I would like to recognize their significant accomplishments and applaud their success in making their city one of the finest in the State.

Mr. President, I ask that an article from Louisville's Courier-Journal be printed in today's CONGRESSIONAL RECORD.

The article follows:

PADUCAH

(By Mark Schaver)

Perhaps every town is founded on a myth, a myth that grows with time and becomes one of many myths. Paducah is such a town.

The first and most enduring myth is the legend of Chief Paduke, who is honored with a statue as the Chickasaw Indian who deeded the town its name. But even the sculptor who carved it in the early 1900s publicly doubted Chief Paduke's existence, only to be shouted down by a chorus of outraged citizenry.

When a professor at Paducah Community College, John E. L. Robertson, wrote a history of the town for its 150th anniversary, he reintroduced evidence that Chief Paduke was most likely a fable, thinking it so obvious and unremarkable that he relegated the information to the preface.

Instead, he provoked more indignation, and to this day the historic markers and tourist brochures speak of Chief Paduke as if there is no question he had been flesh and blood.

Paducah has always had its mythmakers. One was the humorist Irvin S. Cobb, who was born in Paducah in 1876 and became famous as a World War I correspondent and writer for the Saturday Evening Post. Cobb published more than 30 books and lived for a time in California where he had a short-lived radio show called "Paducah Plantation" and appeared in forgotten Hollywood motion pictures as the caricature of a julep-swilling Southerner.

Cobb served as Paducah's goodwill ambassador in his many speaking engagements across the United States. In his most quoted line, he said, "It is better to be born a homeless orphan in Paducah than duly certified twins anywhere else on earth."

He is less remembered for this recollection from his autobiography, "Exit Laughing," which was written with the honesty that comes with approaching death;

"It had its baser aspects . . . the petty feuds, the small pretensions, the spleens and jealousies and all such bilious little spites as thrive like bad weeds in any spot where human beings herd together. And beyond doubt it was a sloven and leisurely town, one that was untidy and content to be untidy. . . ."

In the late 19th century, Paducah was known as a boisterous and dangerous river town. It is at the intersection of the Tennessee and Ohio rivers and near the Cumberland and the Mississippi, so it became a way station for wild assortment of roustabouts, brigands and adventurers. Liquor flowed and prostitution flourished.

The river trade has long since settled into dull middle age, but for some who live in the surrounding small towns of Purchase and Pennyrile, Paducah still offers its share of pleasures, forbidden and otherwise. It's where they come to shop, watch a movie at the 12-screen theater, eat Mexican food in a sit-down restaurant or buy a Japanese car. But with its liquor stores, X-rated bookstores and strip shows, it's also a place that trafficks openly in the sins that are less visible back home.

Many visit Paducah because it is the region's cultural and entertainment center. It is the rare town of its size that can boast of having its own symphony orchestra. Country singing stars appear weekly at the Executive Inn; comedians make appearances at bars; and the new Mid-America X-Po Center has begun promoting professional boxing. There's an art museum, a history museum and a museum to honor Alben W. Barkley, a Paducah lawyer who became a Senate majority leader and vice president under Harry S. Truman. There's even a monthly foreign-film series.

Paducah has a thriving theater scene, with hundreds of volunteers of all ages participating in the many productions put on each year by the Market House Theater (although cuss words are censored lest part of the audience walk out). Two years ago the Brelco Theater opted to offer more daring plays than the Neil Simon and Gilbert-and-Sullivan fare offered by the more established theater, but it has yet to develop a large audience, averaging only 20 people a performance.

Paducah has dubbed itself "Quilt City USA" because it is the home of the Museum of the American Quilter's Society and its annual quilt show, which draws 30,000 visitors from as far away as Europe and Asia. The show coincides with the springtime Dogwood Festival, when many homes spotlight their flowers for the thousands of cars that drive by each evening.

What they see are many fine homes and prosperous neighborhoods. Although the population of Paducah has declined in the last decade, some areas are sprouting new homes and subdivisions, especially the western edge of the town, where the opening of the Kentucky Oaks Mall 10 years ago touched off the flight of businesses from downtown.

Yet just as one part of Paducah is growing, another part has been in a long decline. Many of the homes that once formed the core of Paducah have either fallen into neglect or been torn down, leaving behind empty, weed-strewn lots. Twenty percent of the population lives in subsidized housing, and in recent years there has been a sharp increase in crime, fueled by the crack cocaine trade.

Although Paducah suffers from many of the social ills that afflict bigger cities, it is

too small to qualify for federal aid targeting those problems. "We're too rural to be urban and too urban to be rural," Mayor Gerry Montgomery said.

Like most other members of the City Commission, Montgomery lives in the prosperous western half of town. That irritates some in Paducah's poorer precincts, who complain they are left out of the city's politics. They have managed to get enough signatures on a petition that will allow a referendum in November on whether to choose city commissioners by district—a change that could give greater representation to the poor and minorities—rather than at-large, as under the current system.

Some African Americans, meanwhile, say that, although they have been represented on the City Commission for most of the last 25 years, they have been excluded from much social and economic life, have been woefully underrepresented in most community organizations and have gotten, at best, the worst jobs for the lowest pay.

Montgomery acknowledges the sentiment. "I think there are some who feel excluded from economic life, but I don't think it's any different from anywhere else," she said, noting the black representation on city boards and commissions.

"This is a community which is very hidebound," said Joe Freeland, a white lawyer who won a court case desegregating what is now Paducah Community College in the early 1950s.

People who were born elsewhere but have lived in Paducah for years are still referred to as "transplants," yet townspeople insist they are willing to embrace the new. They offer as proof the recent groundbreaking for the Information Age Park, a high-tech business park they hope will generate thousands of jobs in data-processing telecommunications.

If successful, the park will help Paducah broaden an economic base that depends heavily on the Paducah Gaseous Diffusion Plant, which employs about 1,800. The federally owned plant, which enriches uranium for nuclear power plants, was built in the early 1950s, thanks to the influence of Vice President Barkley.

Construction of what locals call the "Atomic Plant" was accompanied by numerous wildcat strikes, and the influx of 20,000 workers put such a strain on Paducah's housing that people began renting out their spare bedrooms. Some believe the turmoil brought on by sudden growth so rent the social and economic fabric that Paducah took years to recover.

Despite being the home of two of Kentucky's 10 largest banks and the region's medical center, the economy of Paducah has long been stagnant, and it offers few well-paid manufacturing jobs. Once in its history it saw itself as competing with Owensboro and Bowling Green, but those cities have grown past it. Some say one reason Paducah has fallen behind is because it lacks a four-year college.

Paducah is trying to spark a renaissance. It has, for example, a 3-year-old Main Street program to promote downtown and fill its vacant storefronts. The city is also spending millions on downtown improvements, including building a new parking lot, widening the flood wall so the Ohio River is more visible and upgrading the Julian Carroll Convention Center (named for the former governor from McCracken County). The city has also begun a program called Pride 2,000 to enlist volunteers in every neighborhood to improve the town's appearance. Many have great hopes for the debut of riverboat gambling across the river at Metropolis, Ill., next year.

But it can be hoped that Paducah will always remain a quirky place. It is, after all, the only town in America that offers visitors numerous antique shops and candlelight riverboat cruises as well as "Speedy," the mummified corpse of Charles Atkins, a penniless man who drowned while fishing in 1928. Atkins earned his nickname for his talent working with tobacco, and he became famous nationwide more than a decade ago after an appearance on the TV show "That's Incredible!"

He can be found at the Hamock Funeral Home, where he is kept propped up against the wall in a storage room filled with coffins. Dust has once again begun to settle on the folds of his tuxedo, which still bears a souvenir pin from an appearance last year on the tabloid TV news show "A Current Affair."

"Speedy put Paducah on the map all over the world," said Velma Hamock, the widow of the man who embalmed him. "I've never seen a dead man make so many people happy."

Transportation: Air—Baridey Regional Airport (commuter flights to Nashville, Memphis and St. Louis). Railroads—Paducah & Louisville Railway; Burlington Northern Railroad. Bus—Greyhound; Brooks Bus Line; Reta's Charter; Paducah Area Transit System. Water—18 towing companies. Truck—26 lines serve Paducah.

Education: Paducah City Schools, 3,700 students; McCracken County Schools, 6,600; four church-supported schools, 498; Paducah Community College, 2,400; Western Kentucky State Vocational/Technical School, 800; Paducah Area Vocational School, 300; Franklin College, 80.

Topography: Low, rolling country, Paducah sits at the confluence of the Tennessee and Ohio rivers.

Population (1990): Paducah, 27,258; McCracken County, 52,605.

Per capita income: McCracken County (1990), $17,450, or $2,458 above the state average.

Jobs: (McCracken County, 1990): Manufacturing, 3,461; wholesale/retail, 10,488; services, 8,347; state/local government, 2,956; contract construction, 1,495; transportation/communications/utilities, 2,607; finance/insurance/real estate, 1,094.

Big employers: Martin Marietta Energy Systems (Paducah Gaseous Diffusion Plant), 1,800; Western Baptist Hospital, 1,641; Lourdes Hospital, 1,500.

Media: Newspapers—The Paducah Sun (daily); West Kentucky News (weekly), Television—WPSD-TV (NBC affiliate), Radio—WPAD-AM (oldies); WDDJ-FM (contemporary hits); WDXR-FM (country); WKYQ-FM (country); WKYK-AM (oldies); WREZ-FM (light adult contemporary). Comcast cable TV.

FAMOUS FACTS AND FIGURES

The land on which Paducah was founded in 1830 was part of 37,000 acres that the explorer William S. Clark had bought three years earlier for $5.

Paducah, Texas, is named after the Kentucky city. Two men from Kentucky, who helped found the Texas town, suggested the name.

Gen. Ulysses S. Grant occupied Paducah during the Civil War. In his memoirs, he wrote that on entering the town, "I never saw such consternation on the faces of the people. . . . They were expecting rebel troops that day."

John Thomas Scopes, who became famous when Clarence Darrow and William Jennings Bryan clashed at his 1925 trial for teaching evolution theory in a Tennessee school, was born and raised in Paducah. He is buried in Oak Grove Cemetery.

Sen. Alben Barkley of Paducah coined the phrase "New Deal" during his keynote address at the 1932 Democratic Convention, which nominated Franklin Delano Roosevelt for president. Paducah has an Alben Barkley Museum to honor "The Veep."

A flood wall was built after the Ohio River flooded 90 percent of Paducah in 1937, causing $22 million in damage and producing 22,000 refugees. A cow fled to a second story, and her owner milked her throughout the seige.

The Paducah City Hall, built in 1965, is a replica of the U.S. Embassy in India.

Paducah has more historical markers than any other Kentucky city.

The state welcome center on Interstate 24 is a restored mansion known as Whitchaven.●

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 received a request for a determination under rule 35 for Scott Bunton, a member of the staff of Senator KERRY, to participate in a program in Germany, sponsored by the Friedrich-Naumann-Stiftung, from August 28 to September 6, 1992.

The committee determined that participation by Mr. Bunton in this program, at the expense of the Friedrich-Naumann-Stiftung is in the interest of the Senate and the United States.●

HONORING FAMILY DAY

● Mr. KASTEN. Mr. President, I rise today to salute the efforts of the pastor and congregation of the Community Baptist Church of Greater Milwaukee on the occasion of their Fifth Annual Family Day event.

On September 27, designated as Community Family Day, families will be given the opportunity to share their ideas and perspectives with the congregation, in a true celebration of the family values that have kept them strong.

These men, women, and children remind all of us that "family values" is not just a slogan or an abstract idea. Family values are life itself, as it is lived by hard-working people in a spirit of love, faith, hope, and true belief in the word of God.

Pastor Roy B. Nabors, Rev. Roosevelt Savage, chairpersons Helen R. Rent and Clorine Harris, and the families of Community Baptist Church have an important message for America. I ask my colleagues to join me in sending our best wishes on this special occasion.•

THE NATIONAL INSTITUTES OF HEALTH REAUTHORIZATION ACT OF 1992

• Mr. KENNEDY. Mr. President, the National Institutes of Health Reauthorization Act of 1992 was reported favorably by the Committee on Labor and Human Resources on July 29, 1992. S. 2899 is a modified version of the legislation, H.R. 2507, that passed the Senate on last June 4 by a vote of 85 to 12. That bill was vetoed by President Bush and the veto was sustained in the House. I hope the Senate will approve this new version, and that President Bush will sign it.

S. 2899 is a good faith effort to meet all four of the concerns raised by the President in his veto message. The provisions of S. 2899 are, in other respects, identical to the provisions of H.R. 2507.

In an effort to address concerns that the previous bill authorized too large an increase in certain spending programs, most of the authorizations in S. 2899 have been changed from dollar amounts to the traditional authorization of such sums as may be necessary. The authorizations that have been retained from the earlier bill are special legislative initiatives. These include the women's health initiative for expanded breast, ovarian, and other gynecological cancer research programs, and an osteoporosis program, as well as a prostate cancer program.

The legislation also includes the provisions of H.R. 2507 on fetal tissue transplantation research. We have retained the provisions in the previous bill containing safeguards against abuse, including a prohibition of the sale of tissue; a prohibition of directed donations; a requirement for informed consent for the abortion procedure be obtained separately from and before the informed consent for the donation of fetal tissue; and a requirement for health care providers to certify that no change has been made in the method or timing of the abortion for the sole purpose of acquiring fetal tissue. A discussion of these provisions appears in the conference report and the House and Senate committee reports that accompanied H.R. 2507. This discussion is an accurate description of these priorities in this legislation and the legislative intent with respect to them, and there is no need to repeat that discussion here.

In addition to these provisions, the pending legislation includes a modification on the use of tissue from the fetal tissue transplantation bank established under President Bush's Executive order of May 19, 1992. The legislation maintains the current moratorium on NIH-funded fetal tissue transplantation research using tissue from induced abortions through May 19, 1993. After that date, the moratorium is lifted under certain conditions. Research on fetal tissue transplantation may be funded by the NIH if the principal investigator for the research project declares that the tissue used for transplantation is to be obtained from other sources, because a request has been submitted to the bank and 14 days have elapsed without the bank providing tissue appropriate for the research.

This modification has been adopted to provide an opportunity for the bank to begin operation and prove itself, without jeopardizing the potential for research if it is not effective. There has been a great deal of debate about whether the bank can successfully supply appropriate tissue for transplantation research. The administration has argued that tissue from miscarriages and abortions for ectopic pregnancies will be adequate. Many other researchers have argued that such tissue will be inappropriate because of genetic disease, viral and bacterial contamination, and the difficulty of obtaining the tissue in a timely way. Under the terms of the legislation, the tissue bank will have a fair opportunity to fulfill its mission, and the research will be allowed to proceed, whichever position is correct.

The legislation also differs from H.R. 2507 in the provisions on ethics advisory boards. In the original legislation, if an ethics advisory board found that the proposed research is ethical and should proceed, the Secretary could not override the decision. In response to concerns that the Secretary should have the final say in such matters, a provision has been added to allow the Secretary to review the decision of a board and set it aside if, the Secretary finds that the decision is arbitrary and capricious. This common and well-known standard of review is readily implemented and will provide both the researchers and the Secretary with clear guidance on the course to be pursued.

In addition, the legislation contains the provisions of H.R. 2507 regarding the broader inclusion of women and racial and ethnic minorities in clinical research. A full discussion of these provisions appears in the conference report and the House and Senate Committee reports that accompanied H.R. 2507 and this discussion remains an accurate description of these provisions and the legislative intent behind them.

S. 2899 modifies the provisions in H.R. 2507 on the guidelines to be established by the Director of NIH regarding this inclusion and the circumstances under which cost may be considered as a reason not to do so. As a general rule, cost is not a permissible consideration for excluding women from a project or for excluding minorities from research. As was discussed fully in the reports accompanying H.R. 2507, the goal of such a general rule is to ensure that Government-sponsored clinical research is used to improve the health of as many Americans as possible.

The pending legislation recognizes, however, that there are limited circumstances in which a researcher seeks to study a population that does not include women and minorities for reasons that may include cost. Under the terms of S. 2899, the guidelines established by the Director may allow cost to be considered in some circumstances, as long as data of comparable quality regarding the excluded populations is obtained by other means.

In sum, these provisions are intended to ensure that research on diseases or conditions affecting both sexes will, in virtually all cases, produce results that are applicable regardless of gender. In most cases, women will be included in trials as study participants. In those projects in which women are not included, similar results will be available because parallel research of comparable quality will be conducted or exists already. This principle is to be implemented by the Director, through specific authority to establish guidelines that recognize cost and through general authority for designating inclusion as inappropriate.

For example, if it is suggested that the cost of expanding the sample size to include a statistically useful number of women in a large trial on heart disease and aspirin is justification for excluding women from the trial, this legislation would allow a men-only trial only if there are data of comparable quality already available, or being gathered for women. This showing of comparable data is, of course, the responsibility of the researcher applying for funding for a design that excludes women from the trial.

No change has been made from the original provisions allowing the Director general discretion over study design. For instance, if it is suggested that the inclusion of women is unnecessary for noncost reasons since the disease affects women only rarely, this legislation would not require their inclusion of women.

The same basic provisions apply to the inclusion of minorities in clinical research, although the legislation does not require that minorities be included in every research project.

Data of comparable quality is understood to be information of similar utility in the development and use of clinical care. Thus, the development of theoretical applications or models of a drug's utility in women is not comparable to a randomized trial of that drug with women as subjects. Con-

versely, if drug trials are already underway that will produce data on women, a similar trial using men need not include women, unless the men-only trial produces data not obtainable in the study in which women are participants.

We recognize that the question of comparability is a complex issue: Data gathered by different means may be of comparable worth in developing and using clinical care; data gathered by the same means but in different settings may be of unequal value. We expect the Director to develop general guidelines on this issue, as well as to evaluate carefully with the advisory panels each application for exclusion of subjects.

In addition, S. 2899 provides that, if there is substantial scientific data demonstrating that there is no significant scientific difference between the genders or among racial and ethnic groups, the Director may establish guidelines overriding the general requirement that women and minorities be included in trials. In the past, women and minorities have often been excluded from trials unless there was an affirmative showing that they might respond differently to the conditions of the trial. In contrast, this legislation will generally require that women and minorities must be included, unless there is an affirmative showing that they will not respond differently to the conditions of the trial. By reversing the presumption in this case, the legislation will reach more health conditions for more Americans. It will provide more clinical applications, and generate greater basic research knowledge.

The legislation also makes changes in the provisions of H.R. 2507 regarding the protection of health facilities. The pending bill deletes the authority for a facility to pursue civil remedies in Federal court for damages resulting from violation of the statutory protections contained in these provisions. The legislation does not, however, affect rights to pursue a civil action that may otherwise exist under State or other Federal law.

In addition, the legislation clarifies that existing State or Federal whistleblower protection laws are not altered or otherwise affected by the provision protecting health facilities. A conforming change is included regarding the elements of the crime of burglary for purposes of this legislation.

Finally, the legislation establishes within the Office of the Director of NIH an Office of Research on Minority Health.

All of the remaining provisions in the bill before us are unchanged from the previous bill. I ask that a summary of the entire bill be printed in the RECORD after my remarks.

We all know the vital importance of biomedical research and the central role of the NIH. This is major legislation that should not have been vetoed in the first place. With these good-faith revisions, it deserves to be enacted, and I urge my colleagues to support it.

The summary follows:

NATIONAL INSTITUTES OF HEALTH REVITALIZATION BILL, S. 2899, JULY 29, 1992—SUMMARY OF BILL

I. MAJOR PROVISIONS

Research freedom, Sec. 101-115

The bill revises the research on transplantation of fetal tissue provision in the conference report. The bill would require that a researcher obtain tissue from the tissue bank established by the President's executive order. If, after 14 days, the tissue bank has not provided tissue appropriate for the purposes of the transplantation research, then the researcher will be able to obtain tissue from other sources. The effective date of this provision would be May 19, 1993, one year from the date of the President's executive order.

The safeguard provisions that passed the Senate by a vote of 85 to 12 on June 4, 1992 were retained in their entirety. The bill ensures that a woman's decision to donate fetal tissue is separate and independent of her decision to undergo an abortion.

In summary, the bill establishes procedures for the review and approval of research proposals. It prohibits the Secretary from withholding funding, on ethical grounds, for research that has been approved by the merit review system unless the Secretary convenes an ethics advisory board and a majority of such board recommends, on ethical grounds, that such funding be withheld.

The bill authorizes the Secretary to conduct or support research on the transplantation of human fetal tissue for therapeutic purposes, subject to specified review, notice, and consent requirements, as recommended by the 1988 NIH Human Fetal Tissue Transplantation Research Panel and as passed by the Senate. These requirements include, among others, the prohibition of the purchase or sale of human fetal tissue or the directed donation of such tissue and the subjecting of violators to a fine and/or imprisonment.

Clinical Research Equity Regarding Women and Minorities

Women's health research, Sec. 131-141

This provision requires the inclusion of women and minorities as subjects in clinical research conducted or supported by NIH. It provides statutory authority for the Office of Research on Women's Health, already established administratively at NIH, to ensure that research pertaining to women's health is identified and addressed throughout NIH. An Advisory Committee on Research on Women's Health is provided for, as is a data bank and clearinghouse on women's health research.

Minority health research, Sec. 151

This provision provides statutory authority to establish an Office of Research on Minority Health at the NIH. This provision will ensure that research pertaining to minority health issues is identified and addressed throughout NIH.

Scientific integrity, Sec. 161-165

This provision requires the Secretary of Department of Health and Human Services to establish, through rule making, standards and procedures with regard to the handling of cases of alleged misconduct, conflicts of interest, or retaliation against whistleblowers. The provision codifies a process of generating standards in these areas that has been ongoing between Department of Health and Human Services and the university and research communities. It directs the Secretary to establish a definition for scientific misconduct and to respond promptly and appropriately to allegations; to establish standards for the protection of complainants who make allegations in good faith; and to define financial conflicts of interest as well as to establish standards by which institutions may manage, reduce, or eliminate such conflicts of interest.

National Cancer Institute, Sec. 501-503

The legislation authorizes such sums as are necessary for fiscal year 1993-1996. In addition, it authorizes $400 million for research on breast cancer and other gynecologic cancers and $72 million for prostate cancer research. The provision sets aside 10 percent of appropriations for cancer control programs.

National Heart, Lung, and Blood Institute, Sec. 601-603

The legislation authorizes such sums as are necessary for fiscal years 1993-1996 and sets aside 10 percent of appropriations for prevention and control programs.-

The provision expands the National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program to include support for intramural training and education and to authorize a new centers program for the study of pediatric cardiovascular diseases.

National Institute on Aging, Sec. 901-904

The legislation authorizes such sums as are necessary for fiscal years 1993-1996. The bill contains a provision for a program of research on the aging of women and a reauthorization of the Alzheimer's disease registry.

National Library of Medicine, Sec. 1501-1532

This legislation authorizes such sums as are necessary for fiscal years 1993-1996 for the National Library of Medicine, Medical Library Assistance Act Programs, the National Center for Biotechnology Information, and the National Information Center on Health Services Research and Health Care Technology.

Research facilities construction, Sec. 1602-1603

The bill establishes an extramural grants program for biomedical and behavioral research facilities construction to be located in the National Center for Research Resources. It authorizes "such sums as may be necessary" for fiscal years 1993-1996. Public and nonprofit research institutions may apply for merit-based, matching grants to expand or renovate existing research facilities or to construct new facilities. Up to 25 percent of appropriated funds may be set aside for the support of Institutions of Emerging Excellence. The bill sets aside $7 million in fiscal years 1993-1996 for renovation of Regional Primate Research Centers.

National Research Service Awards, Sec. 1701

The legislation reauthorizes the NRSA program at such sums as are necessary for fiscal years 1993-1996 and to provide that grants may be made for comprehensive programs to recruit women and individuals from disadvantaged backgrounds into biomedical or behavioral research and research training.

II. OTHER PROVISIONS RETAINED FROM THE CONFERENCE REPORT

TITLE II—PROTECTION OF HEALTH FACILITIES

Protection of health facilities, Sec. 202

Under this provision, it is a violation of Federal law to break and enter into a health

facility for the purpose of destroying or altering records, injuring real property, injuring any research animal, or to steal property.

TITLE III—NATIONAL INSTITUTE OF HEALTH IN GENERAL

Health promotion research dissemination, Sec. 301

Ensures that health education, health promotion, and disease prevention materials are adequately disseminated to target audiences, including elementary, secondary, and post-secondary school students. Ensures that health education and health promotion material is in a form easily understood by a majority of the public.

Program to enhance research competitiveness, Sec. 302

Provides for an experimental program to assist institutions in States in which such institutions, relative to those in other States, have historically and collectively had low success rates in obtaining new and competing grant support, in establishing plans to enhance the competitiveness of health-related research proposals.

Children's vaccine initiative, Sec. 303

Establishes a program to develop affordable new and improved vaccines for the prevention of infectious diseases in children.

Plan for use of animals in research, Sec. 304

Requires the Director of NIH prepare a plan to conduct or support research into (1) methods of biomedical research and experimentation that do not require that use of animals; (2) methods of such research and experimentation that reduce the number of animals used in such research; and (3) methods of such research and experimentation that produce less pain and distress in such animals. In addition, this provision encourages the Director to become more actively involved in establishing the validity and reliability of such research methods, in encouraging the acceptance by the scientific community of such methods that have been found to be valid and reliable; and in training scientists in the use of such methods that have been found to be valid and reliable.

Increased participation of women and disadvantaged individuals in research, Sec. 305

Establishes a program to recruit and to provide research training to women and individuals from disadvantaged backgrounds who are underrepresented in biomedical and behavioral research fields.

Requirements for surveys of sexual behavior, Sec. 306

Requires that NIH not conduct or support any survey of human sexual behavior unless—(1) the proposal has undergone peer-review in accordance with sections 491 and 492 of the Public Health Service Act and (2) the Secretary determines that the information expected to be obtained from the survey will assist in reducing the incidence of sexually transmitted diseases, HIV or any other infectious diseases, or improving reproductive health.

Discretionary fund of Director of NIH, Sec. 307

Authorizes "such sums as may be necessary" for a discretionary fund, to allow the Director to respond to new needs, opportunities, or emergencies.

TITLE IV—GENERAL PROVISION FOR NATIONAL RESEARCH INSTITUTES

Authority of Directors of research institutes, Sec. 401

Provides that each of the 13 national research institutes shall receive directly, from the President and the Office of Management and Budget, all funds appropriated by the Congress for obligation and expenditure by the institutes. The effect of this requirement is to codify the Office of Management and Budget's current practice of apportioning NIH funding by institute rather than by contract, grant or other support mechanism.

Osteoporosis, Paget's Disease Research, Sec. 402

Authorizes a program for intensified basic, clinical, and behavioral research on osteoporosis, Paget's disease, and related bone disorders. Establishes an information clearinghouse to facilitate and enhance the understanding of bone disorders by health professionals and the public alike. Authorizes $40 million in fiscal year 1993 and "such sums as may be necessary" for fiscal years 1994 through 1996.

Interagency program for trauma research, Sec. 403

Establishes a comprehensive program of basic, clinical, and behavioral research on trauma. Creates a Trauma Research Interagency Coordinating Committee to establish and implement the program.

TITLE VII—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

Nutritional disorders program, Sec. 701

Requires the establishment of a research program at NIH to focus critical research resources upon nutritional disorders and obesity. The primary expansion of research involves the establishment of a new research and training centers program on nutritional disorders and obesity. This program is to be administered by the Director of the National Institute on Diabetes, Digestive and Kidney Diseases in collaboration with the National Cancer Institute and such other institutes as the Director of the National Institutes of Health determines to be appropriate. The new centers program is designed to stress four critical elements: (1) the development of core research activity in areas such as energy metabolism, trace metals, and nutrient availability; (2) the development of models of nutritional care for patients suffering from obesity, low birth weight, AIDS, critical care, cancer, and others; (3) technology transfer to bring needed information on nutrition to health professionals and the public; and (4) the training of personnel for clinical research.

TITLE VIII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASE

Juvenile Arthritis program, Sec. 801

Establishes a multipurpose arthritis and musculoskeletal disease research center program to expand research into the cause, diagnosis, early detection, prevention, control, treatment, and rehabilitations of children suffering from arthritis and musculoskeletal disease.

TITLE X—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Tropical diseases research program, Sec. 1001

Provides that research on tropical diseases be added to the mission statement of NIAID.

Chronic Fatigue Syndrome, Sec. 1002

Authorizes the Director of the National Institute of Allergy and Infectious Diseases (NIAID) to establish centers to conduct basic and clinical research on chronic fatigue syndrome. In addition, this provision establishes an extramural study section to review proposals to conduct research on chronic fatigue syndrome.

TITLE XI—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Research centers on contraception and infertility, Sec. 1101

Creates a program within the National Institute of Child Health and Human Development to support five centers for research and training on contraception and infertility. Authorizes "such sums as may be necessary" for fiscal years 1993–1996.

Loan repayment program, Sec. 1102

A loan repayment program is authorized to repay educational loans of health professionals who agree to conduct research on contraception or infertility.

Program on obstetrics and gynecology, Sec. 1111

Establishes an intramural and clinical research program in obstetrics and gynecology within NICHD.

Research centers on child health, Sec. 1121

The Child Health Research Centers program within the National Institute of Child Health and Human Development, is given statutory authority to support centers for research with respect to child health.

Adolescent health study, Sec. 1131

The Director of the National Institute of Child Health and Human Development will conduct a study on the general health and well-being of adolescents in the United States.

TITLE XII—NATIONAL EYE INSTITUTE

Research centers on diabetic eye care, Sec. 1201

Authorizes the National Eye Institute to establish and support centers for clinical research on diabetic eye care.

TITLE XIII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

Research on multiple sclerosis, Sec. 1301

Requires the National Institute of Neurological Disorders and Stroke to expand the level of research committed to better understanding the causes and development of treatments for multiple sclerosis.

TITLE XIV—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Applied toxicological research and testing program, Sec. 1401

Establishes a program of Applied Toxicological Research and Testing within the National Institute of Environmental Health Sciences.

TITLE XVI—OTHER AGENCIES OF THE NIH

National Center for Research Resources, Sec. 1601

Redesignates the Division of Research Resources as a Center.

National Institute of Nursing Research, Sec. 1611

Redesignates the Center for Nursing Research as an Institute.

National Center for Human Genome Research, Sec. 1621

The Center, already established administratively at NIH, is given statutory authority to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes.

TITLE XVII—AWARDS AND TRAINING

AIDS Loan repayment program, Sec. 1711

Reauthorizes the program to repay the educational loan of health professionals who agree to conduct research at NIH with respect to AIDS. Authorizes "such sums as

may be necessary" for fiscal years 1993 through 1996.

Other Research loan repayment program, Sec. 1721

Establishes a research repayment program similar to the AIDS loan repayment program in research areas of demonstrated need at the NIH.

Disadvantaged scholarship and loan repayment program, Sec. 1731

Establishes a scholarship and loan repayment program to address the continued underrepresentation of individual from disadvantaged backgrounds pursuing professional careers in the life sciences and in mid-level and senior scientific and administrative positions at NIH.

TITLE XVIII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

Miscellaneous provisions, Sec. 1801

Extends the authorization for the Foundation to 1997.

TITLE XIX—AIDS RESEARCH

Expands AIDS program, Sec. 1901

Requires a study of HIV vaccines for therapy and prevention of HIV infection in women, infants and children to assess the safety and effectiveness of these vaccines for the treatment of HIV infection, and for the prevention of the infection in unborn infants of HIV-infected pregnant women.

Requires that the Secretary provide for three studies on drug development and approval, and reimbursement for care provided in clinical trials. Reauthorizes until 1996 the programs that support the development of model protocols for the clinical care of AIDS patients and the efforts to promote international research on AIDS vaccines and treatments.

Directs the NIH's clinical evaluation units to conduct trials of treatments for opportunistic infections and cancers. Requires the Secretary, acting through the NIH Director, to develop and implement a comprehensive plan for AIDS activities and the evaluation of such activities.

Expands the authority of the AIDS Advisory Committee of the National Institute of Allergy and Infectious Diseases (NIAID) to make recommendations on research on opportunistic infections and cancers.

TITLE XX—CENTERS FOR DISEASE CONTROL

Screening and early detection of Prostate Cancer, Sec. 2001

Establishes a prostate cancer prevention program to provide early detection, screening, and prevention services to high-risk and low-income individuals through programs administered by the Centers for Disease Control.

National cancer registry program, Sec. 2002

The Director of the Centers for Disease Control will be responsible for establishing a national system of cancer registries and conduct a study on excess breast cancer mortality rates. Authorizes "such sums as may be necessary" for fiscal years 1993 through 1996.

Traumatic brain injury registry, Sec. 2003

Authorizes "such sums as may be necessary to the Centers for Disease Control to determine the extent and nature of data collection on traumatic brain injury and to establish traumatic brain injury as a reportable condition or disability in disease and injury reporting systems.

TITLE XXI—STUDIES

Report on the twenty leading causes of death, Sec. 2102.

Study on malnutrition in the elderly, Sec. 2103.

Study on behavioral factors in trauma prevention, Sec. 2104.

Study on the consumption of legal and illegal drugs, Sec. 2105.

Research activities on chronic fatigue syndrome, Sec. 2106.

Report on medical defense against biological warfare, Sec. 2107.

Evaluation of employee-transported contaminant releases, Sec. 2108.

Study of personnel at NIH, Sec. 2109.

Develop a streamlined procurement system, Sec. 2110.

TITLE XXII—MISCELLANEOUS PROVISIONS

Designation of Senior Biomedical Research Service in honor of Silvio Conte, Sec. 2201

This section designates the Senior Biomedical Research Service (SBRS) in honor of the late Congressman Silvio Conte, increases the number of scientists that may comprise the SBRS, prohibits reductions in the size of the Regular Corps, Reserve Corps or the Senior Executive Service to offset the number of members serving the Silvio Conte Senior Biomedical Research Service.

Prohibition against SHARP and American Teenage sex surveys, Sec. 2203

Prohibits federal funding of the Sharp and American Teenage.

Biennial report on carcinogens, Sec. 2204

Provides that the annual report on carcinogens be made a biennial report.

Report on sleep disorders research, Sec. 2205

Requires the Secretary to report to Congress with an analysis of the final report of the National Commission on Sleep Disorders Research and a plan for the conduct and support of sleep disorders research.

Master plan for NIH physical infrastructure, Sec. 2206

Requires that within 90 days of enactment of this legislation, the NIH must present a master plan for the replacement or renovation of inadequate buildings and basic and clinical research facilities.•

EXTENSION OF MOST-FAVORED-NATION TRADE STATUS TO THE PRC

• Mr. McCONNELL. Mr. President, yesterday—once again—we debated the merits of conditioning extension of most-favored-nation training status to the People's Republic of China. In case anyone is counting, we've voted on this issue four times since 1991. Yesterday's vote was the third this year. If I didn't know better, Mr. President, I'd think someone around here is trying to make political hay out of the President's China policy. And that's a real mistake, because our diplomatic and economic interests in China are of paramount importance—using them as pawns in an election year is a very dangerous game.

Conditioning MFN for the PRC, no matter how its packaged, is a bad idea. It was a bad idea when we considered it before, and its still a bad idea. The President has announced he will veto this bill, and I applaud that decision.

Let me make clear that this debate is not about whether or not China needs to reform its political and social system. Human rights violations, illegal trade practices, and dangerous arms sales are all serious problems which both the administration and Congress have a responsibility to address. The question before us, Mr. President, is how to best address them.

I believe—and many in Hong Kong and China believe—that MFN is simply the wrong tool with which to address them. President Bush's policy of active engagement with China is, I believe, the right tool.

When you think about it, active engagement is really a very simple concept—even Members of this body should be able to figure it out. By engaging economically with the PRC, the United States supports and promotes continued economic development in China. Economic development undermines central political control, which brings about the social and political reforms we all want to see in China.

For proof that capitalism conquers communism, look no further than Guangdong Province. Guangdong is a bustling, economically liberated, free-market province. If you visit around Canton or Shenzhen and talk to the people, you quickly realize that Beijing is largely irrelevant to the lives of the people there. Even the party leaders in Guangdong believe in the capitalist system. To put it bluntly, everyone is too busy making money to be concerned with party dogma. And you can bet on this: the next thing this new generation of capitalists is going to want is some say in how their Government operates.

Word about the economic success in Guangdong is spreading to the interior. Peasants who leave the rice paddies of interior China to take jobs in the coastal provinces return to their villages with news of opportunity, prompting more people to head for the coast. In fact, controlling the population shifts from the interior provinces to the economically free coastal provinces is a major problem for Beijing.

There promising developments, however, will be quickly snuffed out with a simple congressional withdrawal of MFN. And make no mistake about it, conditioning MFN is tantamount to withdrawing it.

The proponents of this bill claim that because it targets only state-controlled enterprises, economic development in southern China will be unaffected. That's a nice idea, but it simply won't work. Under perfect conditions, distinguishing between state and private sector goods is extremely difficult. Given that China is sure to play a shell game with the origin of its state-produced goods, identifying them would be next to impossible. Even if the distinction could be made, the state-controlled sector's share of the Chinese economy has shrunk to the point that hitting it

alone will have little real economic impact.

President Bush's policy of active engagement is having an impact. For example, the PRC ratified the Nuclear Nonproliferation Treaty and has agreed to abide by the Missile Technology Control Regime. Selective use of our trade laws have wrung significant concessions from China on intellectual property rights protection. China also has signed an agreement that prevent the export of falsely labeled goods and products manufactured by prison labor.

Moreover, the administration's policy toward the PRC is anything but laissez-faire. President Bush is poised to hit China with punitive tariffs if current market-access negotiations are not successfully concluded by next month. Under pressure from the administration and the rest of the world community, China is slowly releasing political prisoners and has accounted for others still held.

The administration has endorsed the establishment of a bilateral human rights commission to resolve that important issue and will soon sign by bill, the United States-Hong Kong Policy Act. This bill, vociferously opposed by China, commits the United States to supporting Hong Kong's autonomy after the colony reverts to Chinese control in 1997.

Admittedly, the pace of progress in China is frustratingly slow. The harassment of Washington Post reporter Lena Sun and the sale of nuclear reactor technology to Iran are deeply discouraging signs. And as China's political leadership prepares for the 14th Party Congress this fall, we can expect more such occurrences. We shouldn't forget that in China, like here, 1992 is a political year and the struggle between the conservatives and the reformers is particularly acute this time around.

However, withdrawing or conditioning China's MFN status would only play into the hands of the hard liners—those who want less engagement with the United States and less influence from the West. While it might provide some emotional satisfaction, such a diplomatic blunder would most definitely retard, not speed, the process of reform in China.

I urge President Bush to veto this bill.●

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Wednesday, September 16; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senators MCCAIN, SEYMOUR, and HATCH recognized for up to 5 minutes each; that at 10 a.m. the Senate vote on the motion to invoke cloture on the motion to proceed to H.R. 5677, the Labor-HHS appropriations bill; further, that if cloture is invoked on the motion to proceed to H.R. 5677, there then be 1 hour for debate on the motion to proceed, with the time equally divided and controlled between the two leaders or their designees.

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

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:05 p.m. recessed until Wednesday, September 16, 1992, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, September 15, 1992:

DEPARTMENT OF JUSTICE

ANNETTE L. KENT, OF HAWAII, TO BE U.S. MARSHAL FOR THE DISTRICT OF HAWAII FOR THE TERM OF 4 YEARS. VICE FAITH P. EVANS, RESIGNED.

IN THE ARMY

THE U.S. ARMY NATIONAL GUARD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. RICHARD C. ALEXANDER, [redacted]
BRIG. GEN. JAMES A. BARNEY, JR., [redacted]
BRIG. GEN. DONALD W. LYNN, [redacted]
BRIG. GEN. WILLIAM MIRANDA-MARIN, [redacted]
BRIG. GEN. JOSEPH F. PERUGINO, [redacted]

To be brigadier general

COL. CECIL L. DORTEN, [redacted]
COL. TERRY L. HOLDEN, [redacted]
COL. JOHN S. MARTIN, [redacted]
COL. JOHN C. BRIDGES, [redacted]
COL. ROSS S. FORTIER, [redacted]
COL. EDMUND J. GIERING, III, [redacted]
COL. JAMES S. KESSLER, [redacted]
COL. BENTON D. MURDOCK, [redacted]
COL. CECIL L. PEARCE, [redacted]
COL. EDWIN W. SMITH, [redacted]
COL. WALTER J. WHITFIELD, [redacted]
COL. THOMAS C. CARROLL, [redacted]

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER:

ADESTE F. FUENTES
LAWRENCE J. MUSARRA
THOMAS P. VIETEN
JAMES A. SARTUCCI
JODY B. TURNER
KENNETH J. THORKILDSEN
GERALD A. DEMETRIFF
DANIEL R. MACLEOD
MELISSA A. WALL
RICHARD A. CURRIER
ROBERT M. WILKINS
WILLIAM H. DAUGHDRILL
SCOTT M. POLLOCK
CURTIS A. SPRINGER
ROBERT M. PALATKA
TIMOTHY G. JOBE
CHRISTIAN BROXTERMAN
STEPHEN G. KINNER, JR.
SCOTT C. SCHLEIFFER
RICKEY W. GEORGE
ELMO L. ALEXANDER, II
ROBERT D. CASTLE, JR.
MARK E. LICKERS
WALTER T. HUNNINGS
JOHN J. COOK
MARK A. ROSE
JOHN F. KAPLAN
TIMOTHY M. CLOSE
PAMELA A. RUSSELL
WILLIAM T. DEVEREAUX
STEVEN A. MUNSON
MATTHEW J. GLOMB
DAVID C. ELY
STEPHAN A. BILLIAN
MARK E. BUTT
PETER S. SIMONS
THADDEUS G. SLIWINSKI
GREGORY W. BUIE
STEVEN R. CORPORON
KRISTIN J. ARNOLD
WILLIAM J. REICKS
STEPHEN E. FLYNN
JAMES Y. POYER
VINCE S. SEDWICK
PETER S. MARSH
EUGENE F. CUNNINGHAM
JOSEPH E. MIHELIC
LOUISE A. STEWART
STEVEN E. CARLSON
PAUL H. TINGLEY
SAMUEL R. WATKINS
MICHAEL C. COSENZA
RAYMOND J. PETOW
DANIEL J. MCCLELLAN
ARTHUR C. WALSH
MICHAEL R. KELLEY
JOHN A. WATSON
DAVID A. DURHAM
LEONARD R. RADZIWANOWICZ
MICHAEL N. PARKS
CRAIG A. BENNETT
DOUGLAS G. RUSSELL
THOMAS R. HALE
GEORGE P. HANNIFIN
JAMES L. MCDONALD
KEVIN M. O'DAY
WILLIAM J. DIEHL
TERRY A. BICKHAM
MORRIS B. STEWART
EDMUND H. TUPAY
BRIAN D. KELLEY
THOMAS F. ATKIN
MICHAEL F. FLANAGAN
JOSEPH A. SERVIDIO
JOSEPH P. SEEBALD
EDWARD W. GREINER
MARC L. DEACON
JEFFREY S. HAMMOND
JOHN M. WEBER
CHARLEY L. DIAZ
DAVID A. CULVER
FRED M. MIDGETTE
ROSS E. BRYANT
MARK J. DANDREA
THOMAS R. GREENE
JEFFREY C. GOOD
DREW A. RAMBO
JEFFREY S. GRIFFIN
WILLIAM M. RANDALL
CHARLES A. MATHIEU
EVAN Q. KAHLER
SANDRA L. STOSZ
RICHARD L. ARNOLD
GEORGE P. CUMMINGS
FRED T. WHITE
ANDREW J. BERGHORN
KIMBERLY J. DAISHER
STEPHEN P. METRUCK
VINCENT B. ATKINS
THOMAS S. MORRISON
THOMAS A. ABBATE
ROGER E. DUBUC, JR.
KEVIN S. WELLS
JOHN S. EARLY
ROBERT S. HOLZMAN
MICHAEL E. LEHOCKY
NORMAN S. SELLEY
EDWARD SINCLAIR
MARK A. TORRES
THOMAS S. KUHANECK
DOUGLAS A. BLAKEMORE
DAVID R. CALLAHAN
WILLIAM F. MCMEEKIN
MICHAEL E. SULLIVAN
KARL R. BALDESSARI
LANCE O. BENTON
ROBERT G. MUELLER
KEVIN B. ASBURY
DAVID H. BOYD
GREGORY A. TAYLOR
DENNIS S. OTOSHI
RICHARD L. WHARTON
HAL R. SAVAGE, JR.
RUDY T. HOLM
RANDALL D. JOHNSON
DAVID D. SIMMS
RICHARD G. EHRET
JAY E. MANTHORNE
RONALD R. KAETZEL
GARY R. COLLINS
EDWARD D. ZACHARIAS
PERRY J. COLBURN
DAVID A. FLAGG
STEVEN R. BAUM
LYLE A. RICE
PAUL J. CORMIER
JOSEPH M. HANSON
PAUL D. WALTON
JAMES B. MCPHERSON
SPENCER L. BYRUM
STEPHEN M. WHEELER
JOHN C. OWENS
RICHARD G. BRUNKE
LEONARD L. RITTER, JR.
MICHAEL J. FOLEY
MARK M. CAMPBELL
FRED R. CALL, III
CHRISTOPHER W. DOANE
KEITH D. WARD
MICHAEL A. HAMEL
PAYTON M. COLEMAN
STEVEN C. TAYLOR
JERRY R. WILSON
THOMAS E. ATWOOD
WILLIAM L. KASPAREK
THOMAS G. EDMONDS
JOSEPH J. LISKO
ROBERT F. SALMON
OSCAR L. RAY
JAMES P. GROSSMAN
JOSEPH S. PUNTINO
MICHAEL D. DAWE
LLOYD A. GUTHRIE
TERRENCE M. MURPHY
MICHAEL T. DEBETTENCOURT
FRANK M. REED, JR.
KIMBERLY J. DAVIS
THOMAS M. HEITSTUMAN
MICHAEL E. KENDALL
TROY DEGROOT
MARK F. BOEHM
SHELBY R. KIRK
STEPHEN M. HICKOK
THOMAS H. ENGLISH
ROBERT L. MCALLISTER
CHARLES O. BOLL, JR.
ROBERT L. DESH
DANIEL B. ABEL
RICHARD T. GROMLICH
LINCOLN D. STROH
MATTHEW E. CUTTS
KETH G. CURRAN
KEITH A. TAYLOR
JAMES W. SEEMAN
MARK R. HIGGINS
FREDERICK W. TUCHER
KRISTY L. PLOURDE
ROBERT V. FOGEL
RICHARD D. BELISLE
MAURA S. VASSAR
DAVID H. GORDNER
PAUL E. WEIDENHOEFT
JOHN C. O'DELL
WILLIAM H. TIMBS, JR.
KARL L. SCHULTZ
BRUCE L. TONEY
TERRY A. BOYD
EDWIN B. THIEDEMAN
KENNETH K. MOORE
THOMAS C. HICKMAN
MATHEW D. BLIVEN
SCOTT BURLINGAME
TODD GENTILE
VINCENT WILCZYNSKI
RICHARD K. MURPHY
KIRK E. HILES
EUGENE GRAY
JOHN J. JENNINGS
BRIAN K. WRIGHT
ROBERT M. PYLE
THOMAS D. WADE
KEVIN H. MILLER
GILBERT E. TEAL
RICHARD H. SCHLATTER, JR.
JAMES E. RENDON
JOHN P. PHILBIN
KARL H. CALVO
TERRY D. GILBREATH
ROBERT M. DIEHL
RODERICK L. SMITH
SHELDON B. BLUE
LIAM J. SLEIN
JOHN J. MACALUSO
SCOTT P. LAROCHELLE
MICHEAL A. TEKESKY
PATRICK H. KNOWLES
THOMAS M. CULLEN
GERALD R. DOSTIE
JAMES A. SWEET
NICHOLAS J. STAGLIANO
ROBERT F. FINLEY
JOHN L. STURTZ
DAVID J. SWATLAND
BRIAN J. MARVIN
SARAH J. DRUPA
JOSEPH C. SINNETT
JAMES B. ROBBINS
KENNETH D. NORRIS
MICHAEL J. BACA
PAUL J. RODEN
ERIC D. HULTMARK
PAUL L. HUMPHREYS
MARK L. PORVAZNIK
MICHAEL F. LEONARD
CHARLES JAGER
JAMES J. O'CONNOR
PAUL A. STEWARD
JAMES B. KIDWELL
ERIC J. MOSHER
JACQUELINE A. STAGLIANO
MARY K. JAGER
PETER J. BERGERON
BRYAN J. SEALE
PETER J. ZOHORSKY
PAUL F. GUINEE
DOUGLAS J. SMITH
ANTHONY J. PALAZZETTI
THOMAS J. VITULLO
EDWARD P. NAGLE
SCOTT W. ROBERT
CHARLES V. STRANGFELD
STEVEN L. HUDSON
ALAN M. MARSILIO

STEVEN L. KOSKA
LISA R. TAMBLINGSONRICE
JENNIFER E. LAY
EDWARD P. SEEBALD
CHRISTOPHER E. ROBERTS
ORLANDO A. ARENAS
GREGG R. FONDACABE
ROBERT S. WALTERS
CHARLES R. DUDLEY
JEFFREY S. LEE
KINGSLEY J. KLOSSON
LAWRENCE E. CORNWELL
STEVEN J. O'MALLEY
MARK J. FALLER

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADE OF LIEUTENANT:

MARK E. MARRO
CHRISTOPHER N. HOGAN
ROBERT R. DUBOIS
COSMIN THEODORE
SEAN A. MCBREARTY
ERIC P. CHRISTENSEN
LOUIS M. MAGYAR
WALTER A. WESTIN
JAMES D. JENKINS, IV
WILLIAM J. BOEH
MARC P. LEBEAU
KRISTIN A. WILLIAMS

HOUSE OF REPRESENTATIVES—*Tuesday, September 15, 1992*

The House met at 12 noon.

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

We are thankful, O God, that Your word to us tells of the way life should be and points us in the direction of justice and truth. Yet we acknowledge, gracious God, that we are responsible not only to hear the words of righteousness and see the vision of the way ahead, but also to use our hands and hearts and minds in doing the good works of justice. We pray for the strength and the courage and the wisdom to use our abilities in ways that benefit people and bind all together in the spirit of respect and in the bonds of peace. 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. The Chair recognizes the gentleman from Indiana [Mr. JACOBS] to lead us in the Pledge of Allegiance.

Mr. JACOBS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5318. An act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes; and

H.R. 5334. An act to amend and extend certain laws relating to housing and community development, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5334) "An act to amend and extend certain laws relating to housing and community development, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RIEGLE, Mr. CRANSTON, Mr. SARBANES, Mr. D'AMATO, and Mr. BOND, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2099. An act to amend the Immigration and Nationality Act to designate special inquiry officers as immigration judges and to provide for the compensation of such judges, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 323) entitled "An act 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."

PRIVATE CALENDAR

The SPEAKER. Today is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

POSTPONING CONSIDERATION OF CERTAIN BILLS

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that H.R. 760, Calendar No. 12; H.R. 1100, Calendar No. 14; H.R. 1123, Calendar No. 16; H.R. 1280, Calendar No. 17; and H.R. 2345, Calendar No. 32, be passed over without prejudice.

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

There was no objection.

Mr. BOUCHER. Mr. Speaker, pursuant to a request by the Committee on Merchant Marine and Fisheries, I ask unanimous consent that Private Calendar Nos. 35 through 53 be passed over without prejudice.

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

There was no objection.

The SPEAKER. The Clerk will call the next bill on the Calendar.

ROLLINS H. MAYER

The Clerk called the bill (H.R. 4069) for the relief of Rollins H. Mayer.

There being no objection, the Clerk read the bill as follows:

H.R. 4069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY OF ROLLINS H. MAYER FOR FUTURE RETIRED PAY.

(a) IN GENERAL.—For purposes of section 1331(c) of title 10, United States Code, the service of Colonel Rollins H. Mayer, United States Air Force Reserve, retired, as a uniformed operations analyst with the 11th Army Air Force in the Asiatic Pacific theater combat zone from January 15, 1945, to September 29, 1945, shall be considered the performance of active duty. Rollins H. Mayer shall be entitled, upon application, to retired pay under chapter 67 of such title if he otherwise meets the requirements in section 1331 of such title.

(b) COMPUTATION OF RETIRED PAY.—Any retired pay to which Colonel Rollins H. Mayer is entitled by reason of this section shall be determined as if the section had been in effect on the date that Colonel Rollins H. Mayer became sixty years of age.

(c) APPLICABILITY.—This section shall apply to retired pay payable for any month beginning more than thirty days after the date of any determination by the Secretary of the Air Force that Colonel Rollins H. Mayer is entitled to retired pay by reason of this section.

SEC. 2. LUMP SUM PAYMENT OF ACCRUED RETIRED PAY.

(a) IN GENERAL.—If the Secretary of the Air Force determines that Colonel Rollins H. Mayer is entitled to retired pay by reason of section 1, the Secretary of the Treasury shall make a lump sum payment to Colonel Rollins H. Mayer out of the Department of Defense Military Retirement Fund. Such payment shall be in an amount equal to the total amount of accrued retired pay to which Colonel Rollins H. Mayer would have been entitled if section 1 applied to the period beginning on the date that Colonel Rollins H. Mayer became sixty years of age and ending on the last day of the month that precedes the first month to which section 1 applies, plus interest.

(b) LIMITATION OF AGENTS AND ATTORNEYS FEES.—It shall be unlawful for an amount that exceeds 10 percent of the amount described in subsection (a) to be paid to or received by any agent or attorney for any service rendered in connection with the benefits provided by this Act. Any person who violates this subsection shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

With the following committee amendment in the nature of a substitute:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. DETERMINATION OF RETIRED PAY.

The Secretary of the Air Force shall determine the total amount, if any, of retired pay under chapter 67 of title 10, United States Code, to which the late Colonel Rollins H. Mayer, United States Air Force Reserve, retired, would have been entitled for the period beginning on the date that he became 60 years of age and ending on the date of his death if—

(1) he had submitted an application for retired pay under section 1331 of such title to

the Secretary of the Air Force on the date on which he completed the requirement of section 1331(a)(2) of such title; and

(2) his service as a uniformed operations analyst with the 11th Army Air Force in the Asiatic-Pacific theater combat zone from January 15, 1945, to September 29, 1945, had been considered at the time of such application to be the performance of active duty for purposes of section 1331(c) of such title.

SEC. 2. PAYMENT OF CLAIM.

The Secretary of the Treasury shall pay to Sylvia N. Mayer, the widow of Colonel Rollins H. Mayer, out of the Department of Defense Military Retirement Fund, the amount, if any, determined under section 1.

SEC. 3. LIMITATION OF AGENTS AND ATTORNEYS FEES.

It shall be unlawful for an amount that exceeds 10 percent of the amount referred to in section 2 to be paid to or received by any agent or attorney for any service rendered in connection with the benefits provided by this Act. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

AMENDMENT OFFERED BY MR. SENSENBRENNER TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. SENSENBRENNER. Mr. Speaker, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment to the committee amendment in the nature of a substitute offered by Mr. SENSENBRENNER: Page 4, strike lines 3 through 8 and insert the following:

(2) his service as a member of the Naval Reserve from September 1925 to June 1928 had been disregarded for purposes of section 1331(c) of such title.

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. The gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 5 minutes.

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

The SPEAKER. The question is on the amendment to the committee amendment in the nature of a substitute offered by the gentleman from Wisconsin [Mr. SENSENBRENNER].

The amendment to the committee amendment in the nature of a substitute was agreed to.

The SPEAKER. The question is on 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 bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill for the relief of Sylvia N. Mayer."

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will call the next bill on the Private Calendar.

TERRILL W. RAMSEY

The Clerk called the bill (H.R. 5265) for the relief of Terrill W. Ramsey.

There being no objection, the Clerk read the bill as follows:

H.R. 5265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REIMBURSEMENT OF RELOCATION EXPENSES FOR TERRILL W. RAMSEY.

For the purposes of permitting relocation expenses authorized by sections 5724 and 5724a of title 5, United States Code, incident to travel performed from Richmond, Virginia, to the District of Columbia in April 1991, Terrill W. Ramsey is deemed to be an employee transferred in the interest of the Federal Government by the United States Department of Education from one official station to another for permanent duty without a break in service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BEAR CLAW TRIBE, INCORPORATED

The Clerk read the resolution (H. Res. 492) referring the bill (H.R. 5426) for the relief of Bear Claw Tribe, Incorporated, to the chief judge of the U.S. Claims Court.

There being no objection, the Clerk read the resolution as follows:

H. RES. 492

Resolved, That the bill (H.R. 5426) entitled "A bill for the relief of Bear Claw Tribe, Incorporated", now pending in the House of Representatives, together with all accompanying papers, is referred to the chief judge of the United States Claims Court pursuant to section 1492 of title 28, United States Code, for proceedings in accordance with section 2509 of such title.

With the following committee amendment: Page 1, line 1, strike "(H.R. 5426)" and insert "(H.R. 5784)."

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution referring the bill (H.R. 5784) for the relief of Bear Claw Tribe, Incorporated, to the chief judge of the United States Claims Court.".

A motion to reconsider was laid on the table.

POLITICAL CAMPAIGNING REGARDING CLINTON DRAFT RECORD DISTASTEFUL

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

Mr. JACOBS. Mr. Speaker, in the primaries of 1960 John F. Kennedy was campaigning in West Virginia. Some workmen along the road shouted at him, "Kennedy, I heard you never worked a day in your life." While Senator Kennedy was trying to think of some response, the workmen added, "You haven't missed a thing."

I think it is accurate to say that in 1988, when practically everybody across the country was dumping on our Vice President, a Member of the other body than mine, I was one of the comparatively few who stood up for him. I like him very much. When they complained about his not serving in the Vietnam war I stood up for him because it was a very controversial war.

Now, here they go again. This time it is Mr. Clinton, and I think the taste is just as bad.

It was a very controversial war and there was a lot of soul searching. Some people went to Canada and some did not. The ones that did not and complied with the law are patriots, whether they were in college or however else they spent their time during the Vietnam war.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 520

Mr. GOSS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 520.

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

There was no objection.

CLINTON CHANGING STORY ON DRAFT DODGING

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

Mr. GILLMOR. Mr. Speaker, I came of military age during the first part of the Vietnam war. I was not drafted, I volunteered, and I am proud to have served in the U.S. Air Force. Many of my friends and contemporaries did not serve on active duty, and there is nothing wrong with that. Some joined the Reserve and the National Guard, and many others received deferments or were married, which made them exempt from the draft. But no one that I

knew of, no one, dodged the draft by the kind of maneuvering, manipulation, and plain deception of that used by Bill Clinton.

The issue is not whether Bill Clinton served, but the shabby way he used to dodge the draft and his lack of candor in trying to cover it up.

Bill Clinton says he is for change. The only change I have seen is the way he changes his story every time new information comes up about how he dodged the draft to let someone else serve in his place.

BUSH DODGING DEBATE

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

Mr. SMITH of Florida. Mr. Speaker, George Bush has become the ultimate debate dodger, and surprise, nobody is surprised. Saddled with a record he cannot defend and a program he cannot justify, it is little wonder that he is trying to squirm out of having an honest, direct debate with Bill Clinton.

The latest reason he does not want to debate is his old economic plan he tried to repackage last week in Detroit. Once again, the President has fashioned a plan that would give huge tax breaks to the super-rich while raising middle class taxes and cutting middle class benefits.

If enacted, Bush's economic plan would give a $100,000 tax break to those who earn over $1 million and a $14,000 tax break to those who earn over $200,000. However, if your family earns about $40,000 a year, Bush's plan would give you less than $5 per week.

And how does Bush plan to pay for this millionaire giveaway? He wants to slash Medicare, slash benefits for disabled veterans, and charge students another $2,100 when they repay their student loans.

That is the choice President Bush has given the American people. It is Medicare versus millionaires. No wonder he is dodging this debate.

□ 1210

THE PRESIDENTIAL DEBATES

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

Mr. DORGAN of North Dakota. Mr. Speaker, I regret the kind of remarks we just heard from the last speaker.

Mr. Speaker, for months, while the President's job rating was sinking like a lead weight, he kept telling us, "Just wait until I get into my campaign mode. Then you're going to see a political fighter."

Well, now it appears he was not really all that anxious. The Presidential Commission on Debates recommends three debates with a moderator.

Immediately the President rejected and Mr. Clinton accepted. Now his handlers are trying to find ways to avoid having the President debate at all.

For months the President has been dodging tough questions about his record. Now he is spending his time dodging debates.

Oh, he is a fighter all right. He goes to those flag factories. He stops down at every airport and drops off $100 million worth of pork.

In fact, yesterday he went one-on-one at a lumber camp with a spotted owl. He is a fighter all right, but do my colleagues know what the American people would like? They would like Mr. Bush and Mr. Clinton to come with no notes, no handlers, no research to a no-holds-barred debate about their hopes for the future of this country. That is what the American people want for a Presidential campaign. Will someone please tell the President about that?

INTRODUCTION OF WORKPLACE EDUCATION ACT OF 1992

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

Mr. REGULA. Mr. Speaker, today I am introducing the Workplace Education Act of 1992 to bridge the critical gap that now exists between businesses and institutions which provide employee education and high skills training.

The Workplace Education Act follows the model of the well-respected Cooperative Extension Service which was set up to address productivity in the agricultural sector through a network of local county agents. This low-cost, highly effective program works with farmers to address their particular needs.

The analogies between Cooperative Extension and workplace education in small firms are obvious. Most farmers are small businessmen, and most small businessmen are strong individualists. They want to be involved in customizing workplace education programs.

My legislation would create a similar system of work force agents. The work force specialists, much like the extension officers, would serve as points of contact, brokers of information, and providers of technical assistance.

No new money is required because this bill would redirect money currently allocated to the noneconomically disadvantaged adults served by the job training partnership into a system of grants. Grants would be provided to States for businesses willing to reeducate or train their workers.

This legislation is based on "The Missing Link," written by the Southport Institute for Policy Analysis, and will help to meet our national need for worker education and high skill training in a responsible manner. Finally, businesses will be encouraged, not punished, for their efforts to improve their productivity by further educating their work force.

GEORGE BUSH DUCKING PRESIDENTIAL DEBATES

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

Mr. SKAGGS. Mr. Speaker, why won't George Bush debate?

The American people are trying to decide who they want to lead us into the 21st century. They deserve to see the two candidates, head-to-head, on the same stage.

The Commission on Presidential Debates—the bipartisan Commission on Presidential Debates—has made a modest proposal that makes sense. Three 90-minute debates, one moderator, no panel of journalists. Governor Clinton has stated he's more than willing to debate on those terms.

But President Bush's minions are bobbing and weaving, trying to force the same overly structured, formal debate format—with a panel of journalists and specific times for answers and rebuttals—used in previous elections. Almost everyone agrees this format does not serve the public well, and it ought to be junked.

Why is George Bush afraid to meet Bill Clinton one-on-one, without a shield of journalists? Is he worried that Governor Clinton might smoke out the abysmal economic record of this administration? Is he worried that he might be asked why we should just trust him when his stock in trade is misrepresentation of his opponents' record?

Is he worried that Governor Clinton will ask him what programs he will cut to finance his proposed tax cut?

Mr. Speaker, George Bush has apparently decided he can win this election, not by providing a vision of what he wants to do, but by belittling the vision of his opponent. He flies from campaign stop to campaign stop in his taxpayer-financed jet, criticizing the Democratic ticket and glossing over his 4 years of abject failure to take care of America's business and Americans' jobs?

The American people deserve better. They deserve to see George Bush and Bill Clinton on the same stage, without buffers—to see who can offer the best prescription for our sick economy.

I know already—and so do many Americans—the answer to that question. Perhaps George Bush is afraid that, after he debates Bill Clinton, many others will, too.

WE'VE TRIED THEIR WAY; IT DOESN'T WORK

(Mr. GOSS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the urban liberals say they have the right answers to fight crime. For years this country tried their way—and it doesn't work. Urban crime is everywhere—in the cities, in the countryside, in the quiet suburban communities, in our homes, even in our cars. Many Americans are terrified—and understandably so. We read of one violent crime more horrible than the next—now we are stunned and outraged that a young mother, whose infant was tossed from her car during a carjacking, was dragged for 2 miles alongside the car to a grisly death. No place seems safe—and that is because crime in this country still pays. This week's New York Times talks of young criminals who say prison is not so bad, and who are worshipped by the next generation of criminals as cool and heroic because they served time. President Bush has urged this Congress to abandon its liberal attitude and pass tough anticrime legislation. The death penalty, tighter evidentiary rules, reform of the habeas corpus rules—these are reforms we urgently need. We've tried the liberal way—it doesn't work. How many more people have to die?

PRESIDENTIAL DEBATES IN JEOPARDY

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

Mr. GLICKMAN. Mr. Speaker, I first want to extend my condolences to Sonny Hoover Weiss, the widow of our colleague, Ted Weiss, who unfortunately passed away this past week. Ted was a classmate of mine, a great American, an outstanding Member of Congress, somebody that both sides of the aisle, liberals and conservatives, all will miss very, very much indeed.

Mr. Speaker, this week President Bush may have jeopardized the Presidential debates by refusing to face Governor Clinton in a head-to-head discussion of the issues. It is unbelievable that the President of the greatest and strongest Nation in the world is putting up roadblocks to debating the issues in this Presidential election.

The issues people care about this year relate to the economy and jobs. People want to know if they face a future of economic hope or decline. They want to know what the two candidates are going to do to move us toward prosperity. They are entitled to a direct debate on those issues. They are entitled to a direct debate on what the candidates are going to do about jobs, the economy and budget deficit.

Governor Clinton has taken the high road. He has accepted the direct debate format and is eager to attend. But Mr. Bush has not. Is he afraid? Is he not competent?

I think it is time to stop playing games with these debates and get on with them.

THE PEACE DIVIDEND

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

Mr. WELDON. Mr. Speaker, now that the cold war is over, there has been much talk in this Chamber about a so-called peace dividend.

I want to discuss a peace dividend of a different sort, a peace dividend that has cost the jobs of 1 million American workers.

I asked the General Accounting Office earlier this year to analyze the economic impact of defense spending reductions since 1985. That report is out today, Mr. Speaker.

The GAO found that from 1985, when defense spending will total $320 billion, until fiscal year 1993, when defense spending will total $278 billion, 1 million Americans employed in the military and in defense-related industries lost their jobs.

A reduction of just $40 billion has led to tremendous job loss and economic devastation around the country.

There are some Members of this Chamber and one candidate running for the Presidency who would slash the defense budget by an additional $40, $80, or $100 billion. I would ask them: How many more jobs would they sacrifice to get their much-believed peace dividend?

THE PRESIDENT'S LATEST ECONOMIC PLAN

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

Mr. VISCLOSKY. Mr. Speaker, President George Bush has said "I'll do anything to get reelected." Last week, he kept his word and announced a warmed-over economic plan that is designed primarily to divert the American people's attention from 12 years of voodoo economics and bad policy.

While he is busy flip-flopping on everything from taxes to farm subsidies, George Bush refuses to specify how he will pay for all of the election year goodies he has recently proposed.

How will he pay for his $1 billion expansion of agricultural export enhancement programs?

How will he pay for his precious cut in the capital gains tax that will cost $15.4 billion?

How will he pay for his proposed across-the-board tax cut?

This dangerous election year pandering will only add to our crippling $4 trillion Federal debt without addressing the serious problems that threaten our Nation's future.

Mr. Speaker, we are tired of reading George Bush's lips. We need an honest plan that will promote economic growth and put Americans back to work.

THE PRESIDENT IS RIGHT—THE ENDANGERED SPECIES ACT NEEDS BALANCE

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

Mr. HERGER. Mr. Speaker, people are as important as birds and plants. Unfortunately, the Endangered Species Act does not take this into account, and Americans are losing their jobs by the thousands as a result.

Some of us have been demanding changes in the Endangered Species Act to give it more balance and to give greater weight to the employment effects of efforts to protect plants and animals. Yesterday President Bush joined our effort, saying he will not sign an extension of the Endangered Species Act unless it gives greater consideration to communities whose livelihoods depend on natural resources.

This is good news. We can protect the environment and jobs as well if we seek a balance in the process.

Bill Clinton says he wants to put people first, but he is not doing it. Senator GORE seems to put people last. Only President Bush really is putting people first.

□ 1220

APPOINTMENT OF CONFEREES ON H.R. 5488, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1993

Mr. HOYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5488) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. WOLF

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

The SPEAKER pro tempore (Mr. MAZZOLI). The Clerk will report the motion.

The Clerk read as follows:

Mr. WOLF moves that the managers on the part of the House on the conference of the disagreeing votes of the two Houses on the bill, H.R. 5488, be instructed to insist on the

House position on the amendment of the Senate numbered 154.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. WOLF] is recognized for 30 minutes.

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

Mr. Speaker, I move that the House instruct its conferees to insist on the House language in H.R. 5488 to increase penalties for anyone who knowingly transports goods made wholly or in part by convicts or prisoners from $1,000 to $50,000 and increase imprisonment time from 1 year to 2 years.

Section 307 of the Tariff Act of 1930, 18 U.S.C. 1307, clearly states that any good mined, produced, or manufactured by convict, forced or indentured labor is forbidden from import into the United States. The Customs Service is responsible for determining if any imports are produced in such a manner and can forbid their entry into the United States.

Mr. Speaker, it is time to update the law; $1,000 is pocket change for companies which bring in boatloads of goods made in labor camps. This amendment would increase the penalties to $50,000 or 2 years in jail, thus making the crime a felony. Businesses which knowingly transport prison-made goods will take notice of these penalties, and will start to ask the simple question—were those goods made in forced labor camps?

It is time to get tough on firms that are not only breaking U.S. trade law, but are committing a moral crime. I think this amendment is a start and I urge my colleagues to join me in supporting it.

Mr. Speaker, it is an open secret that political prisoners are being kept away in forced labor camps in the People's Republic of China, producing goods for the international marketplace. I have expressed my concern about this topic on this floor several times. During a trip to China last year I visited Beijing Prison No. 1 where 40 prodemocracy demonstrators, arrested after the Tiananmen protests, were and are still imprisoned. While there I picked up some socks made by the prisoners—clearly socks aimed at a western market.

Many may have seen the "60 Minutes" show last year in which Harry Wu, a Chinese citizen risking his life by returning to China, and Ed Bradley exposed the ongoing human rights violations by Chinese officials in forced labor camps. Human rights groups estimate that the population of the camps is between 12 million to 16 million people, including hundreds of thousands of political prisoners.

No one knows the exact size of the Chinese prison export system but, according to experts, 50 percent of all prison goods are going overseas. They are shipping machinery, textiles, and agricultural goods—tucked away in China's burgeoning flow of exported goods. The People's Republic of China had about $60 billion in export last year, and our trade deficit with China is between $12 billion and $13 billion.

It is not easy to determine if the goods entering U.S. markets are actually made with prison labor. Credit should be given to the U.S. Customs Service for their recent investigations and for their actions enforcing the ban on importing products made with slave labor. But even the most tenacious investigator would be thrown off track by the tangled web of Asian middlemen usually based in Hong Kong, the nucleus of China's export business.

Imagine a labor force of 12 to 16 million, paid nothing, given minimal food and shelter; some prisoners are even beaten and whipped if they do not meet quotas. American companies should not have to compete against this sort of trade practice. And the fact is, this business is getting bigger and bolder. Of more importance, tacit acceptance only encourages and promotes this enormous violation of human rights.

When will the international community, led by the United States, which does far and away the most business with China, call a halt to China's gulag economy? We have heard about United States firms, and the Customs Service has identified many of them, that have hand-in-glove relationships with the Chinese labor camps. These relationships only serve to tighten the chains around the feet of men and women, young and old, who courageously took to the streets in 1989 to express their political convictions, an internationally recognized human right. You remember the pictures, the solitary man in front of the line of tanks, chanting students crowding into Tiananmen Square, only to be gunned down and then imprisoned.

As pointed out in Business Week recently, how can we morally accept and trade comfortably with a country that exploits a vast gulag labor supply, hundreds of thousands of which are prisoners of conscience?

I, therefore, offer this motion to instruct House conferees to insist on House language in the Treasury bill which amends title 18 of the United States Code by increasing penalties from $1,000 to $50,000 and 1 year to 2 years for anyone who knowingly imports any prison-made goods.

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

Mr. WOLF. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, we have no objection to the motion offered by the gentleman from Virginia, and we will support its implementation.

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

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

There was no objection.

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

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. ROYBAL, Mr. HOYER, Ms. PELOSI, and Messrs. COLEMAN of Texas, SKAGGS, VISCLOSKY, WHITTEN, WOLF, LIGHTFOOT, ROGERS, and MCDADE.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5679, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1993

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5679) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

The Chair hears none, and without objection, appoints the following conferees: Messrs. TRAXLER, STOKES, MOLLOHAN, CHAPMAN, and ATKINS, Ms. KAPTUR, and Messrs. WHITTEN, GREEN of New York, COUGHLIN, LOWERY of California, and MCDADE.

There was no objection.

SUPPORT THE TOURISM REAUTHORIZATION ACT

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

IN MEMORY OF THE HONORABLE TED WEISS

Mr. THOMAS of Wyoming. Mr. Speaker, I want to talk a little bit about tourism, but before I do, I, too, want to recognize the passing of our colleague, the gentleman from New York, Ted Weiss.

I am the ranking Republican on the subcommittee which Mr. Weiss chaired during this past 2 years. I want to tell the Members that I do not know of anyone in this House who has been more dedicated to the proposition of supporting the things that he thought were right for his people and for the people of this country. We will miss Ted Weiss very much.

Mr. Speaker, I am pleased to see the Tourism Reauthorization Act finally come to the floor. As the Members know, the House passed similar legislation last November, and it is time this bill moves forward.

Tourism continues to be a key industry for the State of Wyoming. It's crucial to many local economies and will be a vital part of my State's future. As a member of the House tourism caucus, I am committed to enacting the necessary steps that foster continued growth of the tourism industry, especially to rural areas of this country.

Statistics show that more and more people are traveling to regional attractions nearby, such as, in the West, Yellowstone Park. S. 680 recognizes this trend with its establishment of a Rural Tourism Development Foundation to develop and promote rural tourism.

Mr. Speaker, again, I express my support and praise the approach of this bill.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5373, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1993

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 5373) making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes.

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

There was no objection.

TIME TO PUT AMERICA FIRST

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

Mr. LEWIS of Florida. Mr. Speaker, I rise in support of the administration's request to sell 72 F-15 fighter aircraft to our allies in Saudi Arabia.

Although this sale will affect my district, I held off on endorsing it because I felt it important to ensure it was compatible with Middle East peace.

Having seen it, I believe it is, and believe it would be economically irresponsible for America not to take advantage of this opportunity to ensure thousands of jobs.

Two issues are important. Will the jobs and profits be taken elsewhere if we stop the sale, and will it harm Israel?

The answers are also simple. Saudi Arabia will take the sale elsewhere, and take the jobs to Britain or France if we do not agree.

To my colleagues who are concerned about Israel, as we go through this process, I would caution them to let Israel speak for Israel. Do not let others speak for her. If Israel says no, then I would understand.

Mr. Speaker, America needs this sale. To those who say "Put America first," it is time to show they really mean it.

□ 1230

MEXICO FREE-TRADE AGREEMENT BAD FOR AMERICAN 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, the President has called the free-trade agreement with Mexico our savior. Mr. Speaker, if this trade agreement is our savior, I say get ready, strap on your seatbelts because the Four Horsemen are soon to be visiting America.

Let us look at the record. Since 1983 trade has doubled, but the paychecks of American workers have shrunk 20 percent.

If this trade agreement is passed, Ohio alone is predicted to lose over 60,000 jobs in the first 18 months.

Mr. Speaker, I say it is time for both Mr. Clinton and Mr. Bush to stop walking, talking, and acting like Harry Truman—Harry Truman is dead—but to look us in the eye in a face-to-face debate, and tell the American people what they will do as President, so we can make a decision where our country may go in the future. We are in trouble.

DISCOURTEOUS ACTIONS TOWARD PRESIDENTIAL CANDIDATES

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

Mr. ROHRABACHER. Mr. Speaker, on Sunday the President of the United States, George Bush, visited Orange County. Along with President Bush, former President Reagan attended a rally, a political rally held by Republicans. In the middle of that rally, 150 or so demonstrators waving proabortion signs and chanting Clinton slogans decided to disrupt the right of assembly and the right of speech of those Republicans so gathered.

Someone decided that he would work his way to the front of the podium and proceeded to give the finger to the President of the United States. The demonstrators chanted "——, George," to the President of the United States.

Is this the type of disgraceful activity that is coming out of the Clinton campaign? I do not think so. I think it is simply discourtesy. But let us decide right now as this campaign proceeds that we will not put up with this type of discourtesy from anyone, whether those people are supporting George Bush or supporting Mr. Clinton. And I would hope that those people are listening to this and are ashamed of what they did.

DUCKING DEBATES BY ALLEGING CLINTON DODGED DRAFT

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

Mrs. SCHROEDER. Mr. Speaker, President George Bush's administration and his reelection campaign are riddled with people who avoided service in Vietnam or avoided military service altogether—for example, Vice President DAN QUAYLE, Secretary of Defense Dick Cheney, campaign official Charles Black, and leading campaign bullhorns such as Senator PHIL GRAMM and Patrick Buchanan.

I note with some irony that George Bush was a Member of the House in 1967 when the Congress extended the draft law that provided those student and other determents that largely benefited the children of middle-class and affluent families—which is to say, the children of Members of Congress. Indeed, I doubt if the number of children of Members of Congress who served in Vietnam would be sufficient to complete one-single platoon.

Representative Otis Pike offered an amendment to eliminate student deferments, but it was defeated by an unrecorded vote. Several Members, including Representative Frank Evans, spoke against the inequity of deferring college students while others died in Vietnam.

Then-Representative George Bush was absent on May 27, 1967, the day the House debated and passed the draft law extension, 362 to 9. Several weeks later, when the House approved the draft law conference report, 377 to 29, Representative Bush voted yea.

The law not only extended the unfair student deferment program, it expressly prohibited the President from instituting a random selection program. Former Assistant Attorney General Burke Marshall, who chaired Lyndon Johnson's draft advisory commission, said that the bill "made the system worse than it was before."

Twenty-five years later, President George Bush is attacking someone who took advantage of a draft law Representative George Bush helped pass. Go figure.

SALE OF F-15'S TO SAUDI ARABIA

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

Mr. BERMAN. Mr. Speaker, last Friday President Bush announced a plan to sell 72 advanced F-15 warplanes to Saudi Arabia, a sale that will trigger a

major escalation of the Middle East arms race. This is the same President Bush who just last year proclaimed his support for multinational efforts to limit arms sales to the Middle East. This is from the same administration whose Secretary of State told the House Foreign Affairs Committee during the height of the gulf war:

> The time has come to try to change the destructive pattern of military competition and proliferation in the Middle East and to reduce the arms flow into an area that is already over-militarized.

However, Mr. Baker's statement turns out to be just another policy disregarded by a President who says that he will do anything to win reelection. It is a sad commentary that the administration's idea of a job program is selling some of our most advanced and dangerous weapons to anyone who is prepared to pay cash up front.

Has the President announced a policy to deal with the obvious fact that the massive defense spending that fueled our past prosperity is gone for good? By continuing our business-as-usual policy of selling weapons to the Middle East, we undermine our moral authority to persuade other countries to stop dangerous arms transfers.

How can we tell the cash-strapped nations of Russia and China to restrain their sales when we ourselves continue to push weapons and vigorously pursue new markets? And how can we expect Britain and France to work with us in building a responsible arms supplier regime if we proceed with unrestrained sales?

It is my intention, Mr. Speaker, together with a number of my colleagues, to introduce a resolution to disapprove this sale. I am under no illusions about our likelihood of success. However, I think it is important that we send a message that we must stop fueling the arms spiral. If we do not, then one day we will have to face the responsibility of being the world's premier arms pusher, and the terrible consequences that will flow from that fact.

SALE OF F-15'S TO SAUDI ARABIA SHOULD BE STOPPED

(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, in May 1991, I was very excited because the President announced a policy to restrain arms sales to the Middle East in order not to further destabilize that region. As we remember, back in May 1991, we had just emerged from the gulf war.

However, just this week the President has given formal notice that he proposes to sell 72 F-15 airplanes to Saudi Arabia, jet fighter planes, weapons of war. It is business as usual, unfortunately, the arms business as usual, not the business of peace, but the business of war.

I am a proud cosponsor of a resolution just discussed a moment ago by my friend from California, Mr. BERMAN, who along with others will drop this resolution today in seeking to disapprove this arms sale in an effort to try to promote peace, not war in the Middle East. I think we have an opportunity at this juncture when the Warsaw Pact is dissolved, and when we have a new type of thinking in the world, to actually achieve peace. I believe that this weapons sale would not serve that end, and it ought to be disapproved.

DODGING THE PRESIDENTIAL DEBATE

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

Mr. LEVIN of Michigan. Mr. Speaker, in Michigan "dodge" is a word with both a good and a bad meaning. We are very proud of Dodge motor vehicles. But when the word "dodge" means to duck, many, many in Michigan object.

The Presidential debate has been tentatively scheduled for next Tuesday in East Lansing, MI, under terms set by the bipartisan commission. But President Bush is ducking it. He says he wants to debate, but only if he can do so the way he did 4 years ago.

But this election is about the future, not the past. The President should come to Michigan next Tuesday. He should trust the American people to decide whom they trust to take us into the future.

OPENING OF SOCIAL SECURITY LIAISON OFFICE

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

Mr. ROSTENKOWSKI. Mr. Speaker, today I have sent to Members a letter informing them of the opening of the new Social Security Administration liaison office in the House of Representatives. I was pleased to be involved in the establishment of the office. Special thanks should go to Social Security Subcommittee Chairman ANDY JACOBS—who was instrumental in assuring the opening of the office—and to the leadership for making space available for this office.

This office will assist Members and their staffs in resolving constituent problems—such as lost benefit checks and inquiries about benefit eligibility and delays in disability benefits. Because the office is equipped with a computer linked directly to Social Security's main data banks, the office can also take applications for Social Security numbers, make name or address changes, and allow individuals to check their earnings records.

The office is located in the Rayburn Building on level G3—just around the corner from the subway to the Capitol.

I believe this new office will provide a significant improvement in services to Members and their constituents.

TRIBUTE TO LATE HONORABLE TED WEISS

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

Mr. COX of California. Mr. Speaker, I rise to pay tribute to a colleague from the Committee on Government Operations on which I serve, a man of conviction who always pursued the best interests of the country as he saw them.

All of us, Republicans and Democrats, should mourn the passing of our colleague, Ted Weiss, because he represented something so unique in politics these days. He was a man uncompromisingly committed to his principles. Whatever one might say about his ideology—and it was very different from my own—Ted Weiss always concerned himself with the health, the safety, and the constitutional rights of every American. He was extraordinarily liberal, even Socialist on some matters, but that did not prevent us on many occasions, for example dealing with human rights, from coming to common cause with respect to, say, the Communist government in Beijing.

Mr. Speaker, I learned as a student and a faculty member at Harvard University, home to so many political liberals, that there is no correlation between intelligence and good political judgment. So I can admire Ted Weiss' intelligence, his hard work, and his commitment to principle.

The state and the stock of politicians has fallen very low these days, but there are among us men and women who are committed to their better vision of America.

And as radically different as his path was to that goal, there is no question Ted Weiss was such a man. I am proud to have worked with him.

THE ISSUE OF DRAFT STATUS

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

Mr. APPLEGATE. Mr. Speaker, the draft status is nothing more than a bogus issue. When I am out on the campaign trail, I do not talk about the draft status of DAN QUAYLE or Dick Cheney or NEWT GINGRICH. That is a personal thing.

I would rather talk about the issues.

But the attacks on Bill Clinton are deplorable. There is nothing more here than a coverup for the important issues that face this Nation—and I would say

that the Republicans know a lot about coverups.

Mr. Speaker, people want George Bush and Bill Clinton to debate one-on-one, not a staged theater. They want to hear talk about jobs, the economy, and trade, how they are going to house, clothe, and feed their families, talk about veterans and senior citizens and education.

I hope that President Bush will reconsider his position to these debates, but I can understand why he hides.

You can run for President of the United States, Mr. Bush, but you cannot hide from your record.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind Members not to address the President directly but through the Chair.

INTRODUCTION OF BILL TO GIVE FULL TAX CREDIT FOR PROVIDING DRUG AND ALCOHOL ABUSE PROGRAMS TO WORKERS

(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, today I am introducing a bill which would encourage employers to provide their employees with drug and alcohol abuse programs by creating a 100-percent tax credit for that purpose.

Mr. Speaker, drug and alcohol abuse is our No. 1 health problem, and an enormous economic problem. Half of the populations of our prisons and our hospitals are filled with its victims.

Substance abuse costs our economy tens of billions per year, weakening our competitiveness.

Treatment is the most effective, and the most cost-effective means we have to combat this epidemic.

I ask my colleagues to cosponsor this vital legislation.

PROVIDING FOR CONSIDERATION OF H.R. 3724, INDIAN HEALTH AMENDMENTS OF 1992

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 562 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 562

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. 3724) to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour, with thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. 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. 5752. The amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, all time yielded during debate on House Resolution 562 is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 562 is an open rule providing for the consideration of H.R. 3724, the Indian Health Amendments of 1992. The rule provides for 1 hour of general debate, 30 minutes of which is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, and 30 minutes which is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

Mr. Speaker, House Resolution 562 provides that when the bill is considered for amendment under the 5-minute rule that it shall be in order to consider as original text for the purpose of amendment, the amendment in the nature of a substitute consisting of the text of H.R. 5752. H.R. 5752 represents a compromise reached between the two committees of jurisdiction which is to serve as the amendment vehicle for this legislative initiative. The rule further provides that the amendment in the nature of a substitute shall be considered by title rather than by section and that each title shall be considered as having been read.

House Resolution 562 also provides that at the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted. Under the rule, any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. Finally, Mr. Speaker, the rule provides that the previous question shall be considered as having been ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, access to health care is an issue of primary importance to every American. The delivery of health care services to Native Americans is an important element of the general health care crisis in this country. H.R. 3724 seeks to improve the current state of health care delivery to native Americans on reservations and in urban areas and the compromise bill recommended by the Interior and Energy and Commerce Committees represents policy initiatives which will carry the Indian Health Service into the year 2000. Mr. Speaker, in order that the House may address this critical issue prior to adjournment, I urge adoption of the rule and H.R. 3724.

□ 1250

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

Mr. Speaker, I thank the gentlewoman from New York for yielding me this time. She has ably explained the provisions of the rule.

Mr. Speaker, I urge the adoption of this open rule, which allows Members the opportunity to offer any appropriate amendments.

The Federal Government has a longstanding responsibility to provide health services to Indian tribes and Alaskan Natives. Yet despite the various expansions and improvements to Indian health care programs over the years, the general health status of American Indians and Native Alaskans remains poor.

The Committee on Energy and Commerce and the Committee on Interior and Insular Affairs have put forth a compromise bill which reauthorizes funding for a number of Indian health programs through the fiscal year 2000.

Additionally, to address the need to further improve the health status of these people, the bill contains 56 specific objectives identified by the Department of Health and Human Services and gives the Indian Health Service and Indian tribes the tools they need to achieve these objectives.

Mr. Speaker, the first Americans deserve not only this, but other attributes of health care which this bill does not contain. They need help. They also need to be brought up out of the forgotten ages, because they truly are Americans, too.

Mr. Speaker, I urge the adoption of this rule.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in support of the rule, and commend the gentleman from California [Mr. MILLER], the gentleman from California [Mr. WAXMAN], and the very sensitive statement by the gentleman from Tennessee [Mr. QUILLEN] for a good piece of legislation.

Mr. Speaker, I rise in strong support of H.R. 3724, the Indian Health Amendments of 1992. New Mexico's Third Congressional District, which I represent, has the largest native American constituency of any Member in the House with 19 Pueblos, the Navajo Nation, and the Jicarilla Apache Tribe; 21 percent of my district's population is native American.

What is happening, Mr. Speaker, is that the rich historical and cultural heritage of our Nation's Indians is being destroyed daily by high unemployment, poverty, and a health status that is far below that of the general population. The original Americans, to whom the U.S. Government has a trust responsibility, are falling through the cracks.

A recent Washington Post story on a survey of the status of native American teenagers just hints at the overwhelming problems faced by native Americans. Some of the conclusions of the study are and I quote: "[Native American teenagers are] the most devastated group of adolescents in the nation," and "for every risk factor, with the exception of homicide, Native [American] kids are in far worse shape than African-American kids."

From the drugs and violence we here about daily and sometimes experience firsthand here in the Nation's Capital, we know that the status of African-American teenagers is appalling. This does not say much about the U.S. Government's trust responsibility to native Americans.

For the RECORD, I will delineate only some of the statistics from the Post article; however, I highly recommend the article and will attach it for the RECORD. Eleven percent of native American teenagers reported that one or both of their parents were dead, compared to 5 percent of Minnesota teenagers; 22 percent of 12th-grade girls reported having been victims of sexual abuse compared to 19 percent in the Minnesota sample; 22 and 12 percent of native American girls and boys respectively reported attempting suicide; and 27 percent of 12th graders reported drinking weekly or more.

A 1990 Department of Health and Human Services "Healthy People 2000" report notes that native American populations, relative to other populations, are young and impoverished with one in four living below the poverty level. The telling factor in the report, however, is the explanation for the relative youth and poverty of native Americans, that is, that so many native Americans die before age 45. The exceedingly high death rate is traced to six causes; Unintentional injuries, cirrhosis, homicide, suicide, pneumonia, and diabetes.

H.R. 3742 will give the Indian Health Service the resources it needs to begin to deal with many of these problems. I am particularly pleased that the legislation contains several important provisions I authored regarding fetal alcohol syndrome [FAS] which strikes without regard to race or socioeconomic status. While FAS affects 1 in 250 live births, the incidence is 30 times higher among native Americans. The physical and mental birth defects which are symptomatic of FAS can occur whenever a woman drinks alcohol during pregnancy.

FAS threatens to destroy whole generations on some Indian reservations if stronger Federal action is not taken soon. Despite the statistics, FAS is 100 percent preventable, simply by not drinking during pregnancy.

Among other things, the FAS provisions in H.R. 3742 will direct the Indian Health Service to expand the community health representative curriculum beyond the medical model of health care to include training in lifestyle-related matters such as alcoholism, family dysfunction, and poverty and how these factors impact health. Since CHR's are frequently the front line, and sometimes the only line of defense in providing health care services on reservations, it is important that CHR's understand the devastating effects of alcohol on pregnant women and be able to recognize FAS children on their reservations so that they can receive appropriate care.

The provisions will also require the IHS, in consultation with tribes and alcohol and substance abuse experts, to develop community-based training models addressing the elevated risk of alcohol and substance abuse faced by children of alcoholics, and the cultural and multigenerational aspects of alcohol and substance abuse. A 1987 IHS study found that children of alcoholics are six times more likely than the general population to come from homes where one or both parents were alcoholic. The study also found that 80 percent of all adolescent suicides are by children of alcoholics.

Finally, with respect to the critical problem of Indian alcoholism, I am pleased H.R. 3742 includes a provision to expand alcohol and substance abuse treatment services in the city of Gallup in McKinley County, NM. The scourge of alcoholism in Indian country is nowhere more evident than in Gallup on the edge of the Navajo reservation. Alcohol-related traffic accidents are seven times higher in Gallup than in the rest of the Nation and McKinley County has been cited by the National Institute on Alcohol and Alcohol Abuse for having the highest composite index of alcohol-related problems of all of the Nation's 3,106 counties. In 1990, the Gallup alcoholism crisis gained national media coverage on the NBC "Today Show," ABC's "20/20" documentary, and the "McNeil-Lehrer News Hour."

H.R. 3742 contains these and other important provisions to begin to address the crisis in Indian health. I urge my colleagues' support of this critical legislation.

Mr. Speaker, I include an article from the Washington Post of March 25, 1992, as follows:

[From the Washington Post, Mar. 25, 1992]

SURVEY PRESENTS BLEAK CIRCUMSTANCES OF NATIVE AMERICAN TEENAGERS

(By David Brown)

Thousands of Native American teenagers inhabit a world so filled with alcoholism, violent death and personal despair that by the end of high school 1 out of 5 girls and 1 out of 8 boys have attempted suicide.

Those were among the bleakest statistics of a generally bleak survey of more than 13,000 Indian and Alaska Native teenagers published yesterday in the Journal of the American Medical Association.

"This is the most devastated group of adolescents in the United States," Michael D. Resnick, an epidemiologist and one of the authors of the survey, said at a news conference yesterday.

Though certain risky behaviors—sexual activity and drinking in the late high school years, for example—are no more common among Native Americans than among some other racial groups, the total constellation of stresses on Native American teenagers seems to be greater, the survey suggested.

"For every risk factor with the exception of homicide, the Native kids are in far worse shape than African-American kids," said Robert W. Blum, a pediatrician and coauthor of the study, citing a population of adolescents thought to be under severe stress.

Other studies have shown that Native American teenagers have approximately twice the death rate of teenagers in any other racial group. In 1986, the rate for Indians and Alaska Natives between 15 and 19 years old was 190 deaths per 100,000 population, compared to 81 per 100,000 among all U.S. teenagers.

In the new study, University of Minnesota researchers gave a 162-item questionnaire to Indian and Alaska Native youngsters in 7th through 12th grades. All the respondents lived on reservations or in predominantly Native American communities in dozens of states. Urban populations were not surveyed, nor were high school dropouts.

The researchers compared some of their results with those from a similar survey of white, rural teenagers in Minnesota. Among the findings:

Eleven percent of Native American teenagers reported that one or both of their parents were dead, compared to 5 percent of the Minnesota teenagers.

About 46 percent reported living in dual-parent homes, compared to 87 percent of the Minnesota sample.

About 22 pecent of 12th grade girls reported having been victims of sexual abuse. About

19 percent of similar girls in the Minnesota sample reported sexual abuse.

About 27 percent of 12th grade youths reported drinking weekly or more frequently. This is not significantly different from the Minnesota sample. However, among Native Americans, drinking begins at a younger age, with 9 percent of the 8th graders drinking at least weekly, compared to 5 percent of their Minnesota counterparts.

About 31 percent of teenagers in the 7th through 9th grades reported using marijuana, with usage rising to 50 percent in the 10th through 12th grades. A national survey of teenagers last year showed that 42 percent of all 12th-graders had used marijuana at least once.

About 22 percent of the female Native American respondents, and 12 percent of the males, reported attempting suicide. Thirty percent of teenagers whose families had a suicide history had attempted suicide. Among U.S. teenagers as a whole in 1990, 10.3 percent of girls and 6.2 percent of boys had attempted sucide at least once.

Eleven percent of the Native American sample reported knowing someone who had committed suicide.

Almost one-fifth of the students said that they had been knocked unconcious by another person at least once.

The survey was answered anonymously. The researchers did not attempt to verify any of the answers, though certain statistical maneuvers were performed to eliminate clearly bogus responses.

Resnick acknowledged that many of the teenagers who said they had attempted suicide may not have actually performed a life-threatening act, but that the message from the survey was nevertheless clear.

"It is the teenagers' definition of the situation that is really critical. Young people who view themselves as having attempted suicide are a far more distressed group of kids, " the researcher said. "Whether or not an adult could question the veracity of the attempt misses the point. It is a warning signal."

The rate of death by suicide among Native American youth is 26.3 per 100,000 compared to 12.4 per 100,000 for the teenage population as a whole.

Ms. SLAUGHTER. Mr. Speaker, 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.

PROVIDING FOR CONSIDERATION OF H.R. 450, STOCK RAISING HOMESTEAD ACT AMENDMENTS OF 1992

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 561 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 561

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. 450) to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 8 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as on original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 450, the Committee on Interior and Insular Affairs shall be discharged from further consideration of S. 1187, and it shall be in order in the House to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 450 as passed by the House. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 1187 and to request a conference with the Senate thereon.

□ 1300

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

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that 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 561 is an open rule providing for the consideration of H.R. 450, the Stock Raising Homestead Act Amendments of 1992.

The rule waives points of order against consideration of the bill for failure to comply with rule XXI, clause 8, requiring a Congressional Budget Office pay-as-you-go cost estimate to be included in any legislation providing for or changing receipts or direct spending.

It provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior.

Further, the rule makes in order the Interior Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purposes of amendment. The substitute shall be considered by title, with each title considered as read.

The rule provides for one motion to recommit with or without instructions.

Finally, after the passage of H.R. 450, the rule provides that the Senate companion bill, S. 1187 be discharged from the Committee on Interior and Insular Affairs. It shall be in order to move to strike out all after the enacting clause of the Senate bill and insert the provisions of H.R. 450 as passed by the House. If the motion is adopted, a second motion to insist on the House amendments and request a conference is in order.

Mr. Speaker, H.R. 450, the bill for which the Rules Committee has recommended this rule, would establish a sound balance between prospecting and mining interests and those who own the surface grazing rights on over 70 million acres of public land. The bill would require notification to the surface rights owner and the Bureau of Land Management before prospecting activities begin. H.R. 450 would also require reclamation of damaged areas and compensation for damage to surface improvements.

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

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

Mr. Speaker, I support this open rule and urge its adoption.

The Stock Raising Homestead Act of 1916 allowed individuals to gain title from the Federal Government to the surface of public lands for grazing livestock. The Federal government retains all subsurface mineral rights on these lands.

However, conflicts arise when those interested in the raising of livestock and those engaged in the occupation of mineral exploration and development seek to gain the use of the same parcel of land. This bill seeks to establish a sound process for balancing the property rights of surface owners with prospecting and mining interests.

As you will recall, H.R. 450 was considered on the House floor in late July of this year under suspension of the rules. However, it failed to get the necessary two-thirds vote for passage.

The administration is opposed to this bill because it would unduly restrict the right to prospect for minerals and would impose inflexible and costly reclamation standards of miners. Additionally, the bill would place the Secretary of the Interior in the position of authorizing activities on the surface estate without the owner's consent and would essentially give subsurface mineral rights to the surface owner without fair compensation to the United States.

This open rule would allow the House to address these concerns and others, and I urge its adoption.

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

Ms. SLAUGHTER. 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.

INDIAN HEALTH AMENDMENTS OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 562 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. 3724.

□ 1305

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. 3724) to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes, with Mrs. SCHROEDER 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 California [Mr. MILLER] will be recognized for 15 minutes, the gentleman from Arizona [Mr. RHODES] will be recognized for 15 minutes, the gentleman from California [Mr. WAXMAN] will be recognized for 15 minutes, and the gentleman from California [Mr. DANNEMEYER] will be recognized for 15 minutes.

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

Mr. MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, H.R. 3724, a bill I sponsored with Mr. WAXMAN of California, reauthorizes the programs and services of the Indian Health Service. This bill has been the subject of four hearings in the Interior Committee, one of which focused on the tragic problem of fetal alcohol syndrome among Indian people. Our committee has worked very closely with the Energy and Commerce Committee to craft this bill which reflects the agreements of both committees.

Madam Chairman, since the 19th century the Federal Government has had the responsibility to provide health services to Indian people. This responsibility stems from the numerous treaties between the Federal Government and Indian tribes. Unfortunately, the Federal Government has not fully carried through on these obligations.

According to the Indian Health Service, Indian people still suffer the highest mortality rates in this Nation. Indian people are 400 percent more likely to die from tuberculosis than the rest of the country, Indian people are over 300 times more likely to die from alcoholism, and Indian people are over 100 times more likely to die from diabetes. According to a recent study by the University of Minnesota, Indian adolescents are four times more likely to attempt suicide than all other ethnic groups.

Madam Chairman, it is not an exaggeration to say that Indian people have the lowest health status in this Nation. In recent years we have seen a great deal of improvement in the health status of Indian people. But still, it is not enough.

This bill includes several innovative programs to address some very serious health problems confronting Indian people. The bill includes programs to address fetal alcohol syndrome, adolescent suicide, child sexual abuse, alcoholism, diabetes, and long-term care for elderly Indian people.

In addition, the bill incorporates 58 specific health objectives developed by the administration and published in the "Healthy People 2000 Report." It is our goal that through this legislation these objectives can be achieved by the year 2000.

I urge my colleagues to support this very important legislation which has bipartisan support.

Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, I rise in full support of H.R. 3724, the Indian Health Amendments Act of 1992.

The United States has a continuing government-to-government relationship with Indian tribes and their members, entailing certain legal and moral responsibilities. These responsibilities to approximately 1.2 million Indians and Alaska Natives flow from treaties dating from the mid-1700's, and have been further delineated and defined by congressional statutes, Executive orders, judicial decisions and administrative regulations.

While the Government has provided health care services to native Americans since the 19th century as part of this responsibility, disturbingly glaring disparities have existed between the health status of native Americans and other American citizens. For example, in 1940 the life expectancy at birth of American Indians was 13.2 years shorter than that of the white population. By 1960, there was still a difference of 8.9 years.

In recognition of such disparities, Congress passed the Indian Health Care Improvement Act of 1976. A principal purpose of the act was to raise Indian health status to a level comparable with that of the general population over a 7-year period ending in 1984. The act was reauthorized in 1988 until the year 1993, and would be extended again by the present legislation until the year 2000.

The gentleman from California [Mr. MILLER] has already touched on some of the specifics of this legislation, so I will simply point out some important statistics. Despite the enormity of the task, the Indian Health Service has made great strides in raising the health status of Indians and Alaska Natives over the past years. In 1981–83, the mortality rate for tuberculosis was 96 percent less than in 1954–56. Mortality rates for infants during the same periods decreased by 82 percent, as did pneumonia and influenza deaths. The mortality rate for gastrointestinal diseases declined by 93 percent.

Still, much remains to be done before Indian and Alaska Native people attain health parity with other U.S. citizens. For example, in 1988, the age-adjusted mortality rates from the following causes were still alarmingly higher than those for the total U.S. all races population: Alcoholism, 438 percent greater; tuberculosis, 400 percent; diabetes mellitus, 155 percent; pneumonia and influenza, 32 percent.

Passage of H.R. 5752 will assure Indian people of continuing access to high-quality, comprehensive health services appropriate to their needs; it will assist Indian tribes and Alaska Native corporations in developing their capacity to staff and manage health programs and provide tribal organizations with the opportunity to assume operational authority for Indian Health Service programs serving their communities; and it will aid them in gaining access to other Federal, State, and local programs to which they are entitled.

Given the real need in Indian country for the services provided by this legislation, I wholeheartedly urge my colleagues to support passage of H.R. 3724.

□ 1310

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

Madam Chairman, I rise in strong support of H.R. 3724, the Indian health care amendments.

Under the rule, the House is considering the text of H.R. 5752, a bill introduced by Chairman MILLER and myself that reflects a compromise between the amendments reported by the Committee on Energy and Commerce and those reported by the Committee on Interior and Insular Affairs.

I want to thank Chairman MILLER and his staff for their cooperation in bringing this important legislation to the House floor. I also want to recognize the contributions that members of my subcommittee especially Mr. SYNAR, Mr. RICHARDSON, Mr. SIKORSKI, and Mr. STUDDS, made to improving

this bill. I would also like to thank Chairman DINGELL and his staff for their cooperation and support.

The purpose of this legislation is to revise and extend the Indian Health Care Improvement Act, which expires this year. The act is one of the basic statutory authorities for the provision of health care to American Indians and Alaska Natives. This year, the Federal Government, through the Indian Health Service, will spend about $1.7 billion delivering health care to roughly 1.2 million American Indians and Alaska Natives.

The act was first enacted in 1976 with the purpose of improving the health status of American Indians and Alaska Natives. While many gains have been made since then, the fact is, the health status of native Americans is still well below that of the U.S. population as a whole. Indians are a youthful population, and many die young—many before the age of 45. The causes of death are primarily: Unintentional injuries, cirrhosis, homicide, suicide, pneumonia, and complications of diabetes. The tragedy is that these kinds of deaths are largely preventable—and not necessarily by the simple existence of an IHS hospital or clinic.

In "Healthy People 2000," the Secretary of HHS spelled out some very specific health objectives for American Indians and Alaska Natives. The legislation before us today is a 10-year reauthorization that is designed to give the IHS and the tribes the resources and the policy tools they need to achieve these objectives. It revises and reauthorizes programs relating to Indian health professionals, health services delivery, facilities construction and modernization, health services for urban Indians, and mental health and substance abuse treatment programs.

I want to emphasize that this bill contains no entitlement spending and has no pay-as-you-go effect. CBO estimates that this will result in new budget authority of $925 million in fiscal year 1993, and $5.538 billion over the next 5 years. Actual spending on the programs authorized by this bill will be determined by the Appropriations Committees within the limitations imposed by the Budget Act.

I would urge my colleagues to support this legislation and reserve the balance of my time.

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

Madam Chairman, I rise to express strong concern about some provisions of this legislation.

I am well aware that the administration is not opposing passage of this legislation. I know that the bill was reported out of the Energy and Commerce Committee by voice vote after the gentleman from Virginia offered an amendment to address the administration's primary concern with the legislation at that time. I also understand that the bill was reported out of the Interior Committee with the support of Members from both sides of the aisle.

My primary objection is that several additional provisions were added by the Interior Committee to the bill as reported out by the Energy and Commerce Committee. These provisions authorize additional categorical activities, some of which will duplicate existing IHS services. The addition of these provisions also limits the ability of the Indian Health Service [IHS] to administer an effective program. By authorizing many additional activities, when the agency has difficulty accomplishing the current programs and priorities, Congress essentially dooms the agency to failure.

The bill also contains a provision which would eliminate the Secretary's right to recover reasonable expenses for health services if the condition for which health services were provided is covered under a tribe's self-insurance plan. Not only is the administration opposed to this provision, it is contrary to this Nation's health policy with respect to every other Federal health care program. I plan to offer an amendment to strike this opposition. I urge my colleagues to support my amendment.

Mr. RHODES. Madam Chairman, I yield 4 minutes to the gentleman from Alaska [Mr. YOUNG], the ranking member of the full Committee on Interior and Insular Affairs.

Mr. YOUNG of Alaska. Madam Chairman, I am pleased to offer my support to H.R. 3724, the Indian Heath Care Improvement Act. This bill is the result of the hard work of the Interior and Insular Affairs Committee and the Energy and Commerce Committee. H.R. 3724 proposes to authorize the Indian Health Care Improvement Act [IHCIA] originally signed into law in 1976, revised and reauthorized a couple of times since then. The law was the first comprehensive Federal law to define the Indian health care programs and was in response to documented flaws in the health status of Indians and Alaska Natives. I am pleased to be an original cosponsor of the bill and urge favorable consideration by this body.

H.R. 3724 makes a number of important changes to the Indian Health Care Improvement Act which will affect many of my Native constituents in Alaska. Title I of this bill was designed to accomplish two goals: First, to increase the number of Indians trained in health professions; and second, to provide a larger pool of health professionals to serve Indian people.

Title II of the Indian Health Care Improvement Act was a congressional mandate to the Indian Health Service to begin an incremental program to raise the health status of Indians to a level equal to the rest of the Nation.

Title III of the act pertains to the construction of health facilities, including hospitals, clinics, and health stations including necessary staff quarters, and of sanitation facilities for Indian communities and homes.

Title IV of the act relates to the collection and use of Medicare/Medicaid reimbursements by the Indian Health Service. The act established a program of grants and contracts with tribal organizations to assist eligible Indians in obtaining Medicare or Medicaid benefits.

Title V of the act, as amended by the 1980 amendments, authorized grants to urban Indian organizations to provide outreach and referral services to Indians in urban and other areas.

Title VI provides organizational improvements in the Indian Health Service.

Title VII directs the Secretary, acting through IHS, to provide a program of substance abuse prevention and treatment to members of Indian tribes.

Title VIII directs the President to include certain reports and statements on meeting the objective of this act with the submission of the budget. It also authorizes appropriations for Indian health care programs through fiscal year 2000.

Madam Chairman, I rise in support of this bill as it contains provisions for the Tanana Chiefs Conference and the Southeast Alaska Regional Health Corporation to staff and to operate residential youth treatment facilities in Alaska. Alaska has one of the highest substance abuse rates in the Nation and Tanana Chiefs Conference and the Southeast Alaska Regional Health Corporation will attempt to address the substance abuse problems with a youth facility program. I urge final passage of this bill and thank everyone for their efforts in finalizing a comprehensive Indian health bill.

Mr. FORD of Michigan. Madam Chairman, since 1975, pursuant to clause 1(g) of House rule X, the Committee on Education and Labor has had jurisdiction over Indian education programs and schools funded through the Bureau of Indian Affairs and serving Indians. The committee has taken actions in the past to expand the education programs in BIA schools to encompass substance abuse prevention and treatment and other health-related matters.

Provisions in this bill clearly lie within the jurisdiction of the Committee on Education and Labor, and, under ordinary circumstances, would justify and require a jurisdictional claim and review. The program authorized in section 210 of the bill as reported by the Committee on Interior and Insular Affairs, section 211 of the amendment in the nature of a substitute which adds a new section 215 to the Indian Health Care Improvement Act, is an example. It authorizes grants to Indian tribes to develop and implement comprehensive health education programs for children from preschool to grade 12 in schools located on Indian reservations. It addresses programs affecting Indian students in public schools. While the committee recognizes the great need for such pro-

grams, it is also concerned that in this time of fiscal restraint, there is a need to be sure that such programs in public schools do not duplicate ongoing Federal, State, or local efforts in this area. For this reason, the committee would, under other circumstances, request time to review this provision.

In the same section, the Interior Committee directs the Secretary of Interior to develop and implement a specific program of comprehensive health education in schools operated by the Bureau of Indian Affairs. This, also, is a matter within the jurisdiction of the Committee on Education and Labor. The legislative mandate for standards and curriculum for these schools is found in title XI of Public Law 95–561, the Education Amendments of 1978, as amended, in particular sections 1121, 1126, and 1128. This statute, which is the basis for BIA education administration, curriculum and school programs, and funding, is the product of years of careful consideration and effort by our committee. Changes to the BIA school programs should be made in coordination with the programs and policies required and funded by these provisions, and not in isolation. For instance, this provision appears to violate the requirements for local control and local school board involvement in curriculum and school programs, required by section 1130 of title XI.

Additionally, we have a number of very practical concerns regarding this provision. First, it is not coordinated with other legislative requirements placed on BIA schools by this committee, such as the requirements in the Drug Free Schools and Communities Act and the substance abuse prevention curriculum mandated by section 1121(i) of the Education Amendments of 1978. Second, it only applies to BIA operated schools. That term does not include schools operated by tribes under grant or contract with the BIA. This committee would probably not want the Secretary of the Interior to mandate the content of curricula for those schools. However, the committee would want to be sure that those schools were involved in any decisions which could create programs they might wish to implement and in any decisions affecting funding for all BIA funded education programs. Finally, the funding for this new, required program will take funds from other school programs and activities. Given the severe underfunding of the BIA school accounts, the committee is concerned that new mandates, without new funds, could be a mistake.

Having expressed these concerns and noting the committee's clear jurisdictional claim, I do note that current, extraordinary circumstances must be considered. H.R. 3724 contains many worthwhile provisions in addition to those of jurisdictional interest to the Committee on Education and Labor. Time in this session is short. I am well aware that action by the Committee on Education and Labor to exercise its jurisdiction over these activities, and others in the bill involving education activities, could impair the chances of this much needed legislation becoming law. I would not want this to happen.

However, I want to serve notice that we are concerned that this action was taken without notice to the committee or its involvement, and that restraint on its part, in this specific instance, should not be construed as precedent warranting or justifying similar actions in the future. The Committee on Education and Labor maintains its sole jurisdiction in the area of Indian education, including jurisdiction over these newly created activities.

Mr. BEREUTER. Madam Chairman, this Member rises today in support of H.R. 3724, the Indian Health Amendments of 1992. This legislation will take positive steps toward improving the health of all native Americans.

It is a well documented fact that the health care status of native Americans is far below the status of the non-Indian population in the United States. This legislation is designed to help prevent many of these health problems and provide better access to care.

As you may know, the mortality rates of American Indians and Alaska Natives continue to exceed that of the non-Indian population in the United States by staggering percentages. For example, in 1988, the Indian Health Service [IHS] reported that the alcoholism mortality rate for native Americans is 438 percent higher than the overall U.S. population, the tuberculosis rate is 400 percent higher, diabetes mellitus is 155 percent higher, and accident fatalities are 131 percent higher than the U.S. population.

There are several sections of the legislation that this Member would like to highlight today. Section 304 of the bill amends section 307 of the Indian Health Care Improvement Act that authorizes an Indian health care delivery demonstration project. This program authorizes the funding of demonstration projects for innovative health care systems. Since Indian Health Service has not yet written regulations for this program, this reauthorization will hopefully encourage them to implement this program.

Representing Indians on four reservations located wholly or partially within the First Congressional District I serve in Nebraska, this Member understandably has had a long standing interest and concern about the severe alcohol and drug abuse problems among Indian people. These tribes, the Santee Sioux, Omaha, Winnebago, and the re-recognized Northern Ponca, reside in the First Congressional District of Nebraska and a small part of the Iowa-Sac reservation is also in the district.

There are several provisions in the bill that deal with substance abuse. The distinguished former Member of the House from South Dakota, Mr. DASCHLE, who is now a Member of the other body, and this Member introduced legislation in the 98th and 99th Congress to create Indian juvenile alcohol and drug abuse treatment centers and programs. Our purpose was to stress prevention efforts aimed at very young children and to provide early treatment for drug and alcohol abuse by young people—to stop the terrible cycle of substance abuse—especially alcohol abuse that exists on so many American Indian reservations. It is startling to note that according to a study released in February 1992, on the state of native American youth health conducted by Dr. Robert W. Blum of the University of Minnesota Hospital and Clinic, by 12th grade, 27 percent of native American males surveyed were heavy users of alcohol.

The legislation we are now considering reauthorizes the establishment of these adolescent treatment centers. While adolescents in each service area are currently receiving treatment, regrettably only about half of the service areas have established treatment centers. The other areas are either in the process of creating centers or using contract care to provide service to these youth. The legislation before us today properly encourages IHS and the areas providing contract care to establish their own regional centers. In addition, the legislation provides funds to develop outpatient care for family members of the person receiving treatment.

For decades, researchers have documented the use and consequences of alcohol and drug abuse among Native Americans. Inevitably, stereotypes developed about Indian drinking, although the phenomenon began with the introduction of alcohol by early European explorers, who brought whiskey, horses, guns, and tools for trading purposes. While the reasons leading to such high rates of alcohol and drug abuse among Indian people are complex, most Indian and non-Indian researchers alike point to joblessness, dislocation from tribal homelands, decline in traditional culture and spirituality, and stresses on the family unit, as being among the major causes of alcohol and drug abuse. Clearly many things need to be done to fight this insidious problem.

Alcohol-related illnesses and deaths among Indian people are considerably higher than among non-Indian people. For example, on many reservations, alcohol plays a role in 95 percent of automobile fatalities. On some reservations, fetal alcohol syndrome [FAS] occurs as frequently as 1 in 100 births, whereas its occurrence in non-Indian populations is approximately 1 in 700 births. I want my colleagues to know that native American infants are 20 times more likely to be born with fetal alcohol syndrome than other U.S. infants. As we now know the children born to alcohol-abusing mothers are frequently retarded, and a great many suffer facial abnormalities and abnormalities of the extremities. In addition, delays in physical growth and impairment of the central nervous system are common among children with FAS.

A few years ago, this Member visited a school on an Indian reservation. According to the school superintendent, 30 children out of a special education population of 140, mentally or physically handicapped, were victims of fetal alcohol syndrome. This special education population of 140 was found in a total population of 440 children. Retardation, and physical handicaps are 8 to 10 times higher on some Indian reservations than the national average.

In addition, at the time of my visit, the superintendent estimated that there were many, many more children in the school suffering from this fetal alcohol syndrome or fetal alcohol effect who had not yet been accurately diagnosed. This means that almost certainly at least 25 percent of the special education students in that school were suffering from a condition, that with alcoholism prevention and prenatal education, could have been prevented. More recently, the superintendent of that same school made the absolutely shocking statement that perhaps as many as one out of three babies born on the reservation had either fetal alcohol syndrome or fetal alcohol effect. Currently, over one-third of the children in

the school are enrolled in special education programs, and most are victims of FAS or FAE. Tragically, too, this problem is only getting worse.

In addition, it must be noted that it is very difficult to diagnose fetal alcohol effect. The children are normal in appearance and until they begin school, the results of FAE are not seen, because it effects their capacity for reasoning. Many FAE children will never read above a third or fourth grade level, will not be able to perform simple math functions, and will eventually drop out of school.

For all of these children, their life prospects become very bleak. A great many Indian communities where so many Indian children live are losing the battle against alcohol and drug abuse. They are losing their hopes and dreams for a better future for they are losing the productive, healthy lives of their children.

Madam Chairman, this legislation, H.R. 3724, includes provisions a fetal alcohol syndrome prevention measure sponsored by the distinguished gentlemen from Colorado [Mr. CAMPBELL]. It authorizes the Secretary of Health and Human Services to make grants for community training, education and prevention programs for FAS and FAE. This Member strongly and enthusiastically supports these provisions.

Madam Chairman, and colleagues, there is an urgent need to effectively combat fetal alcohol syndrome and fetal alcohol effect on a broad scale across this country especially among the native American population where it is such a common problem. This effort must be a national priority for this disease reaps tragic, irreversible consequences on its innocent and helpless victims. This human tragedy can be prevented with the health and education programs created or reauthorized by this legislation.

Madam Chairman, this Member strongly encourages his colleagues to support this legislation.

Mr. CAMPBELL of Colorado. Madam Chairman, I rise to voice my support of H.R. 3724, the Indian Health Amendments of 1992. I would also urge my colleagues to support all amendments that will be offered today. The reauthorization of this important piece of legislation will ensure the continued support for Indian health care services to all native Americans, residing on reservations and in large urban areas, until the year 2000.

This legislation incorporates 59 health status objectives developed by the U.S. Department of Health and Human Services that serve two primary goals. First, they will provide a measuring device for comparing the current health status of native Americans to their health status in the year 2000. Second, the objectives will serve to provide valuable resource data for the Indian health care improvement fund.

Currently all statistics show that the native American population is the most at risk group in the country, suffering from the highest mortality rate of all population groups in the United States and facing alcohol, diabetes, tuberculosis, and suicide rates much higher than the national average. The Indian health amendments before us today incorporate legislation I have introduced this Congress that address the high occurrence of fetal alcohol syndrome in native American infants, who are 20 times more likely to be born with fetal alcohol syndrome than other U.S. Infants.

Although native Americans represent the smallest population group in the United States, the resources needed to effectively address the plethora of health issues are among the greatest. With the passage of the Snyder Act in 1921, Congress formally obligated itself to provide quality health care to the native American population and should make a concerted effort this day to uphold that trust responsibility.

In spite of the circumstances that native American communities are facing, there is hope. For example UNITY [the United National Indian Tribal Youth, Inc.], a national organization comprised of 45 native American youth councils, has designated sobriety and heritage as key paths in the "Journey to the 2000." It is groups like this that will propel a renewed generation of Indian people toward a healthier tomorrow.

Again, I would urge my colleagues to support passage of H.R. 3724, the Indian Health Amendments of 1992 and to further support all amendments to be offered.

Mr. THOMAS of Wyoming. Madam Chairman, as chairman of the newly formed Indian Health Care Task Force for the Rural Health Care Coalition, I am pleased to support the Indian health amendments bill, and thank both Chairman MILLER and Chairman WAXMAN for moving it forward. Today's vote brings this bill's admirable goal—to raise the health status of the native American population—within reach.

There are many worthwhile components of this bill, especially in the area of substance abuse. I want to thank Chairman MILLER and my colleagues for agreeing to include authorization language for the Thunder Child Residential Treatment Center in Sheridan, WY. It is the first, and to date, the only multitribal effort to combat the debilitating impact of alcohol and substance abuse in the Indian Health Service Billings area. I am also pleased with the provision to provide demonstration grants to tribal and eligible community colleges for the training of substance abuse counselors.

While there are worthwhile provisions, such as educational opportunities for health professionals, there seems to be a feeling that additional funding and increased Federal control is the answer to reducing poverty rates, diabetes and other health-related diseases. I am, however, more interested in improving the efficiency of IHS services through local control rather than expanding Federal bureaucracy.

There are some overwhelming objectives in this bill—some can expect funding and some cannot—but whatever the intention, we need to continue our goal at making services more accessible on a cost containment basis. Today's vote will help us move toward that goal so we may raise the health status of American Indians and Alaska Natives from fiscal year 1993 and beyond.

□ 1320

Mr. WAXMAN. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. RHODES. Madam Chairman, I yield back the balance of my time.

Mr. MILLER of California. Madam Chairman, I yield back the balance of my time.

Mr. DANNEMEYER. Madam Chairman, I yield back the balance of my time.

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 the bill H.R. 5752 shall be considered by titles as an original bill for the purpose of amendment and each title is considered as read.

The Clerk will designate section 1.

Mr. MILLER of California. Madam Chairman, I ask unanimous consent that the amendment in the nature of a substitute consisting of the text of H.R. 5752 be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5752

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 "Indian Health Amendments of 1992".

SEC. 2. AMENDMENTS TO INDIAN HEALTH CARE IMPROVEMENT ACT.

Except as otherwise specifically provided, whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

SEC. 3. FINDINGS; POLICY; AND DEFINITIONS.

(a) FINDINGS.—Section 2 of the Act (25 U.S.C. 1601) is amended—

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

(2) by striking out paragraphs (e), (f), and (g).

(b) DECLARATION OF POLICY.—Section 3 of the Act (25 U.S.C. 1602) is amended to read as follows:

"DECLARATION OF HEALTH OBJECTIVES

"SEC. 3. (a) The Congress hereby declares that it is the policy of this Nation, in fulfillment of its special responsibilities and legal obligation to the American Indian people, to assure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy.

"(b) It is the intent of the Congress that the Nation meet the following health status objectives with respect to Indians and urban Indians by the year 2000:

"(1) Reduce coronary heart disease deaths to a level of no more than 100 per 100,000.

"(2) Reduce the prevalence of overweight individuals to no more than 30 percent.

"(3) Reduce the prevalence of anemia to less than 10 percent among children aged 1 through 5.

"(4) Reduce the level of cancer deaths to a rate of no more than 130 per 100,000.

"(5) Reduce the level of lung cancer deaths to a rate of no more than 42 per 100,000.

"(6) Reduce the level of chronic obstructive pulmonary disease related deaths to a rate of no more than 25 per 100,000.

"(7) Reduce deaths among men caused by alcohol-related motor vehicle crashes to no more than 44.8 per 100,000.

"(8) Reduce cirrhosis deaths to no more than 13 per 100,000.

"(9) Reduce drug-related deaths to no more than 3 per 100,000.

"(10) Reduce pregnancies among girls aged 17 and younger to no more than 50 per 1,000 adolescents.

"(11) Reduce suicide among men to no more than 12.8 per 100,000.

"(12) Reduce by 15 percent the incidence of injurious suicide attempts among adolescents aged 14 through 17.

"(13) Reduce to less than 10 percent the prevalence of mental disorders among children and adolescents.

"(14) Reduce the incidence of child abuse or neglect to less than 25.2 per 1,000 children under age 18.

"(15) Reduce physical abuse directed at women by male partners to no more than 27 per 1,000 couples.

"(16) Increase years of healthy life to at least 65 years.

"(17) Reduce deaths caused by unintentional injuries to no more than 66.1 per 100,000.

"(18) Reduce deaths caused by motor vehicle crashes to no more than 39.2 per 100,000.

"(19) Among children aged 6 months through 5 years, reduce the prevalence of blood lead levels exceeding 15 ug/dL and reduce to zero the prevalence of blood lead levels exceeding 25 ug/dl.

"(20) Reduce dental caries (cavities) so that the proportion of children with one or more caries (in permanent or primary teeth) is no more than 45 percent among children aged 6 through 8 and no more than 70 percent among adolescents aged 15.

"(21) Reduce untreated dental caries so that the proportion of children with untreated caries (in permanent or primary teeth) is no more than 35 percent among children aged 6 through 8 and no more than 40 percent among adolescents aged 15.

"(22) Reduce to no more than 20 percent the proportion of individuals aged 65 and older who have lost all of their natural teeth.

"(23) Reduce the prevalence of gingivitis aged 35–44 to no more than 50 percent.

"(24) Reduce the infant mortality rate to no more than 8.5 per 1,000 live births.

"(25) Reduce the fetal death rate (20 or more weeks of gestation) to no more than 4 per 1,000 live births plus fetal deaths.

"(26) Reduce the maternal mortality rate to no more than 3.3 per 100,000 live births.

"(27) Reduce the incidence of fetal alcohol syndrome to no more than 2 per 1,000 live births.

"(28) Reduce stroke deaths to no more than 20 per 100,000.

"(29) Reverse the increase in end-stage renal disease (requiring maintenance dialysis or transplantation) to attain an incidence of no more than 13 per 100,000.

"(30) Reduce breast cancer deaths to no more than 20.6 per 100,000 women.

"(31) Reduce deaths from cancer of the uterine cervix to no more than 1.3 per 100,000 women.

"(32) Reduce colorectal cancer deaths to no more than 13.2 per 100,000.

"(33) Reduce to no more than 11 percent the proportion of individuals who experience a limitation in major activity due to chronic conditions.

"(34) Reduce significant hearing impairment to a prevalence of no more than 82 per 1,000.

"(35) Reduce significant visual impairment to a prevalence of no more than 30 per 1,000.

"(36) Reduce diabetes-related deaths to no more than 48 per 100,000.

"(37) Reduce diabetes to an incidence of no more than 2.5 per 1,000 and a prevalence of no more than 62 per 1,000.

"(38) Reduce the most severe complications of diabetes as follows:

"(A) End-stage renal disease, 1.9 per 1,000.

"(B) Blindness, 1.4 per 1,000.

"(C) Lower extremity amputation, 4.9 per 1,000.

"(D) Perinatal mortality, 2 percent.

"(E) Major congenital malformations, 4 percent.

"(39) Confine annual incidence of diagnosed AIDS cases to no more than 1,000 cases.

"(40) Confine the prevalence of HIV infection to no more than 100 per 100,000.

"(41) Reduce gonorrhea to an incidence of no more than 225 cases per 100,000.

"(42) Reduce chlamydia trachomatis infections, as measured by a decrease in the incidence of nongonococcal urethritis to no more than 170 cases per 100,000.

"(43) Reduce primary and secondary syphilis to an incidence of no more than 10 cases per 100,000.

"(44) Reduce the incidence of pelvic inflammatory disease, as measured by a reduction in hospitalization for pelvic inflammatory disease to no more than 250 per 100,000 women aged 15 through 44.

"(45) Reduce viral hepatitis B infection to no more than 40 per 100,000 cases.

"(46) Reduce indigenous cases of vaccine-preventable diseases as follows:

"(A) Diphtheria among individuals aged 25 and younger, 0.

"(B) Tetanus among individuals aged 25 and younger, 0.

"(C) Polio (wild-type virus), 0.

"(D) Measles, 0.

"(E) Rubella, 0.

"(F) Congenital Rubella Syndrome, 0.

"(G) Mumps, 500.

"(H) Pertussis, 1,000.

"(47) Reduce epidemic-related pneumonia and influenza deaths among individuals aged 65 and older to no more than 7.3 per 100,000.

"(48) Reduce the number of new carriers of viral hepatitis B among Alaska Natives to no more than 1 case.

"(49) Reduce tuberculosis to an incidence of no more than 5 cases per 100,000.

"(50) Reduce bacterial meningitis to no more than 8 cases per 100,000.

"(51) Reduce infectious diarrhea by at least 25 percent among children.

"(52) Reduce acute middle ear infections among children aged 4 and younger, as measured by days of restricted activity or school absenteeism, to no more than 105 days per 100 children.

"(53) Reduce cigarette smoking to a prevalence of no more than 20 percent.

"(54) Reduce smokeless tobacco use by Indian and Alaska Native youth to a prevalence of no more than 10 percent.

"(55) Increase to at least 65 percent the proportion of Indian and Alaska Native parents and caregivers who use feeding practices that prevent baby bottle tooth decay.

"(56) Increase to at least 75 percent the proportion of Indian and Alaska Native mothers who breast feed their babies in the early postpartum period, and to at least 50 percent the proportion who continue breast feeding until their babies are 5 to 6 months old.

"(57) Increase to at least 90 percent the proportion of pregnant Indian and Alaska Native women who receive prenatal care in the first trimester of pregnancy.

"(58) Increase to at least 70 percent the proportion of Indians and Alaska Natives who have received, as a minimum within the appropriate interval, all of the screening and immunization services and at least one of the counseling services appropriate for their age and gender as recommended by the United States Preventive Services Task Force.

"(c) It is the intent of the Congress that the Nation increase the proportion of all degrees in the health professions and allied and associated health profession fields awarded to Indians and Alaska Natives to 0.6 percent.

"(d) The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report on the progress made in each area of the Service toward meeting each of the objectives described in subsection (b).".

(c) DEFINITIONS.—Section 4 of the Act (25 U.S.C. 1603) is amended by adding at the end the following new subsections:

"(m) 'Service area' means the geographical area served by each area office.

"(n) 'Substance abuse' includes inhalant abuse.

"(o) 'FAE' means fetal alcohol effect.

"(p) 'FAS' means fetal alcohol syndrome.".

TITLE I—INDIAN HEALTH PROFESSIONALS

SEC. 101. PURPOSE.

Section 101 of the Act (25 U.S.C. 1611) is amended to read as follows:

"PURPOSE

"SEC. 101. The purpose of this title is to increase the number of Indians entering the health professions and to assure an adequate supply of health professionals to the Service, Indian tribes, tribal organizations, and urban Indian organizations involved in the provision of health care to Indian people.".

SEC. 102. HEALTH PROFESSIONS.

(a) RECRUITMENT PROGRAM.—Section 102(a) of the Act (25 U.S.C. 1612(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) identifying Indians with a potential for education or training in the health professions, including family medicine, internal medicine, pediatrics, obstetrics and gynecology, podiatric medicine, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, and environmental health and engineering, and encouraging and assisting them—

"(A) to enroll in courses of study in such professions; or

"(B) if they are not qualified to enroll in any such courses of study, to undertake such postsecondary education or training as may be required to qualify them for enrollment;";

(2) in paragraph (2)—

(A) by striking out "school" both places it appears and inserting in lieu thereof the following: "course of study"; and

(B) by striking out "clause (1)(A)" and inserting in lieu thereof the following: "paragraph (1)"; and

(3) in paragraph (3)—

(A) by striking out "Indians," and inserting in lieu thereof "Indians in,";

(B) by inserting a comma before "courses";

(C) by striking out ", in any school"; and

(D) by striking out "clause (1)(A)" and inserting in lieu thereof the following: "paragraph (1)".

(b) PREPARATORY SCHOLARSHIP PROGRAM.—Section 103 of the Act (25 U.S.C. 1613) is amended—

(1) by amending subsection (a)(2) to read as follows:

"(2) have demonstrated the capability to successfully complete courses of study in the health professions, including family medi-

cine, internal medicine, pediatrics, obstetrics and gynecology, podiatric medicine, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, or environmental health and engineering.";

(2) in subsection (b)(1), by inserting before the period at the end the following: "on a full-time basis (or the part-time equivalent thereof, as determined by the Secretary)";

(3) by amending subsection (b)(2) to read as follows:

"(2) Pregraduate education of any grantee leading to a baccalaureate degree in an approved course of study preparatory to a field of study specified in subsection (a)(2), such scholarship not to exceed 4 years (or the part-time equivalent thereof, as determined by the Secretary).";

(4) in subsection (c), by striking out "full time"; and

(5) by amending subsection (e) to read as follows:

"(e) The Secretary shall not deny scholarship assistance to an eligible applicant under this section solely by reason of such applicant's eligibility for assistance or benefits under any other Federal program.".

(c) HEALTH PROFESSIONS SCHOLARSHIPS.—Section 104 of the Act (25 U.S.C. 1613a) is amended—

(1) in subsection (a)—

(A) by striking out "Indian communities" and inserting in lieu thereof the following: "Indians, Indian tribes, tribal organizations, and urban Indian organizations";

(B) by striking out "full time" and inserting in lieu thereof the following: "full or part time"; and

(C) by striking out "of medicine" and all that follows through "social work" and inserting in lieu thereof the following: "and pursuing courses of study in the health professions, including family medicine, internal medicine, podiatric medicine, pediatrics, obstetrics and gynecology, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, or environmental health and engineering";

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by striking out "full time" and inserting in lieu thereof "full or part time"; and

(ii) by striking out "health profession school" and inserting in lieu thereof "course of study";

(B) in paragraph (3)—

(i) by striking "(3)" and inserting "(3)(A)";

(ii) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively; and

(iii) by inserting at the end the following new subparagraphs:

"(B) A recipient of an Indian Health Scholarship may, at the election of the recipient, meet the active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) by service in a program specified in subparagraph (A) that—

"(i) is located on the reservation of the tribe in which the recipient is enrolled; or

"(ii) serves the tribe in which the recipient is enrolled.

"(C) Subject to subparagraph (B), the Secretary, in making assignments of health professionals required to meet the active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m), shall give priority to assigning individuals to service in those programs specified in subparagraph (A) that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section."; and

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

"(4) In the case of an individual receiving a scholarship under this section who is enrolled part time in an approved course of study—

"(A) such scholarship shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

"(B) the period of obligated service specified in section 338A(f)(1)(B)(iv) of the Public Health Service Act (42 U.S.C. 254m(f)(1)(B)(iv)) shall be equal to the greater of—

"(i) the part-time equivalent of one year for each year for which the individual was provided a scholarship (as determined by the Secretary); or

"(ii) two years; and

"(C) the amount of the monthly stipend specified in section 338A(g)(1)(B) of the Public Health Service Act (42 U.S.C. 254m(g)(1)(B)) shall be reduced pro rata (as determined by the Secretary) based on the number of hours such student is enrolled.";

(3) by amending subsection (c) to read as follows:

"(c) The Secretary shall, acting through the Service, establish a Placement Office to develop and implement a national policy for the placement, to available vacancies within the Service, of health professionals required to meet the active duty service obligation prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) without regard to any competitive personnel system, agency personnel limitation, or Indian preference policy."; and

(4) by striking out subsection (d).

(d) EFFECTIVE DATE.—The amendments made by subsection (c)(1)(C) and subsection (c)(2)(B) shall apply with respect to scholarships granted under section 104 of the Indian Health Care Improvement Act after the date of the enactment of this Act.

(e) EXTERN PROGRAM.—Section 105 of the Act (25 U.S.C. 1614) is amended—

(1) in subsection (a), by striking out "section 757 of the Public Health Service Act" and inserting in lieu thereof "section 104"; and

(2) in subsection (b), by striking out "school of medicine" and all that follows through "health professions" and inserting in lieu thereof "course of study in the health professions, including family medicine, internal medicine, podiatric medicine, pediatrics, obstetrics and gynecology, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, environmental health and engineering, or other health profession".

SEC. 103. BREACH OF CONTRACT PROVISIONS RELATING TO INDIAN HEALTH SCHOLARSHIPS.

Section 104(b) of the Act (25 U.S.C. 1613a(b)) (as amended by section 102(c) of this Act) is amended by adding at the end the following new paragraph:

"(5)(A) An individual who has, on or after the date of the enactment of this paragraph, entered into a written contract with the Secretary under this section and who—

"(i) fails to maintain an acceptable level of academic standing in the educational institution in which he is enrolled (such level determined by the educational institution under regulations of the Secretary),

"(ii) is dismissed from such educational institution for disciplinary reasons,

"(iii) voluntarily terminates the training in such an educational institution for which he is provided a scholarship under such contract before the completion of such training, or

"(iv) fails to accept payment, or instructs the educational institution in which he is enrolled not to accept payment, in whole or in part, of a scholarship under such contract,

in lieu of any service obligation arising under such contract, shall be liable to the United States for the amount which has been paid to him, or on his behalf, under the contract.

"(B) If for any reason not specified in subparagraph (A) an individual breaches his written contract by failing either to begin such individual's service obligation under this section or to complete such service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula specified in subsection (l) of section 108 in the manner provided for in such subsection.".

SEC. 104. NURSING.

(a) CONTINUING EDUCATION ALLOWANCES.—Section 106(a) of the Act (25 U.S.C. 1615(a)) is amended by inserting "nurses," after "dentists,".

(b) TRAINING FOR NURSE MIDWIVES AND NURSE PRACTITIONERS.—Section 112 of the Act (25 U.S.C. 1616e) is amended—

(1) in subsection (b)—

(A) at the end of paragraph (4), by striking out "or";

(B) in paragraph (5), by striking out the period at the end and inserting in lieu thereof ", or"; and

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

"(6) establish and develop clinics operated by nurses, nurse midwives, or nurse practitioners to provide primary health care services to Indians.".

(2) by amending subsection (f) to read as follows:

"(f) Beginning with fiscal year 1993, of the amounts appropriated under the authority of this title for each fiscal year to be used to carry out this section, not less than $1,000,000 shall be used to provide grants under subsection (a) for the training of nurse midwives and nurse practitioners.".

(c) RETENTION BONUS FOR NURSES.—Section 117 (25 U.S.C. 1616j) of the Act is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(2) by adding after subsection (a) the following new subsection (b):

"(b) Beginning with fiscal year 1993, not less than 25 percent of the retention bonuses awarded each year under subsection (a) shall be awarded to nurses."; and

(3) by amending subsection (f) (as amended by paragraph (1)) to read as follows:

"(f) The Secretary may pay a retention bonus to any physician or nurse employed by an organization providing health care services to Indians pursuant to a contract under the Indian Self-Determination Act if such physician or nurse is serving in a position which the Secretary determines is—

"(1) a position for which recruitment or retention is difficult; and

"(2) necessary for providing health care services to Indians.".

(d) RESIDENCY PROGRAM.—Title I of the Act is amended by adding at the end the following new section:

"NURSING RESIDENCY PROGRAM

"SEC. 118. (a) The Secretary, acting through the Service, shall establish a pro-

gram to enable licensed practical nurses, licensed vocational nurses, and registered nurses who are working in an Indian health program (as defined in section 108(a)(2)(A)), and have done so for a period of not less than one year, to pursue advanced training.

"(b) Such program shall include a combination of education and work study in an Indian health program (as defined in section 108(a)(2)(A)) leading up to an associate or bachelor's degree (in the case of a licensed practical nurse or licensed vocational nurse) or a bachelor's degree (in the case of a registered nurse).

"(c) An individual who participates in a program under subsection (a), where the educational costs are borne by the Service, shall incur an obligation to serve in an Indian health program for a period of obligated service equal to at least three times the period of time during which the individual participates in such program. In the event that the individual fails to complete such obligated service, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula specified in subsection (l) of section 108 in the manner provided for in such subsection.".

SEC. 105. MAINTENANCE OF COMMUNITY HEALTH REPRESENTATIVE PROGRAM.

Section 107(b) of the Act (25 U.S.C. 1616(b)) is amended—

(1) in paragraph (2), in the material preceding subparagraph (A), by inserting "and maintain" after "develop";

(2) in paragraph (2)(B), by adding at the end the following: "with appropriate consideration given to lifestyle factors that have an impact on Indian health status, such as alcoholism, family dysfunction, and poverty,";

(3) in paragraphs (3) and (5), by striking out "develop" each place it appears and inserting in lieu thereof "maintain"; and

(4) in paragraph (4), by striking out "develop and".

SEC. 106. CHANGES TO INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM.

(a) ELIGIBILITY REQUIREMENTS.—Section 108 of the Act (25 U.S.C. 1616a(b)) is amended—

(1) in subsection (a)(1), by striking out "physicians," and all that follows through "professionals" and inserting in lieu thereof the following: "health professionals in family medicine, internal medicine, pediatrics, obstetrics and gynecology, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, environmental health and engineering and other health professions"; and

(2) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by amending clause (i) to read as follows:

"(i) in a course of study or program in an accredited institution, as determined by the Secretary, within any State and be scheduled to complete such course of study in the same year such individual applies to participate in such program; or"; and

(ii) in clause (ii), by striking out "medicine" and all that follows through "dentistry," and inserting in lieu thereof the following: "family medicine, internal medicine, pediatrics, obstetrics and gynecology, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, environmental health and engineering,";

(B) in paragraph (1)(B)—

(i) by inserting "and" at the end of clause (i), by striking out clause (ii), and by redesignating clause (iii) as clause (ii);

(ii) in clause (i), by striking out "medicine, osteopathy, dentistry," and inserting in lieu thereof the following: "family medicine, internal medicine, pediatrics, obstetrics and gynecology, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, environmental health and engineering,"; and

(iii) in clause (ii) (as redesignated by clause (i) of this subparagraph), by striking out "medicine, osteopathy, dentistry," and inserting in lieu thereof the following: "family medicine, internal medicine, pediatrics, obstetrics and gynecology, nursing, dentistry, mental health, osteopathy, optometry, pharmacy, psychology, public health, social work, environmental health and engineering,"; and

(C) in paragraph (2), by inserting "and" at the end of subparagraph (D), by striking out paragraphs (3) and (4), and by inserting after paragraph (2) the following:

"(3) submit to the Secretary an application for a contract described in subsection (f).".

(b) BECOMING A PARTICIPANT.—Paragraph (1) of section 108(e) (25 U.S.C. 1616a(e)) is amended to read as follows:

"(1) An individual becomes a participant in the Loan Repayment Program only upon the Secretary and the individual entering into a written contract described in subsection (f).".

(c) EXTENSION OF OBLIGATED SERVICE.—Paragraph (2)(A) of section 108(e) (25 U.S.C. 1616a(e)) is amended by inserting before the semicolon the following: ", including extensions resulting in an aggregate period of obligated service in excess of 4 years".

(d) CLARIFICATION REGARDING UNDERGRADUATE LOANS.—Paragraph (1) of section 108(g) (25 U.S.C. 1616a(g)) is amended in the matter preceding subparagraph (A) by striking out "loans received by the individual for—" and inserting in lieu thereof "loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—".

(e) PAYMENT.—Section 108(g)(2)(A) (25 U.S.C. 1616a(g)(2)(A)) is amended to read as follows:

"(2)(A) For each year of obligated service that an individual contracts to serve under subsection (f) the Secretary may pay up to $35,000 on behalf of the individual for loans described in paragraph (1). In making a determination of the amount to pay for a year of such service by an individual, the Secretary shall consider the extent to which each such determination—

"(i) affects the ability of the Secretary to maximize the number of contracts that can be provided under the Loan Repayment Program from the amounts appropriated for such contracts;

"(ii) provides an incentive to serve in Indian health programs with the greatest shortages of health professionals; and

"(iii) provides an incentive with respect to the health professional involved remaining in an Indian health program with such a health professional shortage, and continuing to provide primary health services, after the completion of the period of obligated service under the Loan Repayment Program.".

(f) TAX LIABILITY.—(1) Paragraph (3) of section 108(g) (25 U.S.C. 1616a(g)(3)) is amended to read as follows:

"(3) For the purpose of providing reimbursements for tax liability resulting from payments under paragraph (2) on behalf of an individual, the Secretary—

"(A) in addition to such payments, may make payments to the individual in an amount not less than 20 percent and not more than 39 percent of the total amount of loan repayments made for the taxable year involved; and

"(B) may make such additional payments as the Secretary determines to be appropriate with respect to such purpose.".

(2) The amendment made by paragraph (1) shall apply only with respect to contracts under section 108 of the Indian Health Care Improvement Act entered into on or after the date of enactment of this Act.

(g) STAFFING NEEDS.—Section 108(k) (25 U.S.C. 1616a(k)) is amended to read as follows:

"(k) The Secretary, in assigning individuals to serve in Indian health programs pursuant to contracts entered into under this section, shall—

"(1) ensure that the staffing needs of Indian health programs administered by any Indian tribe or tribal or health organization receive consideration on an equal basis with programs that are administered directly by the Service; and

"(2) give priority to assigning individuals to Indian health programs that have a need for health professionals to provide health care services as a result of individuals having breached contracts entered into under this section.".

(h) ANNUAL REPORT.—Subsection (n) of section 108 is amended to read as follows:

"(n) The Secretary shall submit to the President, for inclusion in each report required to be submitted to the Congress under section 801, a report concerning the previous fiscal year which sets forth—

"(1) the health professional positions maintained by the Service or by tribal or Indian organizations for which recruitment or retention is difficult;

"(2) the number of Loan Repayment Program applications filed with respect to each type of health profession;

"(3) the number of contracts described in subsection (f) that are entered into with respect to each health profession;

"(4) the amount of loan payments made under this section, in total and by health profession;

"(5) the number of scholarship grants that are provided under section 104 with respect to each health profession;

"(6) the amount of scholarship grants provided under section 104, in total and by health profession;

"(7) the number of providers of health care that will be needed by Indian health programs, by location and profession, during the three fiscal years beginning after the date the report is filed; and

"(8) the measures the Secretary plans to take to fill the health professional positions maintained by the Service or by tribes or tribal or Indian organizations for which recruitment or retention is difficult.".

SEC. 107. RECRUITMENT ACTIVITIES.

Section 109 of the Act (25 U.S.C. 1616b) is amended—

(1) by amending the heading to read as follows: "RECRUITMENT ACTIVITIES"; and

(2) by amending subsection (b) to read as follows:

"(b) The Secretary, acting through the Service, shall assign one individual in each area office to be responsible on a full-time basis for recruitment activities.".

SEC. 108. ADVANCED TRAINING AND RESEARCH.

Section 111 of the Act (25 U.S.C. 1616d) is amended—

(1) in subsection (b), by amending the last sentence to read as follows: "In such event, with respect to individuals entering the program after the date of the enactment of the

Indian Health Amendments of 1992, the United States shall be entitled to recover from such individual an amount to be determined in accordance with the formula specified in subsection (1) of section 108 in the manner provided for in such subsection."; and

(2) by striking out subsection (d).

SEC. 109. INMED PROGRAM.

Section 114(b) of the Act (25 U.S.C. 1616g(b)) is amended—

(1) by striking out "(b)" and inserting in lieu thereof "(b)(1)"; and

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

"(2) The Secretary shall provide one of the grants authorized under subsection (a) to a college or university to establish and maintain a program parallel to the INMED program for the nursing profession.

"(3) The Secretary shall provide one of the grants authorized under subsection (a) to a college or university to establish and maintain a program parallel to the INMED program for the mental health profession.".

SEC. 110. SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND.

Title I of the Act is amended by inserting after section 108 the following new section:

"SCHOLARSHIP AND LOAN REPAYMENT RECOVERY FUND

"SEC. 108A. (a) There is established in the Treasury of the United States a fund to be known as the Indian Health Scholarship and Loan Repayment Recovery Fund (hereafter in this section referred to as the 'Fund'). The Fund shall consist of such amounts as may be appropriated to the Fund under subsection (b). Amounts appropriated for the Fund shall remain available until expended.

"(b) For each fiscal year, there is authorized to be appropriated to the Fund an amount equal to the sum of—

"(1) the amount collected during the preceding fiscal year by the Federal Government pursuant to—

"(A) the liability of individuals under subparagraph (A) or (B) of section 104(b)(5) for the breach of contracts entered into under section 104; and

"(B) the liability of individuals under section 108(1) for the breach of contracts entered into under section 108; and

"(2) the aggregate amount of interest accruing during the preceding fiscal year on obligations held in the Fund pursuant to subsection (d) and the amount of proceeds from the sale or redemption of such obligations during such fiscal year.

"(c)(1) Amounts in the Fund and available pursuant to appropriation Acts may be expended by the Secretary, acting through the Service, to make payments to an Indian tribe or tribal organization administering a health care program pursuant to a contract entered into under the Indian Self-Determination Act—

"(A) to which a scholarship recipient under section 104 or a loan repayment program participant under section 108 has been assigned to meet the obligated service requirements pursuant to sections; and

"(B) that has a need for a health professional to provide health care services as a result of such recipient or participant having breached the contract entered into under section 104 or section 108.

"(2) An Indian tribe or tribal organization receiving payments pursuant to paragraph (1) may expend the payments to recruit and employ, directly or by contract, health professionals to provide health care services.

"(d)(1) The Secretary of the Treasury shall invest such amounts of the Fund as such Secretary determines are not required to meet current withdrawals from the Fund. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

"(2) Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.".

SEC. 111. COMMUNITY HEALTH AIDE PROGRAM.

Title I of the Act (as amended by section 104 of this Act) is amended by adding at the end the following new section:

"COMMUNITY HEALTH AIDE PROGRAM FOR ALASKA

"SEC. 119. (a) Under the authority of the Act of November 2, 1921 (25 U.S.C. 13), popularly known as the Snyder Act, the Secretary shall maintain a Community Health Aide Program in Alaska under which the Service—

"(1) provides for the training of Alaska Natives as health aides;

"(2) uses such aides in the provision of health care, health promotion, and disease prevention services to Alaska Natives living in villages in rural Alaska; and

"(3) provides for the establishment of teleconferencing capacity in health clinics located in or near such villages for use by community health aides.

"(b) The Secretary, acting through the Community Health Aide Program of the Service, shall—

"(1) using trainers accredited by the Program, provide a high standard of training to community health aides to ensure that such aides provide quality health care, health promotion, and disease prevention services to the villages served by the Program;

"(2) in order to provide such training, develop a curriculum that—

"(A) combines education in the theory of health care with supervised practical experience in the provision of health care;

"(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities; and

"(C) promotes the achievement of the health status objectives specified in section 3(b);

"(3) establish and maintain a Community Health Aide Certification Board to certify as community health aides individuals who have successfully completed the training described in paragraph (1) or can demonstrate equivalent experience;

"(4) develop and maintain a system which identifies the needs of community health aides for continuing education in the provision of health care, including the areas described in paragraph (2)(B), and develop programs that meet the needs for such continuing education;

"(5) develop and maintain a system that provides close supervision of community health aides; and

"(6) develop a system under which the work of community health aides is reviewed and evaluated to assure the provision of quality health care, health promotion, and disease prevention services.".

SEC. 112. TRIBAL HEALTH PROGRAM ADMINISTRATION.

Title I of the Act (as amended by section 111 of this Act) is amended by adding at the end the following new section:

"TRIBAL HEALTH PROGRAM ADMINISTRATION

"SEC. 120. The Secretary shall, by contract or otherwise, provide training for individuals in the administration and planning of tribal health programs.".

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title I of the Act (as amended by section 112 of this Act) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 121. There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Title I of the Act is amended—

(1) in section 102, by striking out subsection (c);

(2) in section 105, by striking out subsection (d);

(3) in section 106 (as amended by section 104(a) of this Act), by striking out "(a)" and by striking out subsection (b);

(4) in section 108, by striking out subsection (o);

(5) in section 110, by striking out subsection (c);

(6) in section 113, by striking out subsection (c);

(7) in section 114, by striking out subsection (e);

(8) in section 115, by striking out subsection (f); and

(9) in section 116, by striking out subsection (e).

TITLE II—HEALTH SERVICES

SEC. 201. INDIAN HEALTH CARE IMPROVEMENT FUND.

(a) IN GENERAL.—Section 201 of the Act (25 U.S.C. 1621) is amended—

(1) in subsection (a)—

(A) in the material preceding paragraph (1), by striking out "subsection (h)" and inserting in lieu thereof "this section";

(B) by amending paragraph (1) to read as follows:

"(1) eliminating the deficiencies in health status and resources of all Indian tribes,"; and

(C) in paragraph (4), in the material preceding subparagraph (A)—

(i) by inserting after "responsibilities" the following: ", either through direct or contract care or through contracts entered into pursuant to the Indian Self-Determination Act,"; and

(ii) by striking out "resources deficiency" and inserting in lieu thereof the following: "status and resource deficiencies";

(2) in subsection (b)—

(A) in paragraph (1), by striking out "subsection (h)" and inserting in lieu thereof "this section";

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2)(A) (as redesignated by subparagraph (B))—

(i) by striking out "subsection (h)" and inserting in lieu thereof "this section";

(ii) in the first sentence, by striking out "but such allocation" through "met";

(iii) in the second sentence—

(I) by striking out "(in accordance with paragraph (2))"; and

(II) by striking out "raise the deficiency level" and inserting in lieu thereof the following: "reduce the health status and resource deficiency"; and

(D) in paragraph (2)(B) (as redesignated by subparagraph (B)), by inserting after "consultation with" the following: ", and with the active participation of,";

(3) in subsection (c)—

(A) by striking out paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(B) by amending paragraph (1) (as redesignated by subparagraph (A) above) to read as follows:

"(1) The term 'health status and resource deficiency' means the extent to which—

"(A) the health status objectives set forth in section 3(b) are not being achieved; and

"(B) the Indian tribe does not have available to it the health resources it needs."; and

(C) in paragraph (3) (as redesignated by subparagraph (A) above)—

(i) by striking out "Under regulations, the" and inserting in lieu thereof "The"; and

(ii) by striking out "health resources deficiency level" and inserting in lieu thereof "extent of the health status and resource deficiency";

(4) in subsection (d)(1), by striking out "subsection (h)" and inserting in lieu thereof "this section";

(5) in subsection (e)—

(A) in the material preceding paragraph (1)—

(i) by striking out "60 days" and inserting in lieu thereof "3 years";

(ii) by striking out "Indian Health Care Amendments of 1988" and inserting in lieu thereof "Indian Health Amendments of 1992"; and

(iii) by striking out "health services priority system" and inserting in lieu thereof "health status and resource deficiency";

(B) in paragraph (1), by striking out "health resources deficiencies" and inserting in lieu thereof "health status and resource deficiencies";

(C) in paragraph (2), by striking out "the level of health resources deficiency for" and inserting in lieu thereof the following: "the extent of the health status and resource deficiency of";

(D) in paragraph (3), by striking "raise all" and all that follows through the semicolon and insert in lieu thereof the following: "eliminate the health status and resource deficiencies of all Indian tribes served by the Service; and"; and

(E) by striking out paragraphs (4) and (5) and redesignating paragraph (6) as paragraph (4); and

(6) in subsection (f), by striking out "(f)(1)" and all that follows through the paragraph designation for paragraph (2) and inserting in lieu thereof "(f)".

(b) EFFECTIVE DATE.—Except with respect to the amendments made by subsection (a)(5), the amendments made by subsection (a) shall take effect three years after the date of the enactment of this Act. The amendments made by subsection (a)(5) shall take effect upon the date of the enactment of this Act.

(c) TECHNICAL AMENDMENT.—The heading for section 201 of the Act (25 U.S.C. 1621) is amended to read as follows:

"INDIAN HEALTH CARE IMPROVEMENT FUND".

SEC. 202. CATASTROPHIC HEALTH EMERGENCY FUND.

Section 202 of the Act (25 U.S.C. 1621a) is amended—

(1) in subsection (a)(1)(B), by striking out "under subsection (e)" and inserting in lieu thereof "to the Fund under this section";

(2) in subsection (b)(2), by striking out "shall establish at not less than $10,000 or not more than $20,000;" and inserting in lieu thereof the following: "shall establish at—

"(A) for 1992, not less than $15,000 or not more than $25,000; and

"(B) for any subsequent year, not less than the threshold cost of the previous year increased by the percentage increase in the medical care expenditure category of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with December of the previous year;"; and

(3) in subsection (c), by striking out "Funds appropriated under subsection (e)" and inserting in lieu thereof "Amounts appropriated to the Fund under this section".

SEC. 203. HEALTH PROMOTION AND DISEASE PREVENTION.

Section 203 of the Act (25 U.S.C. 1621b) is amended—

(1) in subsection (a), by inserting before the period at the end the following: "so as to achieve the health status objectives set forth in section 3(b)";

(2) in subsection (b), in the material preceding paragraph (1), by striking out "section 201(f)" and inserting in lieu thereof "section 801"; and

(3) by striking out subsection (c).

SEC. 204. DIABETES PREVENTION, TREATMENT, AND CONTROL.

Section 204 of the Act (25 U.S.C. 1621c) is amended—

(1) by amending subsection (c) to read as follows:

"(c)(1) The Secretary shall continue to maintain through fiscal year 2000 each model diabetes project in existence on the date of the enactment of the Indian Health Amendments of 1992 and located—

"(A) at the Claremore Indian Hospital in Oklahoma;

"(B) at the Fort Totten Health Center in North Dakota;

"(C) at the Sacaton Indian Hospital in Arizona;

"(D) at the Winnebago Indian Hospital in Nebraska;

"(E) at the Albuquerque Indian Hospital in New Mexico;

"(F) at the Perry, Princeton, and Old Town Health Centers in Maine;

"(G) at the Bellingham Health Center in Washington;

"(H) at the Fort Berthold Reservation;

"(I) at the Navajo Reservation;

"(J) at the Papago Reservation;

"(K) at the Zuni Reservation; or

"(L) in the States of Alaska, California, Minnesota, Montana, Oregon, or Utah.

"(2) The Secretary may establish new model diabetes projects under this section taking into consideration applications received under this section from all service areas, except that the Secretary may not establish a greater number of such projects in one service area than in any other service area until there is an equal number of such projects established with respect to all service areas from which the Secretary receives qualified applications during the application period (as determined by the Secretary).";

and

(2) in subsection (d)—

(A) in paragraph (2), by striking out "and" after the semicolon;

(B) in paragraph (3), by striking out the period and inserting in lieu thereof the following: "; and"; and

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

"(4) evaluate the effectiveness of services provided through model diabetes projects established under this section.".

SEC. 205. MENTAL HEALTH PREVENTION AND TREATMENT SERVICES.

Section 209 of the Act (25 U.S.C. 1621h) is amended—

(1) in subsection (j) (as redesignated by section 902(3)(B) of this Act), by striking out "submit to the Congress an annual report" and inserting in lieu thereof the following: "submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report"; and

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

"(l) LICENSING REQUIREMENT FOR MENTAL HEALTH CARE WORKERS.—Any person employed as a psychologist, social worker, or marriage and family therapist for the purpose of providing mental health care services to Indians in a clinical setting under the authority of this Act or through a contract pursuant to the Indian Self-Determination Act shall—

"(1) in the case of a person employed as a psychologist, be licensed as a clinical psychologist or working under the direct supervision of a licensed clinical psychologist;

"(2) in the case of a person employed as a social worker, be licensed as a social worker or working under the direct supervision of a licensed social worker; or

"(3) in the case of a person employed as a marriage and family therapist, be licensed as a marriage and family therapist or working under the direct supervision of a licensed marriage and family therapist.

"(m) INTERMEDIATE ADOLESCENT MENTAL HEALTH SERVICES.—(1) The Secretary, acting through the Service, may make grants to Indian tribes and tribal organizations to provide intermediate mental health services to Indian children and adolescents, including—

"(A) inpatient and outpatient services;

"(B) emergency care;

"(C) suicide prevention and crisis intervention; and

"(D) prevention and treatment of mental illness, and dysfunctional and self-destructive behavior, including child abuse and family violence.

"(2) Funds provided under this subsection may be used—

"(A) to construct or renovate an existing health facility to provide intermediate mental health services;

"(B) to hire mental health professionals;

"(C) to staff, operate, and maintain an intermediate mental health facility, group home, or youth shelter where intermediate mental health services are being provided; and

"(D) to make renovations and hire appropriate staff to convert existing hospital beds into adolescent psychiatric units.

"(3) Funds provided under this subsection may not be used for the purposes described in section 216(b)(1).

"(4) An Indian tribe or tribal organization receiving a grant under this subsection shall ensure that intermediate adolescent mental health services are coordinated with other tribal, Service, and Bureau of Indian Affairs mental health, alcohol and substance abuse, and social services programs on the reservation of such tribe or tribal organization.

"(5) The Secretary shall establish criteria for the review and approval of applications for grants made pursuant to this subsection.

"(6) There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.".

SEC. 206. NEW STUDIES AND DEMONSTRATION PROGRAM.

(a) HOSPICE CARE.—Title II of the Act is amended by inserting after section 204 the following:

"HOSPICE CARE FEASIBILITY STUDY

"SEC. 205. (a) The Secretary, acting through the Service and in consultation with representatives of Indian tribes, tribal organizations, Indian Health Service personnel, and hospice providers, shall conduct a study—

"(1) to assess the feasibility and desirability of furnishing hospice care to terminally ill Indians; and

"(2) to determine the most efficient and effective means of furnishing such care.

"(b) Such study shall—

"(1) assess the impact of Indian culture and beliefs concerning death and dying on the provision of hospice care to Indians;

"(2) estimate the number of Indians for whom hospice care may be appropriate and determine the geographic distribution of such individuals;

"(3) determine the most appropriate means to facilitate the participation of Indian tribes and tribal organizations in providing hospice care;

"(4) identify and evaluate various means for providing hospice care, including—

"(A) the provision of such care by the personnel of a Service hospital pursuant to a hospice program established by the Secretary at such hospital; and

"(B) the provision of such care by a community-based hospice program under contract to the Service; and

"(5) identify and assess any difficulties in furnishing such care and the actions needed to resolve such difficulties.

"(c) Not later than the date which is 12 months after the date of the enactment of this section, the Secretary shall transmit to the Congress a report containing—

"(1) a detailed description of the study conducted pursuant to this section; and

"(2) a discussion of the findings and conclusions of such study.

"(d) For the purposes of this section—

"(1) the term 'terminally ill' means any Indian who has a medical prognosis (as certified by a physician) of a life expectancy of six months or less; and

"(2) the term 'hospice program' means any program which satisfies the requirements of section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)); and

"(3) the term 'hospice care' means the items and services specified in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)).".

(b) MANAGED CARE.—Title II of the Act is amended by adding at the end the following new section:

"MANAGED CARE FEASIBILITY STUDY

"SEC. 210. (a) The Secretary, acting through the Service, shall conduct a study to assess the feasibility of allowing an Indian tribe to purchase, directly or through the Service, managed care coverage in circumstances where such tribe—

"(1) does not have an inpatient hospital located on the tribal reservation; and

"(2) is not located within close proximity to a Service hospital.

"(b) Not later than the date which is 12 months after the date of the enactment of this section, the Secretary shall transmit to the Congress a report containing—

"(1) a detailed description of the study conducted pursuant to this section; and

"(2) a discussion of the findings and conclusions of such study.".

(c) CONTRACT CARE.—Title II of the Act (as amended by subsection (b) of this Act) is amended by adding at the end the following new section:

"CALIFORNIA CONTRACT HEALTH SERVICES DEMONSTRATION PROGRAM

"SEC. 211. (a) The Secretary shall establish a demonstration program to evaluate the use of a contract care intermediary to improve the accessibility of health services to California Indians.

"(b)(1) In establishing such program, the Secretary shall enter into an agreement with the California Rural Indian Health Board to reimburse the Board for costs (including reasonable administrative costs) incurred, during the period of the demonstration program, in providing medical treatment under contract to California Indians described in section 809(b) throughout the California contract health services delivery area described in section 810 with respect to high-cost contract care cases.

"(2) Not more than 5 percent of the amounts provided to the Board under this section for any fiscal year may be for reimbursement for administrative expenses incurred by the Board during such fiscal year.

"(3) No payment may be made for treatment provided under the demonstration program to the extent payment may be made for such treatment under the Catastrophic Health Emergency Fund described in section 202 or from amounts appropriated or otherwise made available to the California contract health service delivery area for a fiscal year.

"(c) There is hereby established an advisory board which shall advise the California Rural Indian Health Board in carrying out the demonstration pursuant to this section. The advisory board shall be composed of representatives, selected by the California Rural Indian Health Board, from not less than 8 tribal health programs serving California Indians covered under such demonstration, at least one half of whom are not affiliated with the California Rural Indian Health Board.

"(d) The demonstration program described in this section shall begin on January 1, 1993, and shall terminate on September 30, 1997.

"(e) Not later than July 1, 1998, the California Rural Indian Health Board shall submit to the Secretary a report on the demonstration program carried out under this section, including a statement of its findings regarding the impact of using a contract care intermediary on—

"(1) access to needed health services;

"(2) waiting periods for receiving such services; and

"(3) the efficient management of high-cost contract care cases.

"(f) For the purposes of this section, the term 'high-cost contract care cases' means those cases in which the cost of the medical treatment provided to an individual—

"(1) would otherwise be eligible for reimbursement from the Catastrophic Health Emergency Fund established under section 202, except that the cost of such treatment does not meet the threshold cost requirement established pursuant to section 202(b)(2); and

"(2) exceeds $1,000.

"(g) There are authorized to be appropriated for each of the fiscal years 1993, 1994, 1995, 1996, and 1997 such sums as may be necessary to carry out the purposes of this section.".

SEC. 207. COVERAGE OF SCREENING MAMMOGRAPHY.

(a) IN GENERAL.—Title II of the Act (as amended by section 206(c) of this Act) is amended by adding at the end the following new section:

"COVERAGE OF SCREENING MAMMOGRAPHY

"SEC. 212. The Secretary, through the Service, shall provide for screening mammography (as defined in section 1861(jj) of the Social Security Act) for Indian and urban Indian women 35 years of age or older at a frequency, determined by the Secretary (in consultation with the Director of the National Cancer Institute), appropriate to such women, and under such terms and conditions as are consistent with standards established by the Secretary to assure the safety and accuracy of screening mammography under part B of title XVIII of the Social Security Act.".

(b) CONFORMING AMENDMENT.—Section 201(a)(4)(B) of the Act (25 U.S.C. 1621(a)(4)(B)) is amended by striking the semicolon at the end and inserting the following: ", including screening mammography in accordance with section 212;".

SEC. 208. PATIENT TRAVEL COSTS.

Title II of the Act (as amended by section 207 of this Act) is amended by adding at the end the following new section:

"PATIENT TRAVEL COSTS

"SEC. 213. (a) The Secretary, acting through the Service, shall provide funds for the following patient travel costs associated with receiving health care services provided (either through direct or contract care or through contracts entered into pursuant to the Indian Self-Determination Act) under this Act—

"(1) emergency air transportation; and

"(2) nonemergency air transportation where ground transportation is infeasible.

"(b) There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.".

SEC. 209. THIRD PARTY REIMBURSEMENT.

(a) RECOVERY BY INDIAN TRIBE.—Section 206 of the Act (25 U.S.C. 1621e) is amended—

(1) by inserting ", an Indian tribe, or a tribal organization" after "United States" each place it appears;

(2) in subsection (a), by inserting ", an Indian tribe, or a tribal organization" after "Service"; and

(3) in subsection (a) and subsection (e)(1)(A), by inserting ", an Indian tribe, or a tribal organization" after "Secretary" each place it appears.

(b) SPECIAL RULE WITH RESPECT TO SELF-INSURANCE PLAN.—Section 206 of the Act (25 U.S.C. 1621e) is amended—

(1) by striking "(a) The" and inserting the following: "(a) Except as provided in subsection (f), the"; and

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

"(f) The United States shall not have a right of recovery under this section if the injury, illness, or disability for which health services were provided is covered under a self-insurance plan funded by an Indian tribe or tribal organization.".

SEC. 210. EPIDEMIOLOGY CENTERS.

Title II of the Act (as amended by section 208 of this Act) is amended by adding at the end the following new section:

"EPIDEMIOLOGY CENTERS

"SEC. 214. (a) The Secretary shall establish an epidemiology center in each Service area to carry out the requirements of subsection (b).

"(b) In consultation with the Service, Indian tribes, and urban Indian communities, each area epidemiology center established under this section shall—

"(1) establish a methodology to define baseline data for each of the health status objectives specified in section 3(b);

"(2) determine the most effective way to establish and maintain a surveillance system for monitoring the progress made toward meeting each of the health status objectives described in section 3(b);

"(3) evaluate existing delivery systems, data systems, and other systems that impact

the improvement of Indian health and the resources available to deliver, monitor, or evaluate those systems;

"(4) develop methods to obtain, for the purpose of assessing Indian health, data on services provided to Indians—

"(A) by the Service;

"(B) under State plans for medical assistance under title XIX of the Social Security Act;

"(C) under title XVIII of the Social Security Act;

"(D) under medical programs of the Department of Veterans Affairs; and

"(E) under private insurance systems;

"(5) assist tribes and urban Indian communities in identifying their highest priority health status objectives and the services needed to achieve such objectives, based on epidemiological data;

"(6) make recommendations for the targeting of services needed by tribal, urban, and other Indian communities;

"(7) make recommendations to improve health care delivery systems for Indians and urban Indians;

"(8) work cooperatively with tribal providers of health and social services in order to avoid duplication of existing services; and

"(9) provide technical assistance to Indian tribes and urban Indian organizations located in the service area in the development of local health service priorities and incidence and prevalence rates of disease and other illness in the community.

"(c) The director of the Centers for Disease Control shall provide technical assistance to the centers in carrying out the requirements of this section.

"(d) The Service shall assign one epidemiologist from each of its area offices to each area epidemiology center to provide such center with technical assistance necessary to carry out this section.

"(e) The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report on the extent to which the area epidemiology centers established under this section have aided in assessing the progress made toward meeting the health status objectives specified in section 3(b).".

SEC. 211. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

Title II of the Act (as amended by section 210 of this Act) is amended by adding at the end the following new section:

"COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS

"SEC. 215. (a) The Secretary, acting through the Service and in consultation with the Secretary of the Interior, may award grants to Indian tribes to develop comprehensive school health education programs for children from preschool through grade 12 in schools located on Indian reservations.

"(b) Grants awarded under this section may be used to—

"(1) develop health education curricula;

"(2) train teachers in comprehensive school health education curricula;

"(3) integrate school-based, community-based, and other public and private health promotion efforts;

"(4) encourage healthy, tobacco-free school environments;

"(5) coordinate school-based health programs with existing services and programs available in the community;

"(6) develop school programs on nutrition education, personal health, and fitness;

"(7) develop mental health wellness programs;

"(8) develop chronic disease prevention programs;

"(9) develop substance abuse prevention programs;

"(10) develop accident prevention and safety education programs;

"(11) develop activities for the prevention and control of communicable diseases; and

"(12) develop community and environmental health education programs.

"(c) The Secretary shall provide technical assistance to Indian tribes in the development of health education plans, and the dissemination of health education materials and information on existing health programs and resources.

"(d) The Secretary shall establish criteria for the review and approval of applications for grants made pursuant to this section.

"(e) Recipients of grants under this section shall submit to the Secretary an annual report on activities undertaken with funds provided under this section. Such reports shall include a statement of—

"(1) the number of preschools, elementary schools, and secondary schools served;

"(2) the number of students served;

"(3) any new curricula established with funds provided under this section;

"(4) the number of teachers trained in the health curricula; and

"(5) the involvement of parents, members of the community, and community health workers in programs established with funds provided under this section.

"(f)(1) The Secretary of the Interior, acting through the Bureau of Indian Affairs and in cooperation with the Secretary, shall develop a comprehensive school health education program for children from preschool through grade 12 in schools operated by the Bureau of Indian Affairs.

"(2) Such program shall include—

"(A) school programs on nutrition education, personal health, and fitness;

"(B) mental health wellness programs;

"(C) chronic disease prevention programs;

"(D) substance abuse prevention programs;

"(E) accident prevention and safety education programs; and

"(F) activities for the prevention and control of communicable diseases.

"(3) The Secretary of the Interior shall—

"(A) provide training to teachers in comprehensive school health education curricula;

"(B) ensure the integration and coordination of school-based programs with existing services and health programs available in the community; and

"(C) encourage healthy, tobacco-free school environments.

"(g) There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.".

SEC. 212. INDIAN YOUTH GRANT PROGRAM.

Title II of the Act (as amended by section 211 of this Act) is amended by adding at the end the following new section:

"INDIAN YOUTH GRANT PROGRAM

"SEC. 216. (a) The Secretary, acting through the Service, is authorized to make grants to Indian tribes, tribal organizations, and urban Indian organizations for innovative mental and physical disease prevention and health promotion and treatment programs for Indian preadolescent and adolescent youths.

"(b)(1) Funds made available under this section may be used to—

"(A) develop prevention and treatment programs for Indian youth which promote mental and physical health and incorporate cultural values, community and family involvement, and traditional healers; and

"(B) develop and provide community training and education.

"(2) Funds made available under this section may not be used to provide services described in section 209(m).

"(c) The Secretary shall—

"(1) disseminate to Indian tribes information regarding models for the delivery of comprehensive health care services to Indian and urban Indian adolescents;

"(2) encourage the implementation of such models; and

"(3) at the request of an Indian tribe, provide technical assistance in the implementation of such models.

"(d) The Secretary shall establish criteria for the review and approval of applications under this section.

"(e) There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.".

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title II of the Act (as amended by section 212 of this Act) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 217. Except as provided in sections 209(m), 211, 213, 215, and 216, there are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Title II of the Act is amended—

(1) in section 201(h), by striking out the first sentence and striking out "subsection" and inserting in lieu thereof "section".

(2) in section 202—

(A) by striking out subsection (e);

(B) in subsection (a)(1)(B), by striking out "under subsection (e)" and inserting "to the Fund under this section"; and

(C) in subsection (c), by striking out "Funds appropriated under subsection (e)" and inserting "Amounts appropriated to the Fund under this section";

(3) in section 204(e), by striking out the first sentence and striking out "subsection (c)" and inserting in lieu thereof "this section"; and

(4) in section 209 (as amended by section 902(3)(B) of this Act)—

(A) by striking out subsections (c)(5), (d)(6), (f)(4), and (g)(5);

(B) in subsection (h)—

(i) by striking out paragraph (2) and by striking out "(1)";

(ii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(iii) by striking out "subparagraph (A)" and inserting "paragraph (1)"; and

(iv) by striking out "subparagraph (B)" and inserting "paragraph (2)";

(C) in subsection (i), by striking out paragraph (2) and by striking out "(1)";

(D) in subsection (d)(3)(B), by striking out "this subsection" and inserting in lieu thereof "this section"; and

(E) in subsection (k)(6), by striking out the first sentence and in the second sentence by striking out "subsection" and inserting in lieu thereof "section".

TITLE III—HEALTH FACILITIES

SEC. 301. HEALTH FACILITIES CLOSURE AND PRIORITIES.

Section 301 of the Act (25 U.S.C. 1631) is amended—

(1) in subsection (b)(1)—

(A) in the material preceding subparagraph (A), by striking out "other" before "outpatient";

(B) by striking out "and" at the end of subparagraph (D);

(C) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof a semicolon; and

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

"(F) the level of utilization of such hospital or facility by all eligible Indians; and

"(G) the distance between such hospital or facility and the nearest operating Service hospital.";

(2) by striking out subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively;

(3) in subsection (c)(1) (as redesignated by paragraph (2) of this subsection), by amending the material preceding subparagraph (A) to read as follows—

"(c)(1) The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report which sets forth—"; and

(4) by striking out paragraph (2) of subsection (c) (as redesignated by paragraph (2)) and redesignating paragraphs (3), (4), and (5) of such subsection as paragraphs (2), (3), and (4), respectively.

SEC. 302. SAFE WATER AND SANITARY WASTE DISPOSAL FACILITIES.

Section 302 of the Act (25 U.S.C. 1632) is amended—

(1) by amending subsection (e) to read as follows:

"(e)(1) The Secretary is authorized to provide financial assistance to Indian tribes and communities in an amount equal to the Federal share of the costs of operating, managing, and maintaining the facilities provided under the plan described in subsection (c).

"(2) For the purposes of paragraph (1), the term 'Federal share' means 80 percent of the costs described in paragraph (1).

"(3) With respect to Indian tribes with fewer than 1,000 enrolled members, the non-Federal portion of the costs of operating, managing, and maintaining such facilities may be provided, in part, through cash donations or in kind property, fairly evaluated.";

(2) in subsection (f)(1), by striking out "subsection (h)" and inserting in lieu thereof "this section"; and

(3) in subsection (g)—

(A) in paragraph (1), by striking out "The Secretary" through "report" and inserting in lieu thereof the following: "The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report"; and

(B) by striking out paragraph (2) and redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

SEC. 303. AMBULATORY CARE FACILITIES GRANT PROGRAM.

Section 306 of the Act (25 U.S.C. 1636) is amended to read as follows:

"GRANT PROGRAM FOR THE CONSTRUCTION, EXPANSION, AND MODERNIZATION OF SMALL AMBULATORY CARE FACILITIES

"SEC. 306. (a)(1) The Secretary, acting through the Service, shall make grants to tribes and tribal organizations for the construction, expansion, or modernization of facilities for the provision of ambulatory care services to eligible Indians (and noneligible persons as provided in subsection (c)(1)(C)). A grant made under this section may cover up to 100 percent of the costs of such construction, expansion, or modernization. For the purposes of this section, the term 'construction' includes the replacement of an existing facility.

"(2) A grant under paragraph (1) may only be made to a tribe or tribal organization operating an Indian health facility (other than a facility owned or constructed by the Service, including a facility originally owned or constructed by the Service and transferred to a tribe or tribal organization) pursuant to a contract entered into under the Indian Self-Determination Act.

"(b)(1) A grant provided under this section may be used only for the construction, expansion, or modernization (including the planning and design of such construction, expansion, or modernization) of an ambulatory care facility—

"(A) located apart from a hospital;

"(B) not funded under section 301 or section 307; and

"(C) which, upon completion of such construction, expansion, or modernization will—

"(i) have a total capacity appropriate to its projected service population;

"(ii) serve no less than 500 eligible Indians annually; and

"(iii) provide ambulatory care in a service area (specified in the contract entered into under the Indian Self-Determination Act) with a population of not less than 2,000 eligible Indians.

"(2) The requirements of clauses (ii) and (iii) of paragraph (1)(C) shall not apply to a tribe or tribal organization applying for a grant under this section whose tribal government offices are located—

"(A) on an island; and

"(B) more than 75 miles from the tribal government offices of the nearest other Indian tribe.

"(c)(1) No grant may be made under this section unless an application for such a grant has been submitted to and approved by the Secretary. An application for a grant under this section shall be submitted in such form and manner as the Secretary shall by regulation prescribe and shall set forth reasonable assurance by the applicant that, at all times after the construction, expansion, or modernization of a facility carried out pursuant to a grant received under this section—

"(A) adequate financial support will be available for the provision of services at such facility;

"(B) such facility will be available to eligible Indians without regard to ability to pay or source of payment; and

"(C) such facility will, as feasible without diminishing the quality or quantity of services provided to eligible Indians, serve noneligible persons on a cost basis.

"(2) In awarding grants under this section, the Secretary shall give priority to tribes and tribal organizations that demonstrate—

"(A) a need for increased ambulatory care services; and

"(B) insufficient capacity to deliver such services.

"(d) If any facility (or portion thereof) with respect to which funds have been paid under this section, ceases, at any time after completion of the construction, expansion, or modernization carried out with such funds, to be utilized for the purposes of providing ambulatory care services to eligible Indians, all of the right, title, and interest in and to such facility (or portion thereof) shall transfer to the United States.".

SEC. 304. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT.

(a) AWARDING OF GRANTS.—Section 307 of the Act (25 U.S.C. 1637) is amended—

(1) in subsection (a), by striking "The Secretary" and inserting "Subject to subsection (c)(3), the Secretary"; and

(2) in subsection (c)(3), by amending subparagraph (B) to read as follows:

"(B) Beginning October 1, 1994, the Secretary may enter into contracts or award grants under this section taking into consideration applications received under this section from all service areas. In entering into such contracts and awarding such grants, the Secretary shall give priority to service units identified in subparagraph (A) that meet the criteria specified in paragraph (1) and that have not received funding under this section. The Secretary may not award a greater number of such contracts or grants in one service area than in any other service area until there is an equal number of such contracts or grants awarded with respect to all service areas from which the Secretary receives applications during the application period (as determined by the Secretary) which meet the criteria specified in paragraph (1).".

(b) REPORTS.—Section 307(h) of the Act (25 U.S.C. 1637(h)) is amended to read as follows:

"(h)(1) The Secretary shall submit to the President, for inclusion in the report which is required to be submitted to the Congress under section 801 for fiscal year 1997, an interim report on the findings and conclusions derived from the demonstration projects established under this section.

"(2) The Secretary shall submit to the President, for inclusion in the report which is required to be submitted to the Congress under section 801 for fiscal year 1999, a final report on the findings and conclusions derived from the demonstration projects established under this section, together with legislative recommendations.".

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title III of the Act is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 308. There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Title III of the Act is amended—

(1) in section 302, by striking out subsection (h); and

(2) in section 307, by striking out subsection (i).

TITLE IV—ACCESS TO HEALTH SERVICES

SECTION 401. TREATMENT OF PAYMENTS TO INDIAN HEALTH SERVICE FACILITIES UNDER MEDICARE AND MEDICAID PROGRAMS.

(a) MEDICARE PROGRAM.—Section 401 of the Act (42 U.S.C. 1395qq note) is amended to read as follows:

"TREATMENT OF PAYMENTS UNDER MEDICARE PROGRAM

"SEC. 401. (a) Any payments received by a hospital or skilled nursing facility of the Service for services provided to Indians eligible for benefits under title XVIII of the Social Security Act shall not be considered in determining appropriations for health care and services to Indians.

"(b) Nothing in this Act authorizes the Secretary to provide services to an Indian beneficiary with coverage under title XVIII of the Social Security Act, as amended, in preference to an Indian beneficiary without such coverage.".

(b) MEDICAID PROGRAM.—(1) Section 402 of the Act is amended to read as follows:

"TREATMENT OF PAYMENTS UNDER MEDICAID PROGRAM

"SEC. 402. (a) Notwithstanding any other provision of law, payments to which any fa-

cility of the Service (including a hospital, nursing facility, immediate care facility for the mentally retarded, or any other type of facility which provides services for which payment is available under title XIX of the Social Security Act) is entitled under a State plan by reason of section 1911 of such Act shall be placed in a special fund to be held by the Secretary and used by him (to such extent or in such amounts as are provided in appropriation Acts) exclusively for the purpose of making any improvements in the facilities of such Service which may be necessary to achieve compliance with the applicable conditions and requirements of such title. In making payments from such fund, the Secretary shall ensure that each service unit of the Service receives at least 80 percent of the amounts to which the facilities of the Service, for which such service unit makes collections, are entitled by reason of section 1911 of the Social Security Act.

"(b) Any payments received by such facility for services provided to Indians eligible for benefits under title XIX of the Social Security Act shall not be considered in determining appropriations for the provision of health care and services to Indians.".

(2) The increase (from 50 percent) in the percentage of the payments from the fund to be made to each service unit of the Service specified in the amendment made by paragraph (1) shall take effect beginning with payments made on January 1, 1993.

SEC. 402. REPORT.

Section 403 of the Act (25 U.S.C. 1671 note) is amended by striking out "The Secretary" and all that follows through "section 701" and inserting in lieu thereof the following: "The Secretary shall submit to the President, for inclusion in the report required to be transmitted to the Congress under section 801,".

SEC. 403. GRANTS TO AND CONTRACTS WITH TRIBAL ORGANIZATIONS.

Section 404(b)(4) of the Act (25 U.S.C. 1622) is amended to read as follows:

"(4) develop and implement—

"(A) a schedule of income levels to determine the extent of payments of premiums by such organizations for coverage of needy individuals; and

"(B) methods of improving the participation of Indians in receiving the benefits provided under titles XVIII and XIX of the Social Security Act.".

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title IV of the Act is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 406. There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Section 404 of the Act is amended by striking out subsection (c).

TITLE V—HEALTH SERVICES FOR URBAN INDIANS

SEC. 501. GRANT AUTHORITY.

(a) IN GENERAL.—Section 502 of the Act (25 U.S.C. 1652) is amended—

(1) by striking "contracts with" and inserting the following: "contracts with, or make grants to,";

(2) by inserting after "enters into with" the following: ", or in any grant the Secretary makes to,"; and

(3) by amending the heading to read as follows:

"CONTRACTS WITH, AND GRANTS TO, URBAN INDIAN ORGANIZATIONS".

(b) CONFORMING AMENDMENTS.—(1) Section 503 of the Act (25 U.S.C. 1653) is amended—

(A) in subsection (a), in the material preceding paragraph (1)—

(i) by inserting ", or make grants to," after "contracts with"; and

(ii) by inserting "or grant" after "such contract";

(B) in subsection (b)—

(i) in the material preceding paragraph (1), by inserting "or receive grants" after "enter into contracts"; and

(ii) in paragraph (5), by inserting "or to meet the requirements for receiving a grant" after "Secretary";

(C) in subsection (c)(1), by inserting before the period at the end the following: "or receiving grants under subsection (a)";

(D) in subsection (d)(1), by inserting before the period at the end the following: "or receiving grants under subsection (a)";

(E) in subsection (e)(1), by inserting before the period at the end the following: "or receiving grants under subsection (a)";

(F) in subsection (f), by inserting "or receiving grants under subsection (a)" after "this section"; and

(G) by amending the heading to read as follows:

"CONTRACTS AND GRANTS FOR THE PROVISION OF HEALTH CARE AND REFERRAL SERVICES".

(2) Section 504 of the Act (25 U.S.C. 1654) is amended—

(A) by striking "SEC. 504." and all that follows through the end of subsection (a) and inserting the following:

"SEC. 504. (a) Under authority of the Act of November 2, 1921 (25 U.S.C. 13), popularly known as the Snyder Act, the Secretary, through the Service, may enter into contracts with, or make grants to, urban Indian organizations situated in urban centers for which contracts have not been entered into, or grants have not been made, under section 503. The purpose of a contract or grant made under this section shall be the determination of the matters described in subsection (b)(1) in order to assist the Secretary in assessing the health status and health care needs of urban Indians in the urban center involved and determining whether the Secretary should enter into a contract or make a grant under section 503 with respect to the urban Indian organization which the Secretary has entered into a contract with, or made a grant to, under this section.";

(B) in subsection (b)—

(i) in the material preceding paragraph (1), by inserting ", or grant made," after "contract entered into"; and

(ii) in paragraph (2), by striking "within one year" and all that follows through the period at the end and inserting the following: ", or carry out the requirements of the grant, within one year after the date on which the Secretary and such organization enter into such contract, or within one year after such organization receives such grant, whichever is applicable.";

(C) in subsection (c), by inserting ", or grant made," after "entered into"; and

(D) by amending the heading to read as follows:

"CONTRACTS AND GRANTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS".

(3) Section 505 of the Act (25 U.S.C. 1655) is amended—

(A) in subsection (a), by inserting "compliance with grant requirements under this title and" before "compliance with,";

(B) in subsection (b)—

(i) by inserting "or received a grant" after "entered into a contract"; and

(ii) by inserting before the period at the end the following: "or the terms of such grant";

(C) in subsection (c)—

(i) by inserting "the requirements of a grant or complied with" after "complied with";

(ii) by inserting "or grant" after "such contract" each place it appears";

(iii) by inserting "or make a grant" after "enter into a contract"; and

(iv) by inserting "or grant" after "whose contract";

(D) in subsection (d), by inserting "or grant" after "a contract" each place it appears; and

(E) by amending the heading to read as follows:

"EVALUATIONS; RENEWALS".

(4) Section 506 of the Act (25 U.S.C. 1656) is amended—

(A) in subsection (b), by inserting "or grants" after "any contracts";

(B) in subsection (d), by inserting "or grant" after "contract" each place it appears;

(C) in subsection (e)—

(i) by inserting ", or grants to," after "Contracts with"; and

(ii) by inserting "or grants" after "such contracts"; and

(D) by amending the heading to read as follows:

"OTHER CONTRACT AND GRANT REQUIREMENTS".

(5) Section 507 of the Act (25 U.S.C. 1657) is amended—

(A) in subsection (a)—

(i) in the material preceding paragraph (1), by inserting ", or a grant received," after "entered into"; and

(ii) in paragraphs (1) and (2), by inserting "or grant" after "contract" each place it appears; and

(B) in subsections (b) and (c), by inserting "or grant" after "contract" each place it appears.

(6) Section 509 of the Act (25 U.S.C. 1659) (as amended by section 902(5)(A) of this Act) is amended by inserting "or grant recipients" after "contractors" each place it appears.

SEC. 502. ALCOHOL AND SUBSTANCE ABUSE.

(a) AUTHORIZATION.—Title V of the Act is amended by inserting after section 510 (as redesignated by section 902(5)(B) of this Act) the following new section:

"GRANTS FOR ALCOHOL AND SUBSTANCE ABUSE RELATED SERVICES

"SEC. 511. (a) GRANTS.—The Secretary may make grants for the provision of health-related services in prevention of, treatment of, rehabilitation of, or school and community-based education in, alcohol and substance abuse in urban centers to those urban Indian organizations with whom the Secretary has entered into a contract under this title.

"(b) GOALS OF GRANT.—Each grant made pursuant to subsection (a) shall set forth the goals to be accomplished pursuant to the grant. The goals shall be specific to each grant as agreed to between the Secretary and the grantee.

"(c) CRITERIA.—The Secretary shall establish criteria for the grants made under subsection (a), including criteria relating to the—

"(1) size of the urban Indian population;

"(2) accessibility to, and utilization of, other health resources available to such population;

"(3) duplication of existing Service or other Federal grants or contracts;

"(4) capability of the organization to adequately perform the activities required under the grant;

"(5) satisfactory performance standards for the organization in meeting the goals set forth in such grant, which standards shall be negotiated and agreed to between the Secretary and the grantee on a grant-by-grant basis; and

"(6) identification of need for services.

"The Secretary shall develop a methodology for allocating grants made pursuant to this section based on such criteria.

"(d) TREATMENT OF FUNDS RECEIVED BY URBAN INDIAN ORGANIZATIONS.—Any funds received by an urban Indian organization under this Act for substance abuse prevention, treatment, and rehabilitation shall be subject to the criteria set forth in subsection (c).

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title V of the Act is amended by inserting after section 511 (as added by section 502 of this Act) the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 512. There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Title V of the Act (25 U.S.C. 1650 et seq.) is amended—

(1) in section 503—

(A) in subsection (c), by striking out "(c)(1)" and inserting "(c)" and by striking out paragraph (2);

(B) in subsection (d), by striking out paragraph (4);

(C) in subsection (e), by striking out paragraph (4); and

(D) in subsection (f), by striking out paragraph (5); and

(2) in section 509 (as redesignated by section 902(5)(A) of this Act), by striking out the last sentence.

TITLE VI—ORGANIZATIONAL IMPROVEMENTS

SEC. 601. INDIAN HEALTH SERVICE.

Section 601(c) of the Act (15 U.S.C. 1661(c)) is amended—

(1) in paragraph (2), by striking out "and" after the semicolon;

(2) in paragraph (3), by striking out the period at the end and inserting in lieu thereof "; and"; and

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

"(4) all scholarship and loan functions carried out under title I.".

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

Title VI of the Act (25 U.S.C. 1661 et seq.) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 603. There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this title.".

TITLE VII—SUBSTANCE ABUSE PROGRAMS

SEC. 701. REDESIGNATION OF EXISTING TITLE VII.

(a) TITLE HEADING.—Title VII of the Act (25 U.S.C. 1671 et seq.) is redesignated as title VIII and the title heading is amended to read as follows:

"TITLE VIII—MISCELLANEOUS"

(b) REDESIGNATION OF SECTIONS.—Sections 701 through 720 of the Act (25 U.S.C. 1671 et seq.) are hereby redesignated as sections 801 through 820, respectively.

(c) CONFORMING AMENDMENTS.—The Act is amended—

(1) in section 207(a), by striking out "section 713" and inserting in lieu thereof "section 813";

(2) in section 307(e), by striking out "section 713" and inserting in lieu thereof "section 813"; and

(3) in section 405(b)—

(A) in paragraph (1), by striking out "sections 402(c) and 713(b)(2)(A)" and inserting in lieu thereof "sections 402(a) and 813(b)(2)(A)"; and

(B) in paragraph (4), by striking out "section 402(c)" each place it appears and inserting in lieu thereof "section 402(a)".

(d) REFERENCES.—Any reference in a provision of law other than the Indian Health Care Improvement Act to sections redesignated by subsection (b) shall be deemed to refer to the section as so redesignated.

SEC. 702. SUBSTANCE ABUSE PROGRAMS.

(a) IN GENERAL.—The Act is amended by inserting after title VI the following new title:

"TITLE VII—SUBSTANCE ABUSE PROGRAMS

"INDIAN HEALTH SERVICE RESPONSIBILITIES

"SEC. 701. The Memorandum of Agreement entered into pursuant to section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) shall include specific provisions pursuant to which the Service shall assume responsibility for—

"(1) the determination of the scope of the problem of alcohol and substance abuse among Indian people, including the number of Indians within the jurisdiction of the Service who are directly or indirectly affected by alcohol and substance abuse and the financial and human cost;

"(2) an assessment of the existing and needed resources necessary for the prevention of alcohol and substance abuse and the treatment of Indians affected by alcohol and substance abuse; and

"(3) an estimate of the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected by alcohol and substance abuse.

"INDIAN HEALTH SERVICE PROGRAM

"SEC. 702. (a) COMPREHENSIVE PREVENTION AND TREATMENT PROGRAM.—(1) The Secretary, acting through the Service, shall provide a program of comprehensive alcohol and substance abuse prevention and treatment which shall include—

"(A) prevention, through educational intervention, in Indian communities;

"(B) acute detoxification and treatment;

"(C) community-based rehabilitation;

"(D) community education and involvement, including extensive training of health care, educational, and community-based personnel; and

"(E) residential treatment programs for pregnant and post partum women and their children.

"(2) The target population of such program shall be members of Indian tribes. Efforts to train and educate key members of the Indian community shall target employees of health, education, judicial, law enforcement, legal, and social service programs.

"(b) CONTRACT HEALTH SERVICES.—(1) The Secretary, acting through the Service, may enter into contracts with public or private providers of alcohol and substance abuse treatment services for the purpose of assisting the Service in carrying out the program required under subsection (a).

"(2) In carrying out this subsection, the Secretary shall provide assistance to Indian tribes to develop criteria for the certification of alcohol and substance abuse service providers and accreditation of service facilities which meet minimum standards for such services and facilities as may be determined pursuant to section 4205(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411(a)(3)).

"INDIAN WOMEN TREATMENT PROGRAMS

"SEC. 703. (a) The Secretary may make grants to Indian tribes and tribal organizations to develop and implement a comprehensive alcohol and substance abuse program of prevention, intervention, treatment, and relapse prevention services that specifically addresses the cultural, historical, social, and child care needs of Indian women, regardless of age.

"(b) Grants made pursuant to this section may be used to—

"(1) develop and provide community training, education, and prevention programs for Indian women relating to alcohol and substance abuse issues, including fetal alcohol syndrome and fetal alcohol effect;

"(2) identify and provide appropriate counseling, advocacy, support, and relapse prevention to Indian women and their families; and

"(3) develop prevention and intervention models for Indian women which incorporate traditional healers, cultural values, and community and family involvement.

"(c) The Secretary shall establish criteria for the review and approval of applications for grants under this section.

"(d)(1) There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

"(2) Twenty percent of the funds appropriated pursuant to this subsection shall be used to make grants to urban Indian organizations funded under title V.

"INDIAN HEALTH SERVICE YOUTH PROGRAM

"SEC. 704. (a) DETOXIFICATION AND REHABILITATION.—The Secretary shall develop and implement a program for acute detoxification and treatment for Indian youth who are alcohol and substance abusers. The program shall include regional treatment centers designed to include detoxification and rehabilitation for both sexes on a referral basis. These regional centers shall be integrated with the intake and rehabilitation programs based in the referring Indian community.

"(b) TREATMENT CENTERS OR FACILITIES.—(1) The Secretary shall construct, renovate, or, as necessary, purchase, and appropriately staff and operate, a youth regional treatment center in each area under the jurisdiction of an area office. For the purposes of this subsection, the area offices of the Service in Tucson and Phoenix, Arizona, shall be considered one area office and the area office in California shall be considered to be two area offices, one office whose jurisdiction shall be considered to encompass the northern area of the State of California, and one office whose jurisdiction shall be considered to encompass the remainder of the State of California.

"(2) For the purpose of staffing and operating such centers or facilities, funding shall be pursuant to the Act of November 2, 1921 (25 U.S.C. 13).

"(3) Notwithstanding any other provision of this title, the Secretary may, from amounts authorized to be appropriated for the purposes of carrying out this section, make funds available to—

"(A) the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating and maintaining a residential youth treatment facility in Fairbanks, Alaska; and

"(B) the Southeast Alaska Regional Health Corporation to staff and operate a residential youth treatment facility without regard to the proviso set forth in section 4(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)).

"(4) A youth treatment center constructed or purchased under this subsection shall be constructed or purchased at a location within the area described in paragraph (1) agreed upon (by appropriate tribal resolution) by a majority of the tribes to be served by such center.

"(c) FEDERALLY OWNED STRUCTURES.—

"(1) The Secretary, acting through the Service, shall, in consultation with Indian tribes—

"(A) identify and use, where appropriate, federally owned structures suitable as local residential or regional alcohol and substance abuse treatment centers for Indian youth; and

"(B) establish guidelines for determining the suitability of any such federally owned structure to be used as a local residential or regional alcohol and substance abuse treatment center for Indian youth.

"(2) Any structure described in paragraph (1) may be used under such terms and conditions as may be agreed upon by the Secretary and the agency having responsibility for the structure.

"(d) REHABILITATION AND AFTERCARE SERVICES.—

"(1) The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement within each Service service unit community-based rehabilitation and follow-up services for Indian youth who are alcohol or substance abusers which are designed to integrate long-term treatment and to monitor and support the Indian youth after their return to their home community.

"(2) Services under paragraph (1) shall be administered within each service unit by trained staff within the community who can assist the Indian youth in continuing development of self-image, positive problem-solving skills, and nonalcohol or substance abusing behaviors. Such staff shall include alcohol and substance abuse counselors, mental health professionals, and other health professionals and paraprofessionals, including community health representatives.

"(e) INCLUSION OF FAMILY IN YOUTH TREATMENT PROGRAM.—In providing the treatment and other services to Indian youth authorized by this section, the Secretary shall provide for the inclusion of family members of such youth in the treatment programs or other services as may be appropriate. Not less than 10 percent of the funds appropriated for the purposes of carrying out subsection (d) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.

"(f) MULTIDRUG ABUSE STUDY.—(1) The Secretary shall conduct a study to determine the incidence and prevalence of the abuse of multiple forms of drugs, including alcohol, among Indian youth residing on Indian reservations and in urban areas and the interrelationship of such abuse with the incidence of mental illness among such youth.

"(2) The Secretary shall submit a report detailing the findings of such study, together with recommendations based on such findings, to the Congress no later than two years after the date of the enactment of this section.

"TRAINING AND COMMUNITY EDUCATION

"SEC. 705. (a) COMMUNITY EDUCATION.—The Secretary, in cooperation with the Secretary of the Interior, shall develop and implement within each service unit a program of community education and involvement which shall be designed to provide concise and timely information to the community leadership of each tribal community. Such program shall include education in alcohol and substance abuse to political leaders, tribal judges, law enforcement personnel, members of tribal health and education boards, and other critical members of each tribal community.

"(b) TRAINING.—The Secretary shall, either directly or by contract, provide instruction in the area of alcohol and substance abuse, including instruction in crisis intervention and family relations in the context of alcohol and substance abuse, youth alcohol and substance abuse, and the causes and effects of fetal alcohol syndrome to appropriate employees of the Bureau of Indian Affairs and the Service, and to personnel in schools or programs operated under any contract with the Bureau of Indian Affairs or the Service, including supervisors of emergency shelters and halfway houses described in section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433).

"(c) COMMUNITY-BASED TRAINING MODELS.—In carrying out the education and training programs required by this section, the Secretary, acting through the Service and in consultation with tribes and Indian alcohol and substance abuse prevention experts, shall develop and provide community-based training models. Such models shall address—

"(1) the elevated risk of alcohol and substance abuse faced by children of alcoholics;

"(2) the cultural and multigenerational aspects of alcohol and substance abuse prevention and recovery; and

"(3) community-based and multidisciplinary strategies for preventing and treating alcohol and substance abuse.

"GALLUP ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTER

"SEC. 706. (a) GRANTS FOR RESIDENTIAL TREATMENT.—The Secretary shall make grants to the Navajo Nation for the purpose of providing residential treatment for alcohol and substance abuse for adult and adolescent members of the Navajo Nation and neighboring tribes.

"(b) PURPOSES OF GRANTS.—Grants made pursuant to this section shall (to the extent appropriations are made available) be used to—

"(1) provide at least 15 residential beds each year for adult long-term treatment, including beds for specialized services such as polydrug abusers, dual diagnosis, and specialized services for women with fetal alcohol syndrome children;

"(2) establish clinical assessment teams consisting of a clinical psychologist, a part-time addictionologist, a master's level assessment counselor, and a certified medical records technician which shall be responsible for conducting individual assessments and matching Indian clients with the appropriate available treatment;

"(3) provide at least 12 beds for an adolescent shelterbed program in the city of Gallup, New Mexico, which shall serve as a satellite facility to the Acoma/Canoncito/Laguna Hospital and the adolescent center located in Shiprock, New Mexico, for emergency crisis services, assessment, and family intervention;

"(4) develop a relapse program for the purposes of identifying sources of job training and job opportunity in the Gallup area and providing vocational training, job placement, and job retention services to recovering substance abusers; and

"(5) provide continuing education and training of treatment staff in the areas of intensive outpatient services, development of family support systems, and case management in cooperation with regional colleges, community colleges, and universities.

"(c) CONTRACT FOR RESIDENTIAL TREATMENT.—The Navajo Nation, in carrying out the purposes of this section, shall enter into a contract with an institution in the Gallup, New Mexico, area which is accredited by the Joint Commission of the Accreditation of Health Care Organizations to provide comprehensive alcohol and drug treatment as authorized in subsection (b).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) to carry out the purposes of subsection (b)(1)—

"(A) $400,000 for fiscal year 1993;

"(B) $400,000 for fiscal year 1994; and

"(C) $500,000 for fiscal year 1995;

"(2) to carry out the purposes of subsection (b)(2)—

"(A) $100,000 for fiscal year 1993;

"(B) $125,000 for fiscal year 1994; and

"(C) $150,000 for fiscal year 1995;

"(3) to carry out the purposes of subsection (b)(3)—

"(A) $75,000 for fiscal year 1993;

"(B) $85,000 for fiscal year 1994; and

"(C) $100,000 for fiscal year 1995;

"(4) to carry out the purposes of subsection (b)(4), $150,000 for each of fiscal years 1993, 1994, and 1995; and

"(5) to carry out the purposes of subsection (b)(5)—

"(A) $75,000 for fiscal year 1993;

"(B) $90,000 for fiscal year 1994; and

"(C) $100,000 for fiscal year 1995.

"REPORTS

"SEC. 707. (a) COMPILATION OF DATA.—The Secretary, with respect to the administration of any health program by a service unit, directly or through contract, including a contract under the Indian Self-Determination Act, shall require the compilation of data relating to the number of cases or incidents in which any Service personnel or services were involved and which were related, either directly or indirectly, to alcohol or substance abuse. Such report shall include the type of assistance provided and the disposition of these cases.

"(b) REFERRAL OF DATA.—The data compiled under subsection (a) shall be provided annually to the affected Indian tribe and Tribal Coordinating Committee to assist them in developing or modifying a Tribal Action Plan under section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2471 et seq.).

"(c) COMPREHENSIVE REPORT.—Each service unit director shall be responsible for assembling the data compiled under this section and section 4214 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2434) into an annual tribal comprehensive report. Such report shall be provided to the affected tribe and to the Director of the Service who shall develop and publish a biennial national report based on such tribal comprehensive reports.

"FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECT GRANTS

"SEC. 708. (a)(1) The Secretary may make grants to Indian tribes and tribal organiza-

tions to establish fetal alcohol syndrome and fetal alcohol effect programs as provided in this section for the purposes of meeting the health status objectives specified in section 3(b).

"(2) Grants made pursuant to this section shall be used to—

"(A) develop and provide community and in-school training, education, and prevention programs relating to FAS and FAE;

"(B) identify and provide alcohol and substance abuse treatment to high-risk women;

"(C) identify and provide appropriate educational and vocational support, counseling, advocacy, and information to FAS and FAE affected persons and their families or caretakers;

"(D) develop and implement counseling and support programs in schools for FAS and FAE affected children;

"(E) develop prevention and intervention models which incorporate traditional healers, cultural values and community involvement;

"(F) develop, print, and disseminate education and prevention materials on FAS and FAE; and

"(G) develop and implement, through the tribal consultation process, culturally sensitive assessment and diagnostic tools for use in tribal and urban Indian communities.

"(3) The Secretary shall establish criteria for the review and approval of applications for grants under this section.

"(b) The Secretary, acting through the Service, shall—

"(1) develop an annual plan for the prevention, intervention, treatment, and aftercare for those affected by FAS and FAE in Indian communities;

"(2) conduct a study, directly or by contract with any organization, entity, or institution of higher education with significant knowledge of FAS and FAE and Indian communities, of the special educational, vocational, school-to-work transition, and independent living needs of adolescent and adult Indians and Alaska Natives with FAS or FAE;

"(3) establish a national clearinghouse for prevention and educational materials and other information on FAS and FAE effect in Indian and Alaska Native communities and ensure access to clearinghouse materials by any Indian tribe or urban Indian organization.

"(c) The Secretary shall establish a task force to be known as the FAS/FAE Task Force to advise the Secretary in carrying out subsection (b). Such task force shall be composed of representatives from the National Institute on Drug Abuse, the National Institute on Alcohol and Alcoholism, the Office of Substance Abuse Prevention, the National Institute of Mental Health, the Service, the Office of Minority Health of the Department of Health and Human Services, the Administration for Native Americans, the Bureau of Indian Affairs, Indian tribes, tribal organizations, urban Indian communities, and Indian FAS/FAE experts.

"(d) The Secretary, acting through the Substance Abuse and Mental Health Services Administration, shall make grants to Indian tribes, tribal organizations, universities working with Indian tribes on cooperative projects, and urban Indian organizations for applied research projects which propose to elevate the understanding of methods to prevent, intervene, treat, or provide aftercare for Indians and urban Indians affected by FAS or FAE.

"(e)(1) The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report on the status of FAS and FAE in the Indian population. Such report shall include, in addition to the information required under section (3)(d) with respect to the health status objective specified in section (3)(b)(27), the following:

"(A) The progress of implementing a uniform assessment and diagnostic methodology in Service and tribally based service delivery systems.

"(B) The incidence of FAS and FAE babies born for all births by reservation and urban-based sites.

"(C) The prevalence of FAS and FAE affected Indian persons in Indian communities, their primary means of support, and recommendations to improve the support system for these individuals and their families or caretakers.

"(D) The level of support received from the entities specified in subsection (c) in the area of FAS and FAE.

"(E) The number of inpatient and outpatient substance abuse treatment resources which are specifically designed to meet the unique needs of Indian women, and the volume of care provided to Indian women through these means.

"(F) Recommendations regarding the prevention, intervention, and appropriate vocational, educational and other support services for FAS and FAE affected individuals in Indian communities.

"(2) The Secretary may contract the production of this report to a national organization specifically addressing FAS and FAE in Indian communities.

"(f)(1) There are authorized to be appropriated to carry out this section $22,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

"(2) Ten percent of the funds appropriated pursuant to this section shall be used to make grants to urban Indian organizations funded under title V.

"PUEBLO SUBSTANCE ABUSE TREATMENT PROJECT FOR SAN JUAN PUEBLO, NEW MEXICO

"SEC. 709. The Secretary, acting through the Service, shall continue to make grants, through fiscal year 1995, to the 8 Northern Indian Pueblos Council, San Juan Pueblo, New Mexico, for the purpose of providing substance abuse treatment services to Indians in need of such services.

"THUNDER CHILD TREATMENT CENTER

"SEC. 710. (a) The Secretary, acting through the Service, shall make a grant to the Intertribal Addictions Recovery Organization, Inc. (commonly known as the Thunder Child Treatment Center) at Sheridan, Wyoming, for the completion of construction of a multiple approach substance abuse treatment center which specializes in the treatment of alcohol and drug abuse of Indians.

"(b) For the purposes of carrying out subsection (a), there are authorized to be appropriated $2,000,000 for fiscal years 1993 and 1994. No funding shall be available for staffing or operation of this facility. None of the funding appropriated to carry out subsection (a) shall be used for administrative purposes.

"SUBSTANCE ABUSE COUNSELOR EDUCATION DEMONSTRATION PROJECT

"SEC. 711. (a) The Secretary, acting through the Service, may enter into contracts with, or make grants to, tribally controlled community colleges and eligible community colleges to establish demonstration projects to develop educational curricula for substance abuse counseling.

"(b) Funds provided under this section shall be used only for developing and providing educational curricula for substance abuse counseling (including paying salaries for instructors).

"(c) A contract entered into or a grant provided under this section shall be for a period of one year. Such contract or grant may be renewed for an additional one year period upon the approval of the Secretary.

"(d) Not later than 180 days after the date of the enactment of this section, the Secretary, after consultation with Indian tribes and administrators of tribally controlled community colleges and eligible community colleges, shall develop and issue criteria for the review and approval of applications for funding (including applications for renewals of funding) under this section. Such criteria shall ensure that demonstration projects established under this section promote the development of the capacity of tribally controlled community colleges and eligible community colleges to educate substance abuse counselors.

"(e) The Secretary shall provide such technical and other assistance as may be necessary to enable grant recipients to comply with the provisions of this section.

"(f) The Secretary shall submit to the President, for inclusion in the report which is required to be submitted under section 801 for fiscal year 1999, a report on the findings and conclusions derived from the demonstration projects conducted under this section.

"(g) For the purposes of this section, the following definitions apply:

"(1) The term 'educational curriculum' means one or more of the following:

"(A) Classroom education.

"(B) Clinical work experience.

"(C) Continuing education workshops.

"(2) The term 'eligible community college' means a community college that—

"(i) is located on or near an Indian reservation;

"(ii) has entered into a cooperative agreement with the governing body of such Indian reservation to carry out a demonstration project under this section; and

"(iii) has a student enrollment of not less than 10 percent Indian.

"(3) The term 'tribally controlled community college' has the meaning given such term in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

"(h) There are authorized to be appropriated for each of the fiscal years 1993, 1994, 1995, 1996, and 1997, such sums as may be necessary to carry out the purposes of this section. Such sums shall remain available until expended.".

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 712. Except as provided in sections 703, 706, 708, 710, and 711, there are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out the provisions of this title.".

(b) REDESIGNATION AND REPEAL OF EXISTING PROVISIONS.—

(1) REDESIGNATION.—The Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.) is amended by redesignating section 4224 as section 4208A.

(2) REPEAL.—Part 6 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2471 et seq.), as amended by paragraph (1), is hereby repealed.

SEC. 703. INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986 AMENDMENTS.

The Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.) is amended—

(1) in section 4206—

(A) in subsection (c)—

(i) in paragraph (2)—

(I) by striking "(2) the" and inserting "(B) the";

(II) by striking "(3) the" and inserting "(C) the";

(III) by striking "(4) the" and inserting "(D) the";

(IV) in subparagraph (D) (as redesignated by subclause (III)), by striking "and" at the end;

(V) in subparagraph (E), by striking the period at the end and inserting ", and"; and

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

"(F) an evaluation component to measure the success of efforts made."; and

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

"(3) All Tribal Action Plans shall be updated every 2 years."; and

(B) in subsection (d), by amending paragraph (2) to read as follows:

"(2) There are authorized to be appropriated for grants under this subsection not more than $2,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000."; and

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

"(f)(1) The Secretary of the Interior may make grants to Indian tribes adopting a resolution pursuant to subsection (a) to implement and develop community and in-school training, education, and prevention programs on alcohol and substance abuse, fetal alcohol syndrome and fetal alcohol effect.

"(2) Funds provided under this section may be used for, but are not limited to, the development and implementation of tribal programs for—

"(A) youth employment;

"(B) youth recreation;

"(C) youth cultural activities;

"(D) community awareness programs; and

"(E) community training and education programs.

"(3) There are authorized to be appropriated to carry out the provisions of this subsection $5,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.";

(2) in section 4207(b), by amending paragraph (3) to read as follows:

"(3) The Assistant Secretary of the Interior for Indian Affairs shall appoint such employees to work in the Office of Alcohol and Substance Abuse, and shall provide such funding, services, and equipment as may be necessary to enable the Office of Alcohol and Substance Abuse to carry out its responsibilities.";

(3) in section 4210, by amending subsection (b) to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.";

(4) in section 4212(a), by striking out "1989, 1990, 1991, and 1992" and inserting in lieu thereof "1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000";

(5) in section 4213(e), by amending paragraphs (1) and (2) to read as follows:

"(1) For the planning and design, construction, and renovation of, or purchase or lease of land or facilities for, emergency shelters and half-way houses to provide emergency care for Indian youth, there are authorized to be appropriated $10,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

"(2) For the staffing and operation of emergency shelters and half-way houses, there are authorized to be appropriated $5,000,000 for fiscal year 1993 and $7,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.";

(6) in section 4216(a)(1)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ", and"; and

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

"(C) the Makah Indian Tribe of Washington for the investigation and control of illegal narcotic traffic on the Makah Indian Reservation arising from its proximity to international waters.";

(7) by amending section 4216(a)(3) to read as follows:

"(3) For the purpose of providing the assistance required by this subsection, there are authorized to be appropriated—

"(A) $500,000 under paragraph (1)(A) for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000,

"(B) $500,000 under paragraph (1)(B) for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000, and

"(C) $500,000 under paragraph (1)(C) for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.";

(8) by amending section 4216(b) to read as follows:

"(b)(1) MARIJUANA ERADICATION AND INTERDICTION.—The Secretary of the Interior, in cooperation with appropriate Federal, tribal, and State and local law enforcement agencies, shall establish and implement a program for the eradication of marijuana cultivation, and interdiction, investigation, and control of illegal narcotics trafficking within Indian country as defined in section 1152 of title 18, United States Code. The Secretary shall establish a priority for the use of funds appropriated under paragraph (2) for those Indian reservations where the scope of the problem is most critical, and such funds shall be available for contracting by Indian tribes pursuant to the Indian Self-Determination Act (25 U.S.C. 450f et seq.).

"(2) For the purpose of establishing the program required by paragraph (1), there are authorized to be appropriated $2,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.";

(9) in section 4218, by amending subsection (b) to read as follows:

"(b) AUTHORIZATION.—For the purposes of providing the training required by subsection (a), there are authorized to be appropriated $2,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999 and 2000."; and

(10) in section 4220(b), by amending paragraphs (1) and (2) to read as follows:

"(1) For the purpose of constructing or renovating juvenile detention centers as provided in subsection (a), there are authorized to be appropriated $10,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

"(2) For the purpose of staffing and operating juvenile detention centers, there are authorized to be appropriated $7,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.".

TITLE VIII—MISCELLANEOUS

SEC. 801. REPORTS.

Section 801 of the Act (25 U.S.C. 1671) (as redesignated by section 701(b) of this Act) is amended to read as follows:

"REPORTS

"SEC. 801. The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to the Congress a report containing—

"(1) a report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and an assessment and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Indians, and ensure a health status for Indians, which are at a parity with the health services available to and the health status of, the general population;

"(2) a separate statement which specifies the amount of funds requested to carry out the provisions of section 201;

"(3) a separate statement of the total amount obligated or expended in the most recently completed fiscal year to achieve each of the objectives described in section 814, relating to infant and maternal mortality and fetal alcohol syndrome;

"(4) the reports required by sections 3(d), 108(n), 203(b), 209(j), 214(e), 301(c), 302(g), 403, 708(e), and 817(a);

"(5) for fiscal year 1997, the interim report required by section 307(h)(1); and

"(6) for fiscal year 1999, the reports required by sections 307(h)(2), 711(f), and 821(g).".

SEC. 802. REGULATIONS.

Section 802 of the Act (25 U.S.C. 1672) (as redesignated by section 701(b) of this Act) is amended to read as follows:

"REGULATIONS

"SEC. 802. Prior to any revision of or amendment to rules or regulations promulgated pursuant to this Act, the Secretary shall consult with Indian tribes and appropriate national or regional Indian organizations and shall publish any proposed revision or amendment in the Federal Register not less than sixty days prior to the effective date of such revision or amendment in order to provide adequate notice to, and receive comments from, other interested parties.".

SEC. 803. EXTENSION OF TREATMENT OF ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA.

Section 808 of the Act (25 U.S.C. 1678) (as redesignated by section 701(b) of this Act) is amended by striking out "1991" and inserting in lieu thereof "2000".

SEC. 804. INFANT AND MATERNAL MORTALITY; FETAL ALCOHOL SYNDROME.

Section 814 of the Act (25 U.S.C. 1680d) (as redesignated by section 701(b) of this Act) is amended—

(1) by striking out "(a)"; and

(2) by striking out subsection (b).

SEC. 805. REALLOCATION OF BASE RESOURCES.

Section 817(a) of the Act (25 U.S.C. 1680(g)) (as redesignated by section 701(b) of this Act) is amended by striking out "Secretary has

submitted to the Congress" and inserting in lieu thereof the following: "Secretary has submitted to the President, for inclusion in the report required to be transmitted to the Congress under section 801,".

SEC. 806. CHILD SEXUAL ABUSE TREATMENT PROGRAMS.

Section 819 of the Act (25 U.S.C. 1680i) (as redesignated by section 701(b) of this Act) is amended to read as follows:

"CHILD SEXUAL ABUSE TREATMENT PROGRAMS

"SEC. 819. (a) The Secretary and the Secretary of the Interior shall, for each fiscal year through fiscal year 1995, continue the demonstration programs involving treatment for child sexual abuse provided through the Hopi Tribe and the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

"(b) Beginning October 1, 1995, the Secretary and the Secretary of the Interior may establish, in any service area, demonstration programs involving treatment for child sexual abuse, except that the Secretaries may not establish a greater number of such programs in one service area than in any other service area until there is an equal number of such programs established with respect to all service areas from which the Secretary receives qualified applications during the application period (as determined by the Secretary).".

SEC. 807. TRIBAL LEASING.

Section 820 of the Act (25 U.S.C. 1680j) (as redesignated by section 701(b) of this Act) is amended to read as follows:

"TRIBAL LEASING

"SEC. 820. Indian tribes providing health care services pursuant to a contract entered into under the Indian Self-Determination Act may lease permanent structures for the purpose of providing such health care services without obtaining advance approval in appropriation Acts.".

SEC. 808. EXTENSION OF TRIBAL MANAGEMENT DEMONSTRATION PROJECT TERMINATION DATE IN CERTAIN CASES.

Section 818(d) of the Act (25 U.S.C. 1680h(d)) (as redesignated by section 701(b) of this Act) is amended—

(1) in paragraph (1), by inserting before the period at the end the following: ", or, in the case of a demonstration project for which a grant is made after September 30, 1990, three years after the date on which such grant is made"; and

(2) in paragraph (2), by striking "1994" and inserting "1996".

SEC. 809. LONG-TERM CARE DEMONSTRATION PROJECT.

Title VIII of the Act (as redesignated by subsections (a) and (b) of section 701 of this Act) is amended by adding at the end the following new section:

"LONG-TERM CARE DEMONSTRATION PROJECT

"SEC. 821. (a) The Secretary, acting through the Service, is authorized to enter into contracts with, or make grants to, Indian tribes or tribal organizations providing health care services pursuant to a contract entered into under the Indian Self-Determination Act, to establish demonstration projects for the delivery of home- and community-based services to functionally disabled Indians.

"(b)(1) Funds provided for a demonstration project under this section shall be used only for the delivery of home- and community-based services (including transportation services) to functionally disabled Indians.

"(2) Such funds may not be used—

"(A) to make cash payments to functionally disabled Indians;

"(B) to provide room and board for functionally disabled Indians;

"(C) for the construction or renovation of facilities or the purchase of medical equipment; or

"(D) for the provision of nursing facility services.

"(c) Not later than 180 days after the date of the enactment of this section, the Secretary, after consultation with Indian tribes and tribal organizations, shall develop and issue criteria for the approval of applications submitted under this section. Such criteria shall ensure that demonstration projects established under this section promote the development of the capacity of tribes and tribal organizations to deliver, or arrange for the delivery of, high quality, culturally appropriate home- and community-based services to functionally disabled Indians;

"(d) The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

"(e) At the discretion of the tribe or tribal organization, services provided under a demonstration project established under this section may be provided (on a cost basis) to persons otherwise ineligible for the health care benefits of the Service.

"(f) The Secretary shall establish not more than 24 demonstration projects under this section. The Secretary may not establish a greater number of demonstration projects under this section in one service area than in any other service area until there is an equal number of such demonstration projects established with respect to all service areas from which the Secretary receives applications during the application period (as determined by the Secretary) which meet the criteria issued pursuant to subsection (c).

"(g) The Secretary shall submit to the President, for inclusion in the report which is required to be submitted under section 801 for fiscal year 1999, a report on the findings and conclusions derived from the demonstration projects conducted under this section, together with legislative recommendations.

"(h) For the purposes of this section, the following definitions shall apply:

"(1) The term 'home- and community-based services' means one or more of the following:

"(A) Homemaker/home health aide services.

"(B) Chore services.

"(C) Personal care services.

"(D) Nursing care services provided outside of a nursing facility by, or under the supervision of, a registered nurse.

"(E) Respite care.

"(F) Training for family members in managing a functionally disabled individual.

"(G) Adult day care.

"(H) Such other home- and community-based services as the Secretary may approve.

"(2) The term 'functionally disabled' means an individual who is determined to require home- and community-based services based on an assessment that uses criteria (including, at the discretion of the tribe or tribal organization, activities of daily living) developed by the tribe or tribal organization.

"(i) There are authorized to be appropriated for each of the fiscal years 1993, 1994, 1995, 1996, and 1997 such sums as may be necessary to carry out this section. Such sums shall remain available until expended.".

SEC. 810. RESULTS OF DEMONSTRATION PROJECTS.

Title VIII of the Act (as redesignated by subsections (a) and (b) of section 701 and amended by section 809 of this Act) is amended by adding at the end the following new section:

"RESULTS OF DEMONSTRATION PROJECTS

"SEC. 822. The Secretary shall provide for the dissemination to Indian tribes of the findings and results of demonstration projects conducted under this Act.".

SEC. 811. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Title VIII of the Act (as redesignated by subsections (a) and (b) of section 701 and amended by section 810 of this Act) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 823. Except as provided in section 821, there are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this title.".

(b) CONFORMING AMENDMENTS.—Title VIII of the Act (25 U.S.C. 1671 et seq.) (as redesignated by subsections (a) and (b) of section 701 of this Act) is amended—

(1) in section 807 (as redesignated by section 701(b) of this Act), by striking out subsection (f); and

(2) in section 818 (as redesignated by section 701(b) of this Act), by striking out subsection (e).

SEC. 812. TRIBAL SELF-GOVERNANCE PROJECT.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) is amended—

(1) in section 301, by inserting after "Interior" the following: "and the Secretary of Health and Human Services (hereafter in this title referred to as the 'Secretaries') each";

(2) in sections 302, 303, 304, and 305, by striking "Secretary" each place it appears and inserting in lieu thereof "Secretaries";

(3) in section 303(a)(1), by inserting after "Interior" the following: "and the Indian Health Service of the Department of Health and Human Services"; and

(4) by adding after section 309 the following new section:

"SEC. 310. For the purposes of providing one year planning and negotiations grants to the Indian tribes identified by section 302, with respect to the programs, activities, functions or services of the Indian Health Service, there are authorized to be appropriated such sums as may be necessary to carry out such purposes.".

TITLE IX—TECHNICAL CORRECTIONS

SEC. 901. REPEAL OF EXPIRED REPORTING REQUIREMENTS.

The Act is amended—

(1) in section 116, by striking out subsection (d);

(2) in section 204(a)—

(A) by striking out paragraph (2);

(B) by striking out "(a)(1)" and inserting in lieu thereof "(a)";

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(D) in paragraph (2) (as redesignated by subparagraph (C)), by striking out "subparagraph (A)" and inserting in lieu thereof "paragraph (1)";

(3) in section 602, by striking out subsection (a)(3); and

(4) by striking out section 803 (as redesignated by section 701(b) of this Act).

SEC. 902. OTHER TECHNICAL CORRECTIONS.

The Act is amended—

(1) in section 4(c), by striking out "sections 102, 103, and 201(c)(5)," and inserting in lieu thereof the following: "sections 102 and 103,";

(2) in title I—

(A) in section 102(b)(1), by striking ": *Provided*, That the" and inserting in lieu thereof ". The";

(B) in section 105(c), by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services";

(C) in section 108(d)(1)(A), by striking out "Indian Health" and inserting in lieu thereof "Indian health"; and

(D) in section 108(i), by striking out "Service manpower programs" and inserting in lieu thereof "health professional programs of the Service".

(3) in title II—

(A) by striking out "**SEC. 209. MENTAL HEALTH PREVENTION AND TREATMENT SERVICES.**" and inserting in lieu thereof the following:

"MENTAL HEALTH PREVENTION AND TREATMENT SERVICES

"SEC. 209."; and

(B) in section 209, by redesignating subsections (c) through (l) as subsections (b) through (k), respectively;

(4) in title III—

(A) by striking out "**SEC. 307. INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT.**" and inserting in lieu thereof the following:

"INDIAN HEALTH CARE DELIVERY DEMONSTRATION PROJECT

"SEC. 307."; and

(B) in section 301(d) (as redesignated by section 301(2) of this Act), by striking out "sections 102 and 103(b)" and inserting in lieu thereof "section 102";

(5) in title V—

(A) by striking out "**SEC. 409. FACILITIES RENOVATION.**" and inserting in lieu thereof the following:

"FACILITIES RENOVATION

"SEC. 509."; and

(B) by striking out "**SEC. 511. URBAN HEALTH PROGRAMS BRANCH.**" and inserting in lieu thereof the following:

"URBAN HEALTH PROGRAMS BRANCH

"SEC. 510.";

(6) in section 601(c)(3)(D), by striking out "(25 U.S.C. 2005, et seq.)" and inserting in lieu thereof "(42 U.S.C. 2005 et seq.)";

(7) in section 601(d)(1)(C), by striking out "appropriate" and inserting in lieu thereof "appropriated";

(8) in section 813(b)(2)(A) (as redesignated by section 701(b) of this Act), by striking out "section 402(c)" and inserting in lieu thereof "section 402(a)"; and

(9) by amending the heading for section 816 (as redesignated by section 701(b)) to read as follows:

"INDIAN HEALTH SERVICE AND DEPARTMENT OF VETERANS AFFAIRS HEALTH FACILITIES AND SERVICES SHARING".

The CHAIRMAN. Are there any amendments to the amendment in the nature of a substitute?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 75, after line 4, insert the following:

SEC. 306. BUY AMERICAN REQUIREMENT FOR FEDERAL AGENCIES.

(a) APPLICABILITY OF BUY AMERICAN REQUIREMENTS.—The Secretary of Health and Human Services shall ensure that the requirements of the Buy American Act apply to all procurements made with funds provided pursuant to the authorization contained in the amendment made by section 305(a).

(b) REPORTS ON PROCUREMENTS FROM FOREIGN ENTITIES.—The Department of Health and Human Services shall submit to the Congress a report on the amount of procurements from foreign entities made in fiscal years 1993 and 1994 with funds provided pursuant to an authorization contained in the amendment made by section 305(a). Such report shall separately indicate the dollar value of items procured with such funds for which the Buy American Act was waived pursuant to the Trade Agreement Act of 1979 or any international agreement to which the United States is a party.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to an authorization contained in the amendment made by section 305(a), pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 throOugh 9.409 of title 48, Code of Federal Regulations.

(d) DEFINITION.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "Any Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

Mr. TRAFICANT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Madam Chairman, specifically, my amendment targets title III. It would require that moneys expended to construct, renovate, maintain, or modernize health facilities, water supply and sanitary solid waste systems and solid waste disposal systems as well as ambulatory care centers comply with our "Buy American" law, that there be a report where, in fact, there is any procurement outside of America by foreign entities, and finally, anybody having such a contract who, in fact, puts a sticker on "Made in America" where the product was not made in America would be ineligible to participate in the contracts under the bill.

Initially, I would like to commend the chairmen on their commitment to improving the quality of health care available to the native American community.

I gladly lend my support to this legislation because it is designed to improve the health status of American Indians and Alaska Natives whose health care status is substantially inferior to the U.S. population as a whole. Certainly, because of the continued mistreatment of the original people of America by the Federal Government, we should take responsibility for the betterment of their health status.

The comprehensive programs set forth in the proposed legislation demonstrates an all out assault on the health care problems of American Indians and Alaska Natives.

Specifically, my amendment targets title III of the legislation, in regard to health facilities. The legislation authorizes money for the construction and renovation of Indian Health Service [IHS] health facilities. It also authorizes the provision of safe water supply systems and sanitary sewage and solid waste disposal systems. Moreover, the bill authorizes the Secretary of HHS to make grants to tribes or tribal organizations for the construction, expansion or modernization of facilities for the provision of ambulatory care services primarily eligible to Indians.

My amendment would require that moneys expended to construct, renovate, maintain, or modernize health facilities, water supply and sanitary solid waste systems and solid waste disposal systems as well as ambulatory care centers comply with the buy American requirements.

The amendment would also require that the Department of Health and Human Services submit to Congress a report on the amount of procurements from foreign entities made in fiscal year 1993 and 1994 with funds provided pursuant to the authorization.

It also prohibits a person from receiving any contract or subcontract made with funds provided pursuant to the authorization if that person intentionally affixed a label bearing a "Made in America" inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States.

By permitting a buy American on this legislation we act not only to promote the health status of American Indians and Alaska Natives but we also promote a buy American policy that is designed to enhance the lives of all Americans as well as the revitalization of the faltering American economy.

I would like to thank the chairman for giving me the opportunity to present my amendment. I hope that this legislation will result in the betterment of lives for American Indians and Alaska Natives.

Mr. MILLER of California. Madam Chairman, will the gentleman yield?

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

Mr. MILLER of California. Madam Chairman, we have had an opportunity to review the amendment, and we find the amendment to be acceptable to our committee.

Mr. RHODES. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Arizona.

Mr. RHODES. Madam Chairman, I have had an opportunity to review the amendment. We have no problems with the amendment and accept the amendment.

Mr. TRAFICANT. Madam Chairman, I appreciate the support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: Page 56, line 4, strike "(a) RECOVERY BY INDIAN TRIBE.—".

Page 56, strike line 14 and all that follows through line 2 on page 57.

Mr. DANNEMEYER. Madam Chairman, under existing law, if an Indian tribe, for example, would insure the employees of that tribe with health insurance and there would be Indians in the insurance plan as well as non-Indians and should those Indian employees then decide that in pursuit of medical care that they would go to a facility of the Indian Health Service, then under the existing law the Indian Health Service could seek reimbursement from the insurance company that the Indian tribe had contracted to bring into existence.

That is normal practice. If any of us with insurance used the facilities of a public facility, that the public facility, paid with taxpayers' dollars, does and should have the right to be paid from the insurance funds that an insured contributes to the pot. It makes sense. That is what the existing law does.

Under this bill, as it came out of the Committee on Interior and Insular Affairs, that would be changed. And it would be changed uniquely enough because, under the existing configuration of the Indian tribes of America, it would appear that it would be applicable to just one Indian tribe, the Navajos, because they—apparently—currently are the only tribe that has an insurance plan for their employees, both Indian and non-Indian.

So if this bill, in the form that it is before the House now, is adopted, the law will be modified so that if one of these Indian employees of this tribe with health insurance goes to a facility of the Indian Health Service, the Indian Health Service, paid for with taxpayers' dollars, will not be able to get reimbursed from the insurance company.

That may not be a bad idea, if you are in the business of running an Indian tribe, paying premiums for an insurance policy for health purposes. But we are here dealing with the expenditure of public funds, taxpayers' money. And it just does not seem right or fair that the effect of this law without my amendment will be to diminish the health services that are available to the very people for whom this health system exists, because bear in mind, Members, that we are appropriating a fixed sum each year to take care of the needs of the Indian Health Service.

And when the Indian Health Service is approached by Indians who utilized those services, then to that extent that facility is not available to treat other people. And when the Indian Health Service cannot seek reimbursement from the insurance company, that means they have that much less money and staff around to take care of those in that tribe who are really in need.

It is interesting to me that this bill, in the form that it is before the House and the committee that is considering it right now, was produced by a committee the majority of whom are made up of my Democrat friends who are suggesting that we need a national health insurance plan that would require every employer to have health insurance for employees in one form or another. And yet it would seem that that principle is being fractured by this bill because it really says that when that insurance policy is in existence, if an employee would, for instance, take or receive medical services from a particular facility, then there would be no right of reimbursement for the receipt of that service.

The administration is opposed to this bill without my amendment, and I would hope that the committee will adopt it, because I think it makes sense to have the existing law continue in force.

Mr. RICHARDSON. Madam Chairman, I move to strike the last word.

Madam Chairman, the provision Mr. DANNEMEYER is attempting to strip out at the request of the administration addresses a problem brought to my attention by the Navajo nation and the Alamo Navajo School Board. Specifically, the Navajo nation has had a contract with a private carrier since 1988 to provide health insurance coverage to the nation's approximately 7,000 employees who are both Indian and non-Indian.

WHAT THE NAVAJO NATION HEALTH INSURANCE POLICY COVERS

The policy covers only those employees who are ineligible for IHS services or who need health services which cannot be met by the IHS.

More importantly, the policy is paid for entirely by funds from the Navajo nation's general fund.

Furthermore, the insurance policy reimburses the IHS for all medical services provided by the IHS to non-Indian Navajo nation employees.

IHS ACTIONS

Despite these efforts, the IHS notified the Navajo nation in April 1989 that it would begin billing and collecting from the Navajo nation's health insurance policy.

RICHARDSON PROVISION

My provision simply allows the Navajo nation to use their health care policy the way it was designed, thus providing health care to those who otherwise would not have access to IHS services and providing additional health care benefits to tribal employees willing to pay extra for them.

In short, the Richardson provision clearly states that the IHS may not attempt recovery of any kind from any self-insurance plan funded by an Indian tribe or tribal organization.

NAVAJO NATION STATISTICS

The Navajo nation has many problems including a deep and abiding poverty, alcoholism, suicide, and an unemployment rate which tops the Nation, ranging from 38 to 50 percent depending upon the season.

Despite the overwhelming problems facing the Navajo nation, the nation acted as a responsible employer providing health insurnce to non-Indian employees, a population which otherwise would have no health insurance.

They did so within their means, in an effort to keep premiums affordable, tailoring the program only to those who had no access to IHS services or those who needed services IHS could not provide.

I might add that since the administration has done little to stop the skyrocketing cost of health care, you can hardly blame poverty stricken tribes from tailoring their insurance program to avoid high cost premiums.

Additionally, without the Navajo nation's actions to provide insurance for its non-Indian employees, this population would have been added to the existing 37 million Americans with no health insurance.

Quite frankly, there are many areas in which IHS is clearly inadequate including long waits, overcrowded, and old facilities, inadequate medical equipment, and lack of specialists. Why should Navajo's be any different from any other American? They want the same right to choose their doctor as every other American and they should not be prevented by the administration from getting the best care available if they are willing to pay for it.

I believe my colleague, Mr. DANNEMEYER, has neglected to factor in that the Navajo nation's initiative in this area saves the IHS a considerable amount of money, time, and effort as those tribal members who choose to obtain private health care using their private insurance are not using IHS facilities and doctors, thus greatly reducing the burden on IHS.

DANNEMEYER AMENDMENT VIOLATES U.S. TRUST RESPONSIBILITY

Finally, and most importantly, the Dannemeyer amendment reinstating the right of IHS to collect from tribal insurance policies violates the treaty agreements of 1850 and 1868 which establish the trust responsibility of the U.S. Government to our Nation's Indians to provide medical services and care to native Americans.

The fact is, native Americans are entitled to use IHS facilities and services without being charged for them.

DANNEMEYER AMENDMENT VIOLATES NAVAJO NATION SOVEREIGNTY

The Dannemeyer amendment also violates the sovereignty of the Navajo nation. As a sovereign nation, the Navajo's may exercise their right of self-government by creating and administering its own health insurance program.

We have done precious little in the way of living up to the treaties our

country entered into with this country's first Americans. We stole their land, and if we didn't steal it, we exchanged it for arid, barren and worthless property. We fail to provide minimal appropriations for education, health care, sewer and water treatment, and other social needs. By these past and present actions we continue to keep native Americans poverty stricken.

And yet when they do for themselves or pull themselves up by their bootstraps as we and the administration continue to exhort them to do, we make it all the more difficult for them by taking from those who have nothing. If we won't do anything else, the least we can do is allow the Navajo nation to fend for itself and provide health insurance to its employees.

I urge my colleagues to oppose the Dannemeyer amendment.

□ 1330

PASSING OF THE HONORABLE WALTER JONES

(Mr. ROSE asked and was given permission to speak out of order.)

Madam Chairman, I regret to inform the House of the passing of the Honorable WALTER JONES, dean of the North Carolina delegation. He served as chairman of the Committee on Merchant Marine and Fisheries since 1981, and has been a Member of Congress since February 1966. Funeral arrangements will be announced as soon as completed.

Mr. RHODES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, existing law basically codifies the old insurance principle of coordination of benefits, whereby an individual who is covered by two insurance policies is covered by a policy that is considered to be primary in coverage and a policy that is considered to be secondary in coverage, and under the principle of coordination of benefits, benefits that are provided by the secondary carrier can be reimbursed and must be reimbursed to that secondary carrier by the primary carrier.

By law, we have determined that, in the case of individuals who are eligible for Indian Health Service coverage, if they also have commercial insurance by law we have determined that IHS is the secondary carrier, and therefore can recover the cost of the services provided to a covered individual from its primary carrier.

Also, under existing law, if a tribe provides benefits to its members through a self-insured plan, with no insurance coverage involved, the self-insured plan is likewise considered by law to be the primary carrier, thereby allowing the Indian Health Service to recover the costs of the services provided from that self-insured plan.

The bill as reported to the floor removes that provision, removes the provision that the IHS can recover the cost of its services from an Indian self-insured plan. This is apparently for the benefit of one tribe, the Navajo nation, and consequently really creates some inequities. It creates inequities because it differentiates between tribes which have purchased commercial insurance and whose commercial insurance will be called upon to reimburse the Indian health insurance, therefore adding to their premium burden.

It likewise creates a situation where the Navajo nation has a contractual obligation with its employees to provide them with health insurance benefits, and yet it allows the Navajo nation to have its employees receive their benefits through the Indian Health Service, and not cause any cost to the self-insurance plan of the Navajo nation.

This is unfair to other beneficiaries of the Indian Health Service, it is unfair to other tribes which have commercial insurance, and it is basically a provision being added to a law that benefits or that is for the benefit only of one native American nation.

As a consequence, I think that the provision is ill advised, and the amendment of the gentleman from California [Mr. DANNEMEYER] would restore this status quo as it exists under current law, and the amendment of the gentleman from California should be supported.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Dannemeyer amendment. This amendment would strike a position authorized by the gentleman from New Mexico [Mr. RICHARDSON] to protect the efforts of the Navajo nation to extend health insurance to their community. I think we ought to support the efforts of the gentleman from New Mexico. The Richardson provision was adopted by the Committee on Interior and Insular Affairs, and as a matter of comity the Committee on Energy and Commerce accepted it in a compromise.

I would urge the defeat of the Dannemeyer amendment.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join the gentleman from California [Mr. WAXMAN] in opposition to this amendment. I think we should recognize what is happening here. That is that this is an attempt by the Indian nation to extend health care coverage to its members. What we have is the Indian Health Service, the Federal Government, coming along, seeing a pool of money that they would like to glom onto, and take that away from this effort to enhance the health service of the employees of this tribe.

□ 1340

This in fact is a health insurance policy that is designed to extend the coverage beyond what is covered by the Indian Health Service. These are not for services that are rendered by the Indian Health Service and, therefore, nonreimbursible. So you are asking the Indian Health Service to get reimbursed for programs that this insurance plan does not cover.

So it suggests between the relationship between a primary and secondary health insurance does not quite exist here because the people who are purchasing this policy and the people who are extending this policy are not extending it for the services of which the Indian people are already entitled to as a part of their membership in the Indian nation.

And so I think what we are doing here is we simply have a run on what would in any other incident be considered private money. We just have a run on that money by the Federal Government because they are seeking to be reimbursed for the cost of the Indian Health Services, an obligation which they have to extend what services they can and are recognized by the Federal Government to the Indian people. And we are not talking about a substantial amount of money. The IHS does have a small third-party collection system for ineligible members where they render service to people who do have insurance, and I think nationwide it runs about $8 million.

We are talking here about one tribe, for a select group, small group of people within that tribe that are employed by the nation and for services that are not billed. This is not a question of double coverage. This is not a question of going out and buying two insurance policies. It is a simple fact that the nation is taking the initiative to try to improve and extend the health care coverage of its employees. And I would hope that we would reject the amendment.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The question is on the amendment offered by the gentleman from California [Mr. DANNEMEYER].

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

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 199, not voting 68, as follows:

[Roll No. 391]

AYES—165

Allard	Bilbray	Clinger
Allen	Bilirakis	Coble
Archer	Bliley	Coleman (MO)
Armey	Boehner	Combest
Baker	Boucher	Condit
Ballenger	Broomfield	Coughlin
Barrett	Bunning	Cox (CA)
Barton	Burton	Crane
Bateman	Callahan	Cunningham
Bentley	Campbell (CA)	Dannemeyer
Bereuter	Carper	Davis

DeLay
Dickinson
Doolittle
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Goss
Gradison
Grandy
Green
Hall (TX)
Hammerschmidt
Hancock
Harris
Hastert
Hefley
Henry
Herger
Hobson
Hopkins
Houghton
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Lagomarsino
Laughlin
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Machtley
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morella
Myers
Nichols
Nussle
Oxley
Packard
Parker
Paxon
Penny
Petri
Pickett
Pickle
Porter
Pursell
Ramstad
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Santorum
Sarpalius
Saxton
Schroeder
Schulze
Sensenbrenner
Shays
Shuster
Sisisky
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wolf
Wylie
Young (AK)
Zeliff
Zimmer

NOES—199

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Bacchus
Beilenson
Bennett
Berman
Bevill
Blackwell
Bonior
Borski
Brewster
Brooks
Browder
Brown
Bruce
Bustamante
Byron
Camp
Campbell (CO)
Cardin
Carr
Chapman
Clay
Clement
Collins (IL)
Collins (MI)
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeLauro
Dellums
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
English
Erdreich
Evans
Fascell
Fazio
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Guarini
Hall (OH)
Hamilton
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Hughes
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kyl
LaFalce
Lancaster
LaRocco
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Markey
Marlenee
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Molloohan
Moody
Moran
Murtha
Nagle
Natcher
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Pease
Peterson (FL)
Peterson (MN)
Poshard
Price
Quillen
Rahall
Ravenel
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Roth
Rowland
Russo
Sangmeister
Savage
Sawyer
Schaefer
Scheuer
Schumer
Sharp
Shaw
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Spratt
Staggers
Stallings
Stark
Stokes
Swett
Swift
Tallon
Tanner
Tauzin
Thomas (GA)
Thornton
Torres
Traficant
Unsoeld
Vento
Visclosky
Volkmer
Walsh
Washington
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (FL)

NOT VOTING—68

Ackerman
Alexander
Aspin
Atkins
AuCoin
Barnard
Boehlert
Boxer
Bryant
Chandler
Coleman (TX)
Conyers
DeFazio
Derrick
Donnelly
Dornan (CA)
Early
Engel
Espy
Feighan
Flake
Foglietta
Ford (TN)
Gallegly
Gunderson
Hansen
Hatcher
Hayes (LA)
Holloway
Huckaby
Ireland
Jefferson
Kaptur
Kennedy
Kostmayer
Lantos
Levine (CA)
Luken
Manton
Mavroules
McCurdy
Moakley
Molinari
Morrison
Mrazek
Murphy
Neal (MA)
Owens (NY)
Owens (UT)
Payne (VA)
Pelosi
Perkins
Rangel
Roukema
Roybal
Sabo
Sanders
Schiff
Serrano
Sikorski
Skeen
Solarz
Studds
Synar
Torricelli
Towns
Traxler
Waters

□ 1403

The Clerk announced the following pair:

On this vote:

Mr. Synar for, with Mr. Dornan against.

Mr. FORD of Michigan and Mr. ROWLAND changed their vote from "aye" to "no."

Messrs. EDWARDS of Oklahoma, LIVINGSTON, SKELTON, and RAY, and Mrs. LLOYD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SYNAR. Mr. Speaker, I ask unanimous consent that the permanent CONGRESSIONAL RECORD reflect that I voted against in the pair versus aye.

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

There was no objection.

AMENDMENT OFFERED BY MR. WILLIAMS

Mr. WILLIAMS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS: Page 124, after line 4, insert the following new section (and redesignate succeeding sections of the bill accordingly):

SEC. 810. SHARED SERVICES DEMONSTRATION PROJECTS.

Title VIII of the Act (as redesignated by subsections (a) and (b) of section 701 and amended by section 809 of this Act) is amended by adding at the end the following new section:

"SHARED SERVICES DEMONSTRATION PROJECT

"SEC. 822. (a) The Secretary, acting through the Service and notwithstanding any other provision of law, is authorized to enter into contracts with Indian tribes or tribal organizations to establish shared services demonstration projects for the delivery of long-term care to Indians. Such projects shall provide for the sharing of staff or other services between a Service facility and a nursing facility owned and operated (directly or by contract) by such Indian tribe or tribal organization.

"(b) A contract entered into pursuant to subsection (a)—

"(1) may, at the request of the Indian tribe or tribal organization, delegate to such tribe or tribal organization such powers of supervision and control over Service employees as the Secretary deems necessary to carry out the purposes of this section;

"(2) shall provide that expenses (including salaries) relating to services that are shared between the Service facility and the tribal facility be allocated proportionately between the Service and the tribe or tribal organization; and

"(3) may authorize such tribe or tribal organization to construct, renovate, or expand a nursing facility (including the construction of a facility attached to a Service facility), except that no funds appropriated for the Service shall be obligated or expended for such purpose.

"(c) To be eligible for a contract under this section, a tribe or tribal organization, shall, as of the date of the enactment of this Act—

"(1) own and operate (directly or by contract) a nursing facility;

"(2) have entered into an agreement with a consultant to develop a plan for meeting the long-term needs of the tribe or tribal organization; or

"(3) have adopted a tribal resolution providing for the construction of a nursing facility.

"(d) Any nursing facility for which a contract is entered into under this section shall meet the requirements for nursing facilities under section 1919 of the Social Security Act.

"(e) The Secretary shall provide such technical and other assistance as may be necessary to enable applicants to comply with the provisions of this section.

"(f) The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 801, a report on the findings and conclusions derived from the demonstration projects conducted under this section.".

Page 117, line 11, strike "and 817(a)" and insert "817(a), and 822(f)".

Page 124, line 7, strike "809" and insert "810".

Page 124, line 11, strike "822" and insert "823".

Page 124, line 17, strike "810" and insert "811".

Page 124, line 20, strike "823" and insert "824".

Mr. WILLIAMS (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. WILLIAMS. Madam Chairman, I strongly support this bill. I thank the chairman and the ranking members of both the Committee on Interior and In-

sular Affairs and the Committee on Energy and Commerce for their commitment to the provisions of quality health care for American Indians.

The elderly population on reservations has been increasing at accelerated rates, highlighting the urgency for greater attention to be given to the long-term-care needs of tribal elders.

The bill already provides a much-needed boost to home and community-based care on the reservation, but the bill could go farther, however. It could go farther in assuring continuing care. The legislation does not fully address the immediate and crucial needs for improved nursing-home care on the reservation.

My amendment would allow the Indian tribes—tribes, that is—to provide nursing home care for their elderly by sharing services with an Indian Health Service facility. The Indian Health Service does not now provide nursing homes for American Indians. Given the economic times we find ourselves in, I am not at all sure that we will provide nursing homes for native Americans in the foreseeable future; however, some tribes have already entered into the business of owning and operating nursing homes out of the necessity to keep their loved ones close. Thus my amendment. Let me explain it to my colleagues.

My amendment creates six model programs in the Nation that would first negotiate a shared service contract between IHS and Indian tribes that have nursing homes. Shared services would include employees and facilities.

A second point of the amendment is that it would allow tribes to attach their own nursing homes, paid for by themselves, to an IHS facility for the purpose of consistency of service. All of this, all of these points that I am going to enumerate, would have to be agreeable to IHS as they interact with the various tribes.

□ 1410

The third point that my amendment would allow is the nursing home to pay the salaries and expenses of shared services proportionately. For example, if dietary services are used to feed 40 nursing home patients and 60 hospital patients, the tribe under this agreement would pay 40 percent of the costs, and IHS would pay 60 percent.

The fourth point of my amendment, the final point that I will share with my colleagues, is that in the shared services agreement IHS is authorized to allow supervision authority of IHS employees to the tribe, but that, of course, must be part of the negotiated agreement.

Let me tell my colleagues what my amendment does not do. CBO that has costed this amendment says there is no cost to the IHS, the Federal Government associated with it. Under my amendment IHS cannot spend, cannot spend, Medicare or Medicaid money on any arrangement they would agree to with the tribes. If the negotiations are not satisfactory to the tribe or IHS, for the connection of nursing homes with hospital facilities or for the provision of shared services, that either IHS or the tribe can back out. My amendment limits this effort to only six national models.

By the way, IHS has been approached by Montana tribes and has declined to negotiate the shared services agreement without this amendment. With the amendment, of course, they would be pleased to move into Montana and elsewhere, wherever the six models are accepted. IHS would be willing to move into some type of shared negotiated agreement. My amendment simply allows them to sit down with the tribes and try to work out an agreement whereby the tribes can take care of their own elders at their own cost and share services with IHS if there is no cost to IHS.

Mr. MILLER of California. Madam Chairman, will the gentleman yield?

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

Mr. MILLER of California. Madam Chairman, I thank the gentleman from Montana [Mr. WILLIAMS] for yielding, and we have had a chance to examine this amendment, and we have worked with the gentleman on this amendment; the committee staff has. We think this is a progressive amendment. We think it is an opportunity to extend this health care to the elderly, which we would not otherwise be able to do, and to do it on favorable terms and conditions to the Federal budget process.

Madam Chairman, I want to commend the gentleman from Montana for bringing this problem to the attention of the committee and also for working out this solution to that problem, and we would be willing to accept the amendment.

Mr. WILLIAMS. Madam Chairman, I thank the gentleman from California [Mr. MILLER] for that statement of support.

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

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

Mr. WAXMAN. Madam Chairman, I want to join in support of this amendment on behalf of those of us on the Committee on Energy and Commerce. They have had a chance to look at it.

Madam Chairman, I think the amendment offered by the gentleman from Montana [Mr. WILLIAMS] is a constructive amendment.

Mr. WILLIAMS. Madam Chairman, I appreciate the gentleman's comment.

Mr. RHODES. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Arizona.

Mr. RHODES. Madam Chairman, I certainly applaud the purposes for which this amendment is offered. My only concern with the amendment is, very frankly, the process. We did not have hearings. We do not know if IHS is prepared to carry out the responsibilities under the amendment. I understand that they do have to agree on a case-by-case basis on whether they are going to, so I have no objection to the amendment and would agree to its adoption.

Mr. WILLIAMS. Madam Chairman, I appreciate the gentleman's acceptance of the amendment, and, Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. WILLIAMS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WILLIAMS

Mr. WILLIAMS. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS: page 84, line 5, insert before the period the following: "or under section 201".

Mr. WILLIAMS. Madam Chairman, this amendment serves to clarify that the Indian alcohol and substance abuse programs which are authorized under title II of the bill and have received funding along with title V programs in the past can continue to receive those funds. It has come to my attention that many substance abuse programs across the country receive their authorization and funding under title II. That program has been in existence since 1973, almost 20 years, and have proven records of success.

This amendment is technical in nature in that it does not create a new program nor substantively change the program. It simply ensures that programs that have been eligible in the past for substance abuse resources would continue to be eligible under the current bill.

Madam Chairman, I think that is the intention of the sponsors of the bill, but it has come to their attention, as well as mine, that we may need this technical amendment in order to ensure that title II funding is used as we intended.

Mr. MILLER of California. Madam Chairman, will the gentleman yield?

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

Mr. MILLER of California. Madam Chairman, I thank the gentleman from Montana [Mr. WILLIAMS] for yielding to me, and he is quite correct. We do accept the technical amendment.

Mr. WILLIAMS. Madam Chairman, I thank the gentleman from California [Mr. MILLER].

Mr. RHODES. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Arizona.

Mr. RHODES. Madam Chairman, we have no objection to the amendment.

We accept the amendment offered by the gentleman from Montana [Mr. WILLIAMS].

Mr. BEREUTER. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Madam Chairman, I thank the distinguished gentleman from Montana [Mr. WILLIAMS] for yielding to me.

Madam Chairman, this initiative, the need for this initiative, has been brought to my attention. I want to commend the gentleman for his initiative, and I certainly support it.

Mr. WILLIAMS. Madam Chairman, I want the gentleman from Nebraska [Mr. BEREUTER] to know that I know of his attention to this matter, and I appreciate his work and encouragement on behalf of the amendment.

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

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

Mr. WAXMAN. Madam Chairman, I just had the gentleman yield to me so I could urge our colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. WILLIAMS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 90, after line 16, insert the following:

"(c) GRANTS FOR MODEL PROGRAM.—The Secretary, as part of the program required under subsection (a), shall, subject to the availability of appropriations, make grants to the Standing Rock Sioux Tribe for the purpose of developing, in consultation with Federal and State officials, an alcohol and substance abuse program to serve as a model for Indian alcohol and substance abuse programs nationwide.

Mr. DORGAN of North Dakota (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. DORGAN of North Dakota. Madam Chairman, I rise to offer an amendment to H.R. 3724, the Indian health amendments to address a critical health care need on Indian reservations today—the treatment of alcoholism and substance abuse.

Alcoholism and substance abuse have reached crisis proportions among native Americans in this country. The alcoholism rate among native Americans is six times the national average, and the alcoholism death rate for native Americans is four times the national average.

In the Aberdeen area of the Indian Health Service, in which my district is located, native American women are nearly 12 times more likely to die of cirrhosis than are other Americans. This is an unjustified tragedy that we must address.

Unfortunately, most substance abuse programs don't address the unique circumstances of native Americans, especially those living on Indian reservations. But in North Dakota and South Dakota, on the Standing Rock Indian Reservation, the Standing Rock Sioux Tribe has been working with State officials and the IHS to develop a new, innovative alcoholism and substance abuse program to serve as a model for reservations across the country.

This model program offers both residential and outpatient treatment services. The program addresses both the root causes of substance abuse and the dangerous effects of addiction, including a high incidence of domestic violence and sexual abuse often related to alcoholism. And even though this program is less than 2 years old, the Standing Rock Treatment Program has seen remarkable successes.

My amendment directs the Secretary of Health and Human Services, through IHS, to provide a grant to the Standing Rock Sioux Tribe to develop a program for the treatment of alcoholism and substance abuse among native Americans. This program would be used as a model for combatting substance abuse on reservations across the country.

This amendment doesn't request any new money for the program. But it does acknowledge the extent of the problems of alcoholism and substance abuse among native Americans, and it recognizes the pain and despair suffered by each native American who suffers from these diseases. This is a problem that we can fix, and I urge your support for this amendment.

Mr. MILLER of California. Madam Chairman, I rise in support of the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

Madam Chairman, we have had a chance to review the amendment offered by the gentleman from North Dakota, and we accept it and think it is a good amendment.

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. WAXMAN. Madam Chairman, as the manager of the bill from the Committee on Energy and Commerce, we have had a chance to look at this amendment, as well, and do support it.

Mr. RHODES. Madam Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Arizona.

Mr. RHODES. Madam Chairman, on behalf of the minority, we have examined the amendment, we have no objection to the amendment and we accept the amendment.

Mr. BEREUTER. Madam Chairman, I move to strike the last word, and I rise in support of the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

Madam Chairman, many Americans know, alcohol-related illnesses and deaths among Indian people are considerably higher than among non-Indian people. Therefore, it is imperative that Indian Health Service [IHS] make a priority of treating substance abuse among native Americans. While Congress has provided a mandate for substance abuse treatment for youth, the mandate for adult treatment has not been as clear. In fact, the director of the Indian Health Service has told this Member that the Indian Health Service is not authorized in clear terms, by Congress to establish substance abuse treatment centers for adults.

This Member would like to share with you an example of how effective an adult substance abuse treatment center can be. The Winnebago IHS Hospital contains a highly successful adult drug dependency unit [DDU] that is located in the First Congressional District in Nebraska. In fact the public employees roundtable gave its sole prestigious Public Service Excellence Award for the Federal programs category to the Winnebago DDU this year. The DDU has an amazingly high success rate when compared with other programs that treat native Americans. It is reported that it has a 50-percent success rate in treating alcohol and substance abuse while non-Indian treatment programs serving Indian people have a 0- to 5-percent success rate. Not only is the DDU the first adult inpatient substance abuse program in the Indian Health Service system, it also has the highest success rate of programs assisting native Americans.

The Winnebago and Omaha Tribes of Nebraska jointly created this unit in cooperation with the IHS to help stem an extraordinarily serious problem in Indian country. The tragic results of alcoholism and substance abuse can be seen throughout the United States, and especially among Indian people. The Winnebago DDU has developed an innovative treatment program for native Americans that deserves to be considered elsewhere.

Madam Chairman, it is critical that Indian Health Service increase its efforts to fight drug and alcohol abuse. The Dorgan amendment gives IHS clear authority to establish a demonstrative adult substance abuse treatment program. It is regrettable only that this amendment had to be cut back and is thus not a general authorization for adult substance abuse centers. Yet this Member urges his colleagues to support this demonstrative effort at the Standing Rock Reservation and hopes that this demonstration program can be applied to the whole Nation.

□ 1420

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The amendment was agreed to.

Mr. DANNEMEYER. Madam Chairman, I thought I would call the attention of my colleagues to a little extrapolation that I made concerning this bill, if we are interested as to what the cost of a Federal medical program for American could cost us.

Madam Chairman, this year we are appropriating about $1.4 billion to take care of the health care needs of roughly 2 million Indians in America. If we extrapolate that across the population of 250 million Americans, if my math is correct, that would come to about $175 billion.

Under Medicaid spending today we are spending about $125 billion State and Federal combined, to take care of 30 million beneficiaries. I suppose if we want to come close to comparing apples to apples, we should add to the total what we are spending for Medicare.

But the point I would like to make is that when we go down the road of a national health insurance plan that some in this House seek to do, the question that all of us have to ask ourselves is where is the money going to come from? I realize that that is not a question that dwells long on the floor of this House, because cost historically has been irrelevant.

The constituencies to be served out there are principally the ones for whose benefit some of this legislation is adopted, that is, if you exclude from the definition of the constituency the taxpayer. But I believe there are times when we should have concern for the welfare of taxpayers.

Madam Chairman, I thought I would just share this interesting analysis with my colleagues.

The CHAIRMAN pro tempore (Mr. KANJORSKI). Are there further amendments to the bill? If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. KANJORSKI, Chairman pro tempore 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. 3724) to amend the Indian Health Care Improvement Act to authorize appropriations for Indian health programs, and for other purposes, pursuant to House Resolution 562, 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.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, 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.

The SPEAKER pro tempore. 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. DANNEMEYER. 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—yes 330, nays 36, not voting, 66, as follows:

[Roll No. 392]

YEAS—330

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Bacchus
Baker
Ballenger
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bunning
Byron
Callahan
Camp
Campbell (CA)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (MO)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Erdreich
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gradison
Grandy
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hefley
Hefner
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kasich
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Markey
Marlenee
Martin
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Pease
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Quillen
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Russo
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schroeder
Schulze
Schumer
Sharp
Shaw
Shays
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Sundquist
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Traficant
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—36

Allard
Allen
Archer
Armey
Barton
Bilirakis
Bliley
Boehner
Burton
Coble
Crane
Dannemeyer
DeLay
Doolittle
Dreier
Duncan
Fawell
Fields
Gekas
Goodling
Hancock
Hastert
Henry
Johnson (TX)
McEwen
Miller (OH)
Pursell
Ritter
Rohrabacher
Sensenbrenner
Shuster
Solomon
Stearns
Stump
Upton
Walker

NOT VOTING—66

Ackerman
Alexander
Aspin
Atkins
AuCoin
Barnard
Boehlert
Boxer
Bryant
Bustamante
Campbell (CO)
Chandler
Coleman (TX)
Conyers
DeFazio
Donnelly
Dornan (CA)
Dymally
Early
Engel
English
Espy
Flake
Foglietta
Ford (TN)
Gallegly
Gunderson
Hansen
Hayes (LA)
Holloway
Huckaby
Ireland
Jefferson
Kaptur
Kennedy
Lantos
Levine (CA)
Luken
Manton
Mavroules
McCurdy
Moakley
Molinari
Morrison
Murphy
Neal (MA)
Owens (NY)
Owens (UT)
Payne (VA)
Pelosi
Perkins
Rangel
Roukema
Roybal
Sabo
Sanders
Schiff
Serrano
Sikorski
Skeen

Solarz	Synar	Towns
Studds	Torricelli	Traxler

□ 1448

Mr. MILLER of Ohio changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 3724 and H.R. 5752.

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

There was no objection.

PERSONAL EXPLANATION

Mr. GUNDERSON. Mr. Speaker, today the House voted on H.R. 3724, the Indian Health Amendment Act. Because I was attending farm progress days in Eau Claire, WI, I was unable to vote on this legislation.

Farm progress day is one of the largest agriculture expositions in the Midwest, highlighting research and technology in the agriculture field. The event regularly attracts 100,000 people each day.

Given the significance of this event on the lives and livelihood of those I represent in western Wisconsin, I opted to attend the farm progress days with my constituents. While I regret missing the vote in the House, the interests of my district and those I represent were best served by my participation in this important event.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3724 AND H.R. 5752, INDIAN HEALTH AMENDMENTS OF 1992

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 3724 and H.R. 5752, as amended, the Clerk be authorized to correct section numbers, cross-references, and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

STOCK RAISING HOMESTEAD ACT AMENDMENTS OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 561 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. 450.

□ 1448

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. 450) to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes, with Mrs. SCHROEDER 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 West Virginia [Mr. RAHALL] will be recognized for 30 minutes, and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

□ 1450

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

Madam Chairman, the Stock Raising Homestead Act of 1916 was one of the last in a series of laws designed to encourage settlement of the West.

This 76-year-old law enabled individuals to gain title to the surface of the land under certain conditions while reserving the potentially more valuable mineral estate in the public domain; that is, in Federal ownership.

Today, throughout the Western States there are approximately 70 million acres of land on which title to the surface is held by private individuals as a result of the Stock Raising Homestead Act.

Meanwhile, the underlying mineral estate to these lands continues to be owned by the United States and subject to various mining laws.

Unfortunately, because of the way current law is written, this split-estate arrangement has left surface owners vulnerable to other individuals who wish to use the same lands for mineral activities.

In other words, the rights of these surface owners are subordinate to the rights of individuals seeking to develop the so-called locatable minerals—such as gold, silver, or copper—of the reserved Federal mineral estate.

This right to mine can preempt the rights of the surface owner, resulting in a variety of injustices including the disruption if not outright destruction of ongoing ranching and farming operations.

The pending measure, H.R. 450, seeks to address the inevitable conflict which arises in this type of split-estate arrangement when those interested in raising livestock, and those engaged in mineral exploration and development, want to use the same parcel of land.

H.R. 450 seeks a balance between the rights of the surface owner, and those interested in the underlying locatable minerals, by providing a straightforward and equitable procedure for gaining access to, and undertaking mining activities on, Stock Raising Homestead Act lands.

This would be accomplished by requiring that miners give notice to the surface owner before entering the land in order to prospect or locate mining claims.

If the claim holder then wants to then develop and mine the claim, it would be preferable that it be done with the consent of the surface owner.

However, in the event consent is not forthcoming, this legislation would require that the claimholder have a plan of operation approved by the Secretary of the Interior, fully reclaim damaged areas, and provide compensation to the surface owner for any loss of income or damage that results.

Today, the increased interest in gold exploration and development in States like California and Nevada has aggravated the inherent conflicts of split-estate land ownership on stock raising homestead lands.

Enactment of this measure could avert a modern day range war between the cowboys and the miners, especially as gold fever continues to sweep through the Western States.

Madam Chairman, H.R. 450 was introduced and has been tenaciously supported by our colleague, RICK LEHMAN of California.

He has dubbed the bill, the "Ranchers' Rights" bill because, if enacted, it would place ranchers who own stock raising homestead lands on an even playing field with those who wish to prospect for and develop hardrock minerals from those lands.

Madam Chairman, I reserve the balance of my time.

Mrs. VUCANOVICH. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in opposition to H.R. 450 as amended by the Committee on Interior and Insular Affairs. Once again, the Interior Committee has subverted proper legislative process and marked up a bill upon which not one person has testified, nor was any comment from the administration sought. This blatant disregard for the views of our affected constituents is becoming routine. Let me explain.

Madam Chairman, H.R. 450 began life as the same bill which passed this body by voice vote in the 101st Congress. The Mining Subcommittee held a field hearing in Fresno, CA in July 1989, to take testimony from Stock Raising Homestead Act surface owners and the Bureau of Land Management. H.R. 737, as amended, was a compromise that ranchers and miners could support. At

issue then, as now, were the relative rights of the surface owner and the holder of the rights to the mineral estate, which is reserved to the United States in Stock Raising Homestead Act deeds.

It has been the policy of the Federal Government since 1916 that the so-called hardrock minerals beneath such lands are available for disposition under the mining law, as modified by the 1916 act. In other words, prospectors and miners can locate mining claims on these lands, and may operate on such mining claims upon receiving permission from the surface owner and providing compensation for damages to the surface estate.

However, under current law, if a surface owner refuses such permission to reenter the lands, the miner has the option of proffering a bond to the BLM for the estimated damages to the surface estate and operating without the surface owner's consent. This step is necessary if the mineral estate reserved to the United States is to be accessible, but few legitimate mining interests will ever choose to exercise it because a good working relationship with the landowner is always better than forced access.

Madam Chairman, the bill we passed last Congress tightened up some requirements on miners for advance notice and reclamation but it did not make the reserved mineral estate off limits. The substitute to H.R. 450 adopted in the Interior Committee would, in effect, do so. Again, let me emphasize to my colleagues, neither the Mining Subcommittee, nor the full Interior Committee, held a hearing on this substitute. It was brought to a markup in subcommittee less than 1 week after its release to the Members—1 week. The only views solicited by the majority were those of the California Cattleman's Association. They persuaded the national association to support the substitute as well, despite the group's earlier support of the Bingaman-Wallop bill in the Senate, S. 1187.

The substitute goes far beyond the original bill which had broad support, including that of the administration. The substitute would unduly restrict the right and ability to prospect for minerals that are strategic and critical to our Nation's needs. How would it do this? By imposing standards that ignore regional differences in soils, climate and vegetation and dictate the manner in which mining and reclamation must occur before a plan of operations would be approved by the Bureau of Land Management. This is contrary to the conclusions reached by the Committee on Surface Mining and Reclamation [COSMAR] of the National Academy of Sciences in the 1979 report to Congress, "Surface Mining of Non-Coal Minerals." This panel was convened under a mandate in the Surface Mining Control and Reclamation Act of 1977 [SMCRA] to assess whether or not the national standards adopted for coal mine reclamation should be applied to hardrock mining. COSMAR concluded national standards were unworkable. I know of no study since which concludes otherwise.

Madam Chairman, H.R. 450 would bar mineral activities where rigid environmental standards could not be met. The administration is quite concerned about the Federal Government's potential liability in approving mining plans of operation on private lands. Yes, the conditions imposed are very strict, but will a surface owner be allowed to sue the United States if a BLM-approved plan causes unanticipated damages?

Furthermore, decisions concerning water quantity that, heretofore, have been the sole domain of the States would now be the decision for a Federal Government authorized officer. I say to my friends, that this is a dangerous precedent. But, since we had no hearing on the substitute there was no one to sound the alarm.

Let me finish, Madam Chairman, on this note. As my ranching constituents will tell you, I have supported them in their issues in Congress for my entire tenure. So have I supported miners. These are two basic industries in my State and district. The subcommittee chairman would have you believe that this bill would avert a modern-day range war. I say to my colleagues that I come from the home of the Sagebrush Rebellion, and I know quite well that if there were to be such a war it would not pit public lands users against each other. Rather, miners, ranchers, lumbermen, and other people who earn a living from resources on the public lands are united in their opposition to Federal Government intrusion into their livelihoods.

Madam Chairman, I do not intend to call for a recorded vote on this bill. I am anxious to see some resolution of split-estate mining issues, but I simply cannot support this heavy-handed approach. The other body passed a reasonable bill sponsored by Senators WALLOP and BINGAMAN. Those gentlemen represent the two States with by far the most Stock Raising Homestead Act acreage and potential mining conflicts. I am confident that a compromise acceptable to all parties can be reached in conference with the Senate.

Madam Chairman, I reserve the balance of my time.

□ 1500

Mr. RAHALL. Madam Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. LEHMAN], without whose leadership we would not be considering this legislation, and I commend him for his having the subcommittee into his State for hearings on this and for his work on this legislation.

Mr. LEHMAN of California. Madam Chairman, I rise today in support of H.R. 450, the Homestead Stock Raising Act. I want to thank the gentleman from West Virginia [Mr. RAHALL], chairman of the subcommittee, for the work he has done on this bill and for coming out to California and looking at the problem firsthand, holding a hearing and then going forth with this legislation.

This bill addresses an ongoing problem that exists in the West with regard to the land with a split estate, that is lands where title of the surface is held by a private landowner and the title of the mineral interests is held by the United States.

This bill, which is supported by the National Cattlemen's Association, the California Cattlemen's Association, and the National Wildlife Federation strikes a balance between the rights of private surface owners and those with interest in gaining access to the lands for mining.

In effect, it updates this act, written over 100 years ago, to meet the realities that we face today in the cattle business and in the mining industry as well.

This bill provides for four basic provisions to establish a sound process. First, prospectors must give a 30-day notice to surface owners; second, prospectors must have a plan of operation approved by the Secretary of the Interior; third, prospectors must fully reclaim damaged areas; and fourth, prospectors must compensate for the loss of surface use and the disruption of the surface operation.

As an aside, I would like to mention at this point that I think there has been unfortunate confusion over this bill particularly with some Members of Congress from the East and coal producing States. This bill does not affect coal mining or leasing in any way. This bill only applies to those States, primarily Western States, in which stockraising homestead lands were acquired by a private owner and the mineral rights stayed with the Federal Government.

This bill was not brought up by a consultant back here or a committee staff; it came from actual cattle ranchers in my district who had a very specific problem and needed it drafted and came to this Congress to do so.

In closing, I have worked very closely with cattlemen who have been affected by this type of situation, in order to craft a piece of legislation which they feel adequately meets their concerns.

This bill does. It is worthy of adoption today. I thank the chairman. I urge passage of the bill.

Mrs. VUCANOVICH. Madam Chairman, I yield 3 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. I thank the gentlewoman for yielding this time to me.

Madam Chairman, I rise today to again oppose H.R. 450 as amended by the Committee on Interior and Insular Affairs and as brought up and defeated on July 27, 1992, on the suspension calendar. And, once again, my opposition is based on the disappointing process used to advance this bill.

And the fact that this bill imposes an excessive number of regulations in an area where we now have a satisfactory amount of regulation or at least could do with the Senate bill, with somewhat less.

It is interesting that almost daily Members of this body rise and complain about overregulation. I think they hear it quite often from their constituents. I think also they quite often say it is the agencies that do that. The fact is that it is not always the agencies, and this is the case here.

At the heart of this legislation is a balancing of the rights of surface owners whose title is derived under the Stock Raising Homestead Act of 1916, and that is now in private ownership. I think that is an important note to remember, that this is private ownership, owned by private owners; and the interests of miners who seek to locate minerals under the Mining Act of 1872.

Although this has generally resulted in a fairly friendly relation between the two estates, there have been questions of notice and protection. In the 101st Congress, the Mining and Natural Resources Subcommittee worked, through a process which included field hearings, to build a compromise bill, H.R. 737. That bill was one that all parties—miners, stock growers, and others—could support or at least not oppose. H.R. 737 provided for advanced notice and reclamation standards, but it did not, in effect, make the mineral estate off limits.

Today the House is again asked to take up the substitute version of H.R. 450, a substitute that has never had the benefit of the hearing in the 101st or any other Congress, and which was offered to the Subcommittee on Mining and Natural Resources just 1 week before markup.

And what does H.R. 450 offer? This bill would unduly restrict the rights and the abilities to prospect for minerals that are strategic and critical to our national needs and security. This bill also ignores regional differences in soil, climate, and vegetation, with the usual one-fits-all kind of Federal regulation.

In fact, H.R. 450 would serve to bar mining activities due to rigid environmental standards, even if the surface owner under existing law, both State and national, agrees to allow for mining. In other words, as the permit issuing agency, the Bureau of Land Management would be placed in the position of dictating how a private landowner would be impacted by mining.

In addition, water quality decisions, previously the sole domain of the States, would now be made by an officer designated by the Federal Government. These are dangerous precedents which should cause alarm to all of us.

Madam Chairman, in short, the language of this bill is fundamentally flawed, and I firmly believe there is no chance of it becoming law. But even worse, this bill is a perfect example of legislation adopted without the benefit of full and fair comment and, instead, brought forward and forced to the floor, where it appears the House again will be compelled to consider it again and again until it passes.

Mr. RAHALL. Madam Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I thank the chairman.

Madam Chairman, I know that the distinguished vice chairlady here of the committee has some concerns, and her concerns are justified. I want to say, in starting out, that there will be some tailoring done to this if this measure becomes law, and I think her concerns are well known and I support her in making some of those changes to protect those concerns she has.

They make sense.

Madam Chairman, here is my concern today: I am concerned that America is being auctioned off and sold off here to the highest bidders. Foreign interests are beginning to buy America, from Wall Street to Main Street to side street to country roads, right from under our noses. I do not even think we are keeping statistics on how much it really is.

Even though this bill deals with specific minerals, I want to talk about the general milieu of foreign ownership and then focus in on this particular bill with my amendment.

First, Japanese own 50 percent of the banks in Los Angeles, 40 percent of the banks in Minnesota, Minneapolis-St. Paul. They own the racehorse Sunday Silence, Rockefeller Center, CBS Records. 7-Eleven is owned by foreign interests, "I Love Lucy" reruns; on and on and on.

But an American can buy a Japanese racehorse, but he or she cannot race that horse in Japan. An American could buy a company in Japan, buy stock in that company, be the biggest shareholder, but cannot have a seat on the board of directors.

Madam Chairman, something is wrong, folks. America is being bought out right from under us, from our minerals to our fertile farmland, our assets.

What will we as Americans really own? We could fish with a fishing permit on the property, but foreign interests will own the gold, the lead, the zinc, the copper, and the silver underneath that land.

Madam Chairman, we have the raw resources. We are turning them over left and right, and we in fact, in my opinion, are making a tremendous mistake. My amendment, which I will be offering later today, simply says that the foreign ownership and control of those particular properties and lands and facilities, under this particular bill, have to be reported so that we know at least what is going on.

□ 1510

In my opinion, the foreign interests do not give a damn about Uncle Sam. They are only here to make a buck, and I think it is our job and our responsibility to protect the interests of our Nation.

So with that in mind, Madam Chairman, I am glad to see that the subcommittee chairman here supports the bill. I want to commend him for the job that he has done throughout Pennsylvania, Ohio, and West Virginia in the coal mining industry. If it were not for the leadership of this chairman, I shudder to think at some of the mining activities in this Nation.

I am proud to have the support of the committee chairman. I hope the concerns that are justifiable by our subcommittee chairman here and the ranking subcommittee member are incorporated. I have no objection to that.

I just think it is time the American people know what is going on and who really owns a piece of the rock.

Mr. THOMAS of Wyoming. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Wyoming.

Mr. THOMAS of Wyoming. Madam Chairman, there are two areas that are specifically set forth in this bill. One is the surface, which is privately owned and which has been homesteaded. The other is the mineral estate under it and facilities that would go to mine that estate.

Does the gentleman intend that the Secretary of the Interior would be responsible for transactions on these private lands that are involved here?

Mr. TRAFICANT. No.

Mr. THOMAS of Wyoming. Or is the gentleman talking about only the Government-owned minerals?

Mr. TRAFICANT. I would support the concerns that have been brought forward by the committee in regard to the differences of opinion and would support and ask that my language be tailored in conference, so as not to belabor it here today, toward the ends of satisfying both sides; but if it were truly up to me, I would know every piece of property in America, who owns it and what its value is, and have an annual report.

But who am I? What do I know?

So I am willing to bow to at least the concerns of the committee.

I want to say this to you. If the minority side completely rejects this and we do win, then I am going to play hard ball.

Mrs. VUCANOVICH. Madam Chairman, I have no further requests for

time, and I yield back the balance of my time.

Mr. RAHALL. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINING CLAIMS ON STOCK RAISING HOMESTEAD ACT LANDS.

(a) MINERAL ENTRY UNDER THE STOCK RAISING HOMESTEAD ACT.—Section 9 of the Act of December 29, 1916, entitled "An act to provide for stock-raising homesteads, and for other purposes (43 U.S.C. 299) is amended by adding the following at the end thereof:

"(b) EXPLORATION; LOCATION OF MINING CLAIMS; NOTICES.—

"(1) IN GENERAL.—(A) Notwithstanding subsection (a) and any other provision of law to the contrary, after the effective date of this subsection no person other than the surface owner may enter lands subject to this Act to explore for, or to locate, a mining claim on such lands without—

"(i) filing a notice of intention to locate a mining claim pursuant to paragraph (2); and

"(ii) providing notice to the surface owner pursuant to paragraph (3).

"(B) Any person who has complied with the requirements referred to in subparagraph (A) may, during the authorized exploration period, in order to locate a mining claim, enter lands subject to this Act to undertake mineral activities related to exploration that cause no more than a negligible disturbance of surface resources and do not involve the use of mechanized equipment, explosives, the construction of roads, drill pads, or the use or toxic or hazardous materials.

"(C) The authorized exploration period referred to in subparagraph (B) shall begin 30 days after notice is provided under paragraph (3) with respect to lands subject to such notice and shall end with the expiration of the 60-day period referred to in paragraph (2)(A) or any extension provided under paragraph (2)(B).

"(2) NOTICE OF INTENTION TO LOCATE A MINING CLAIM.—Any person seeking to locate a mining claim on lands subject to this Act in order to engage in the mineral activities relating to exploration referred to under paragraph (1)(B) may file with the Secretary of the Interior a notice of intention to locate a claim on the lands concerned. The notice shall be in such form as the Secretary shall prescribe. The notice shall contain the name and mailing address of the person filing the notice and a legal description of the lands to which the notice applies. The legal description shall be based on the public land survey or on such other description as is sufficient to permit the Secretary to record the notice on his land status records. Whenever any person has filed a notice under this subparagraph with respect to any lands, during the 60-day period following the date of such filing, no other person (including the surface owner) may—

"(A) file such a notice with respect to any portions of such lands;

"(B) explore for minerals or locate a mining claim on any portion of such lands; or

"(C) acquire any interest in any portion of such lands pursuant to section 209 of the Federal Land Policy and Management Act of 1977 (43 U.S.C. 1719).

"(3) NOTICE TO SURFACE OWNER.—Any person who has filed a notice of intention to locate a mining claim under paragraph (2) for any lands subject to this Act shall provide written notice of such filing by registered or certified mail with return receipt to the surface owner (as evidenced by local tax records) of the lands covered by the notice under paragraph (2). Possession of the return receipt signed by the surface owner shall be necessary prior to entering such lands. The notice shall be provided at least 30 days before entering such lands and shall contain each of the following:

"(A) A brief description of the proposed mineral activities.

"(B) A map and legal description of the lands to be subject to mineral exploration.

"(C) The name, address and phone number of the person managing such activities.

"(D) A statement of the dates on which such activities will take place.

"(4) ACREAGE LIMITATIONS.—The total acreage covered at any time by notices of intention to locate a mining claim under paragraph (2) filed by any person and by affiliates of such person may not exceed 6,400 acres of lands subject to this Act in any one State and 160 acres or one-tenth of any contiguous parcel of land, whichever is greater (except that in no instance shall the total acreage exceed 640 acres), for a single surface owner. For purposes of this paragraph, the term 'affiliate' means, with respect to any person, any other person which controls, is controlled by, or is under common control with, such person.

"(c) CONSENT.—Notwithstanding subsection (a) and any other provision of law, after the effective date of this subsection no person may engage in the conduct of mineral activities (other than those relating to exploration referred to in subsection (b)(1)B)) on a miing claim located on lands subject to this Act without the written consent of the surface owner thereof unless the Secretary has authorized the conduct of such activities under subsection (d).

"(d) AUTHORIZED MINERAL ACTIVITIES.—The Secretary may authorize a person to conduct mineral activities (other than those relating to exploration referred to in subsection (b)(1)(B)) on lands subject to this Act without the consent of the surface owner thereof if such person complies with the requirements of subsections (e) and (f).

"(e) BOND.—(1) Before the Secretary may authorize any person to conduct mineral activities the Secretary shall require such person to post a bond or other financial guarantee in an amount to insure the completion of reclamation satisfying the requirements of this subsection and subsection (h). The bond or other financial guarantee shall be held for the duration of the mineral activities and for an additional period to cover the responsibility of the person conducting such mineral activities for revegetation under subsection (h)(6). Such bond or other financial guarantee shall also insure—

"(A) payment to the surface owner, after the completion of such mineral activities and reclamation, compensation for any permanent damages to crops and tangible improvements of the surface owner that resulted from mineral activities; and

"(B) payment to the surface owner of compensation for any permanent loss of income of the surface owner due to loss or impairment of grazing, or other uses of the land by the surface owner to the extent that reclamation required by the plan of operations would not permit such uses to continue at the level existing prior to the commencement of mineral activities.

"(2) In determining the bond amount to cover permanent loss of income under paragraph (1)(B), the Secretary shall consider, where appropriate, the potential loss of value due to the estimated permanent reduction in utilization of the land.

"(f) PLAN OR OPERATIONS.—(1) Before the Secretary may authorize any person to conduct mineral activities on lands subject this Act, the Secretary shall require such person to submit a plan of operations. The Secretary shall require that mineral activities and reclamation under such plan be conducted in such a way so as to minimize adverse impacts to the environment. A plan under this subsection shall also include procedures for—

"(A) the minimization of damages to crops and tangible improvements of the surface owner;

"(B) the minimization of disruption to grazing or other uses of the land by the surface owner; and

"(C) payment of a fee equivalent to the loss of income to the ranch operation as established pursuant to subsection (g).

"(2) The Secretary shall provide a copy of the proposal plan of operations to the surface owner at least 60 days prior to the date the Secretary makes a determination as to whether such plan complies with the requirements of this subsection. During such 60-day period the surface owner may submit comments and recommend modifications to the proposed plan of operations to the Secretary.

"(3) The Secretary may approve, require modifications to, or deny a proposed plan of operations. To approve a plan of operations, the Secretary shall make each of the following determinations:

"(A) The proposed plan of operations is complete and accurate.

"(B) The person submitting the proposed plan of operations has demonstrated that reclamation as required under subsection (h) can be accomplished under the plan and would have a high probability of success based on an analysis of such reclamation measures in areas of similar geochemistry, topography and hydrology.

"(C) The person submitting the proposed plan of operations has demonstrated that all other applicable Federal and State requirements have been met.

"(4) Final approval of a plan of operations under this subsection shall be conditioned upon compliance with subsections (e) and (g).

"(g) FEE.—The fee referred to in subsection (f)(2) shall be—

"(1) paid to the surface owner by the person submitting the plan of operations;

"(2) paid in advance of any mineral activities or at such other time or times as may be agreed to by the surface owner and the person conducting such activities; and

"(3) established by the Secretary taking into account the acreage involved and the degree of potential disruption to existing surface uses (including the loss of income to the surface owner and such surface owner's operations due to the loss or impairment of existing surface uses for the duration of the mineral activities).

"(h) RECLAMATION.—Except as provided under paragraphs (5) and (7), lands affected by mineral activities under a plan of operations approved pursuant to subsection (f)(3) shall be reclaimed to a condition capable of supporting the uses to which such lands were capable of supporting prior to surface disturbance. Except as provided under paragraphs (5) and (7), the surface area disturbed by mineral activities shall be backfilled, graded and contoured to its natural topography. Reclamation shall proceed as contemporaneously as practicable with the conduct of mineral activities. For the purposes of such reclamation, the Secretary shall establish reclamation standards which shall include, but not

necessarily be limited to, provisions to require each of the following; except that any such standard may be modified only with the consent of the surface owner as part of an approved plan of operations:

"(1) TOPSOIL.—(A) Topsoil removed from lands affected by mineral activities shall be segregated from other spoil material and protected for later use in reclamation. If such topsoil is not replaced on a backfill area within a timeframe short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be used so that the topsoil is preserved from wind and water erosion, remains free of any contamination by acid or other toxic material, and is in a useable condition for sustaining vegetation when restored during reclamation.

"(B) In the event the topsoil from lands affected by mineral activities is of insufficient quantity or of inferior quality for sustaining vegetation, and other suitable growth media removed from the lands affected by the mineral activities are available that shall support vegetation, the best available growth medium shall be removed, segregated and preserved in a like manner as under subparagraph (A) for sustaining vegetation when restored during reclamation.

"(2) STABILIZATION.—All surface areas affected by mineral activities, including spoil material piles, waste material piles, ore piles, subgrade ore piles, and open or partially backfilled mine pits which meet the requirements of paragraph (5) shall be stabilized and protected during mineral activities and reclamation so as to effectively control erosion and minimize attendant air and water pollution.

"(3) EROSION.—Facilities such as but not limited to basins, ditches, streambank stabilization, diversions or other measures, shall be designed, constructed and maintained where necessary to control erosion and drainage of the area affected by mineral activities including spoil material piles and waste material piles prior to the use of such material to comply with the requirements of this subsection, and for the purposes of paragraph (7), and including ore piles and subgrade ore piles.

"(4) HYDROLOGIC BALANCE.—(A) Mineral activities shall be conducted to minimize disturbances to the prevailing hydrologic balance of the area subject to mineral activities and adjacent areas and to the quality and quantity of water in surface and ground water systems in the area subject to mineral activities and adjacent areas.

"(B) Mineral activities shall, to the extent possible, prevent the generation of acid or toxic drainage during the mineral activities and reclamation; and the operator shall prevent the contamination of surface and ground water with acid or other toxic mine drainage and shall prevent or remove water from contact with acid or toxic producing deposits.

"(C) Mineral activities shall be conducted to prevent, to the extent possible, disruption to streamflow, or runoff outside the area covered by the plan of operations, and in no event shall be in excess of requirements set by applicable State or Federal law.

"(D) Reclamation shall, to the extent possible, also include restoration of the recharge capacity of the area subject to mineral activities to approximate premining condition; except that where surface or underground water sources used for domestic or agricultural use have been diminished, contaminated or interrupted as a proximate result of mineral activities, such water resource shall be restored or replaced.

"(5) PIT BACKFILLING/GRADING VARIANCE.—(A) The requirement to backfill, grade and contour land to its natural topography shall not apply with respect to an open mine pit if the Secretary finds that such open pit or partially backfilled pit would not pose a threat to the public health or safety or have an adverse effect on the environment in terms of surface or ground water pollution.

"(B) In instances where complete backfilling of an open pit is not required, the pit shall be graded to blend with the surrounding topography as much as practicable and revegetated in accordance with paragraph (6).

"(6) REVEGETATION.—(A) Except in such instances where the complete backfill of an open mine pit is not required under paragraph (5), the area affected by mineral activities, including any excess spoil material pile and excess waste pile, shall be revegetated in order to establish a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area affected by mineral activities, capable of self-regeneration and plant succession and at least equal in extent of cover to the natural revegetation of the surrounding area.

"(B) In order to insure compliance with subparagraph (A), the period for determining successful revegetation shall be for a period of 5 full years after the last year of augmented seeding, fertilizing, irrigation or other work, except that such period shall be 10 full years where the annual average precipitation is 26 inches or less.

"(7) EXCESS SPOIL AND WASTE.—(A) Excess spoil material and excess waste material shall be transported and placed in approved areas, in a controlled manner in such a way so as to assure long-term mass stability and to prevent mass movement. In addition to the measures described under paragraph (3), internal drainage systems shall be employed, as may be required, to control erosion and drainage. The design of such excess spoil material piles and excess waste material piles shall be certified by a qualified professional engineer.

"(B) Excess spoil material piles and excess waste material piles shall be graded and contoured to blend with the surrounding topography as much as practicable and revegetated in accordance with paragraph (6).

"(8) SEALING.—All drill holes, and openings on the surface associated with underground mineral activities, shall be sealed when no longer needed for the conduct of mineral activities to ensure protection of the public, wildlife and the environment.

"(9) STRUCTURES.—All buildings, structures or equipment constructed, used or improved during the mineral activity shall be removed, unless the Secretary determines that the buildings, structures or equipment shall be of beneficial use in accomplishing the post-mining uses or for environmental monitoring.

"(i) STATE LAW.—(1) Nothing in this Act shall be construed as affecting any reclamation, bonding, inspection, enforcement, air or water quality standard or requirement of any State law or regulation which may be applicable to mineral activities on lands subject to this Act to the extend that such law or regulation is not inconsistent with this title.

"(2) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, his interest in water resources affected by mineral activities.

"(j) INSPECTIONS.—(1) The Secretary shall make such inspections of mineral activities under a plan of operations approved under subsection (f) so as to ensure compliance with the terms and conditions of such plan. The Secretary shall establish a frequency of inspections for mineral activities conducted under such an approved plan of operations, but in no event shall such inspection frequency be less than one complete inspection per calendar quarter.

"(2) Any surface owner of land subject to this Act has reason to believe that they are or may be adversely affected by mineral activities due to any violation of the terms and conditions of a plan of operations approved under subsection (f), such surface owner may request an inspection. The Secretary shall determine within 10 days of the receipt of the request whether the request states a reason to believe that a violation exists, except in the event the surface owners alleges and provides reason to believe that an imminent danger, as provided in subsection (k)(2), exists the 10 day period shall be waived and the inspection conducted immediately. When an inspection is conducted under this paragraph, the Secretary shall notify the surface owner and such surface owner shall be allowed to accompany the inspector on the inspection.

"(k) ENFORCEMENT.—(1) If the Secretary or the authorized representative of the Secretary determines, on the basis of an inspection that the operator is in violation of the terms and conditions of a plan of operations approved under subsection (f), the Secretary or his authorized representative shall issue a notice of violation to the operator describing the violation and the corrective measures to be taken. The Secretary or his authorized representative shall provide such operator with a reasonable period of time to abate the violation. If, upon the expiration of time provided for such abatement, the Secretary or his authorized representative finds that the violation has not been abated he shall immediately order a cessation of all mineral activities or the portion thereof relevant to the violation.

"(2) If the Secretary or his authorized representative determines, on the basis of an inspection, that any condition or practice exists with respect to mineral activities conducted on lands subject to this Act, or that an operator is in violation of the surface management requirements established pursuant to this section, and such condition, practice or violation is causing, or can reasonably be expected to cause—

"(A) an imminent danger to the health or safety of the surface owner of land subject to this Act, or

"(B) significant, imminent environmental harm to land, air or water resources,

the Secretary or his authorized representative shall immediately order a cessation of such mineral activities or the portion thereof causing such condition, practice or violation.

"(3)(A) A cessation order by the Secretary or his authorized representative pursuant to paragraphs (1) or (2) shall remain in effect until the Secretary or his authorized representative determines that the condition, practice or violation has been abated, or until modified, vacated or terminated by the Secretary or his authorized representative. In any such order, the Secretary or his authorized representative shall determine the steps necessary to abate the violation in the most expeditious manner possible, and shall include the necessary measures in the order. The Secretary shall require appropriate financial assurances to insure that the abatement obligations are met.

"(B) Any notice or order issued pursuant to paragraphs (1) or (2) may be modified, vacated or terminated by the Secretary or his authorized representative. An operator, or person conducting mineral activities under section 201(b)(2), issued any such notice or order shall be entitled to a hearing on the record.

"(4) If, after 30 days of the date of the order referred to in paragraph (3)(A), the required abatement has not occurred the Secretary shall take such alternative enforcement action against the responsible parties as will most likely bring about abatement in the most expeditious manner possible. Such alternative enforcement action shall include, but is not necessarily limited to, seeking appropriate injunctive relief to bring about abatement.

"(5) In the event an operator conducting mineral activities under a plan of operations ap-

proved under subsection (f) is unable to abate a violation or defaults on the terms of the plan of operation the Secretary may cause forfeiture of the bond or other financial guarantee for the plan of operations to the extent necessary to ensure abatement and reclamation.

"(l) COMPLIANCE.—The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction or restraining order, in the district court of the United States for the district in which the mineral activities are located whenever an operator: (A) violates, fails or refuses to comply with any order issued by the Secretary under subsection (k); or (B) interferes with, hinders or delays the Secretary in carrying out an inspection under subsection (j). Such court shall have jurisdiction to provide such relief as may be appropriate. Any relief granted by the court to enforce an order under clause (A) shall continue in effect until the completion or final termination of all proceedings for administrative review of such order, unless the district court granting such relief sets it aside or modifies it.

"(m) PENALTIES.—(1) Any operator who fails to comply with the terms and conditions of a plan of operations approved under subsection (f) shall be liable for a penalty of not more than $5,000 per violation. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments. No civil penalty under this subsection shall be assessed until the operator charged with the violation has been given the opportunity for a hearing.

"(2) An operator who fails to correct a violation for which a cessation order has been issued under subsection (k) within the period permitted for its correction shall be assessed a civil penalty of not less than $1,000 per violation for each day during which such failure continues, but in no event shall such assessment exceed a 30-day period.

"(n) DAMAGES FOR FAILURE TO COMPLY.—(1) Whenever the surface owner of any land subject to this Act has suffered any permanent damages to crops or tangible improvements of the surface owner, or any permanent loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner, the surface owner may bring an action in the appropriate United States district court for treble damages, and the court may award such damages if such damages or loss results—

"(A) from any mineral activity undertaken without the consent of the surface owner under subsection (c) or an authorization by the Secretary under subsection (d); or

"(B) from the failure of a person conducting mineral activities on lands subject to this Act approved under subsection (f) to abate a violation under subsection (k).

"(2) The surface owner of any land subject to this Act may also bring an action in the appropriate United States district court for treble damages against any person undertaking any mineral activities on lands subject to this Act in violation of any requirement of subsection (b).

"(3) Treble damages awarded by the court under this subsection shall be reduced by the amount of any compensation which the surface owner has received (or is eligible to receive) pursuant to the bond or financial guarantee required under subsection (e).

"(o) PAYMENT OF DAMAGES.—The surface owner of any land subject to this Act may petition the Secretary for payment of all or any portion of a bond or other financial guarantee required under subsection (e) as compensation for any permanent damages to crops and tangible improvements of the surface owner, or any permanent or temporary loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner. Pursuant to such a petition, the Secretary may use such bond or other guarantee to provide compensation to the surface owner for such damages and to insure the required reclamation.

"(p) BOND RELEASE.—The Secretary shall release the bond or other financial guarantee required under subsection (e) upon the successful completion of all requirements pursuant to a plan of operations approved under subsection (f).

"(q) CONVEYANCE TO SURFACE OWNER.—(1) The Secretary may convey interests owned by the United States (including mineral interests) in lands subject to this Act to the surface owner pursuant to the provisions of section 209 of the Federal Land Policy and Management Act of 1976 without regard to the requirements contained in such provisions that findings be made under subsection (b) of such section.

"(2) The Secretary shall take such actions as may be necessary to simplify the procedures which must be complied with by surface owners of lands subject to this Act who apply to the Secretary to obtain title to interests in such lands owned by the United States.

"(3) Notwithstanding any other provision of law, the Secretary may not convey mineral interests in lands subject to this Act to any person other than the surface owner of such lands without obtaining the consent of such surface owner.

"(r) DEFINITIONS.—For the purposes of subsections (b) through (q)—

"(1) The term 'mineral activities' means any activity for, related to or incidental to mineral exploration, mining, and beneficiation activities for any locatable mineral on a mining claim. When used with respect to this term—

"(A) The term 'exploration' means those techniques employed to locate the presence of a locatable mineral deposit and to establish its nature, position, size, shape, grade and value;

"(B) The term 'mining' means the processes employed for the extraction of a locatable mineral from the earth; and

"(C) The term 'beneficiation' means the crushing and grinding of locatable mineral ore and such processes are employed to free the mineral from other constituents, including but not necessarily limited to, physical and chemical separation techniques.

"(2) The term 'mining claim' means a claim located under the general mining laws of the United States (which generally comprise 30 U.S.C. chapters 2, 12A, and 16, and sections 161 and 162) subject to the terms and conditions of subsections (b) through (q) of this section.

"(s) MINERALS COVERED.—Subsections (b) through (q) of this section apply only to minerals not subject to disposition under—

"(1) the Mineral Leasing Act (30 U.S.C. 181 and following);

"(2) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following); or

"(3) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).".

(b) FEES.—The Secretary may establish such user fees as may be necessary to reimburse the United States for expenses incurred in administering this section.

(c) TECHNICAL CONFORMING AMENDMENT.—Section 9 of the Act of December 29, 1916, entitled "An Act to provide for stock-raising homesteads, and for other purposes" (43 U.S.C. 299) is amended by inserting "(a) GENERAL PROVISIONS.—" before the words "That all entries made".

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect 180 days after the date of enactment.

(e) REGULATIONS.—The Secretary of the Interior shall issue final regulations to implement the amendments made by this Act not later than the effective date of this Act. Failure to promulgate these regulations by reason of any appeal or judicial review shall not delay the effective date as specified in paragraph (d).

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAHALL: Page 23, after line 15, insert:

"(3) The term 'tangible improvements' includes agricultural, residential and commercial improvements, including improvements made by residential subdividers."

Mr. RAHALL. Madam Chairman, this is a technical amendment. It would define the term "tangible improvements" used in the bill as including residential and commercial improvements, as well as agricultural improvements, made to stock raising lands.

Again, it is a technical amendment and it is my understanding this has been cleared with the minority. I ask for the adoption of the amendment.

Mrs. VUCANOVICH. Madam Chairman, if the gentleman will yield, the minority has no objection to the amendment.

Mr. RAHALL. Madam Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. RAHALL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, add the following new section:

SEC. . Report to Congress on Foreign Interest Landholdings.

The Secretary of the Department of Interior is directed to report annually to Congress on the control by foreign firms of the acreage and facilities on lands covered by the 1916 Stock Raising Homestead Act.

(a) DEFINITIONS.—For purposes of this amendment:

(1) The term "domestic firm" means a business entity that is incorporated in the United States, conducts business operations in the United States, and at least 50 percent of its assets are held by private citizens and/or business entities of the United States.

(2) The term "foreign firm" means a business entity that is not described under paragraph (1).

Mr. TRAFICANT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Madam Chairman, I would just like to offer this in addition to the statement made earlier. In a pamphlet in a paper prepared by the Mineral Policy Center, Washington, DC, in June 1991, headed by the caption, "Who Owns the Gold Mines in America?"

Now, 18 of the mines of the top 25 on the list, 18 or at least 40 percent or more are controlled or owned by foreign interests now.

As I look briefly at America, and we are moving into the future, we talk about competitiveness which is another bill coming up today, here is a country, Japan, half the size of us in population, about 130 million people, located in a country the size of California with no natural resources, we have the resources, we have the technology, we are going bankrupt and we are in fact surrendering our raw resources to foreign ownership, and we are not even making reports around here.

When we talk about reports, they say we are bogging the Government down with paperwork. Even the gentleman from Pennsylvania [Mr. MURTHA] knows that cannot be tolerated.

I just would like to say that my amendment is designed to deal with the interests of the vice chairman of the subcommittee. I have talked with the gentlewoman from Nevada [Mrs. VUCANOVICH] on that.

I would in fact agree to any tailoring to be made in that regard. The major concerns are for those minerals that were listed earlier.

So I would ask, I know there might be some problem with this thing in conference the way it looks. I would hope that when that is all ironed out that my amendment would be accepted without prejudice, make the changes necessary to incorporate the legislative intent that we have discussed and keep it in the bill.

Mr. RAHALL. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from West Virginia [Mr. RAHALL], the chairman of the subcommittee.

Mr. RAHALL. Madam Chairman, the gentleman from Ohio raises an interesting point with his amendment.

The fact of the matter is that a good deal of hardrock mining that occurs on Federal lands in the West is done, as the gentleman has so well stated, by foreign-controlled corporations.

In fact, 18 of the top 25 hardrock mines in the West have foreign interests involved. Moreover, under U.S. mining law, these foreign companies can mine valuable minerals on Federal land for free.

No rentals and no royalties accrue to the Treasury from the use of, and production of minerals from, these lands. And I would remind my colleagues that these are minerals owned by the American taxpayer.

The gentleman's amendment makes a great deal of sense, and I would urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to the bill? If not, the question is on 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 CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mrs. SCHROEDER, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 450) to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes, pursuant to House Resolution 561, she 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.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution, 561, the Committee on Interior and Insular Affairs is discharged from further consideration of the Senate bill (S. 1187) to amend the Stock Raising Homestead Act to provide certain procedures for entry onto Stock Raising Homestead Act lands, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. RAHALL moves to strike all after the enacting clause of the Senate bill, S. 1187, and to insert in lieu thereof the provisions of the bill, H.R. 450, as passed by the House, as follows:

SECTION 1. MINING CLAIMS ON STOCK RAISING HOMESTEAD ACT LANDS.

(a) MINERAL ENTRY UNDER THE STOCK RAISING HOMESTEAD ACT.—Section 9 of the Act of December 29, 1916, entitled "An act to provide for stock-raising homesteads, and for other purposes (43 U.S.C. 299) is amended by adding the following at the end thereof:

"(b) EXPLORATION; LOCATION OF MINING CLAIMS; NOTICES.—

"(1) IN GENERAL.—(A) Notwithstanding subsection (a) and any other provision of law to the contrary, after the effective date of this subsection no person other than the surface owner may enter lands subject to this Act to explore for, or to locate, a mining claim on such lands without—

"(i) filing a notice of intention to locate a mining claim pursuant to paragraph (2); and

"(ii) providing notice to the surface owner pursuant to paragraph (3).

"(B) Any person who has complied with the requirements referred to in subparagraph (A) may, during the authorized exploration period, in order to locate a mining claim, enter lands subject to this Act to undertake mineral activities related to exploration that cause no more than a negligible disturbance of surface resources and do not involve the use of mechanized equipment, explosives, the construction of roads, drill pads, or the use or toxic or hazardous materials.

"(C) The authorized exploration period referred to in subparagraph (B) shall begin 30 days after notice is provided under paragraph (3) with respect to lands subject to such notice and shall end with the expiration of the 60-day period referred to in paragraph (2)(A) or any extension provided under paragraph (2)(B).

"(2) NOTICE OF INTENTION TO LOCATE A MINING CLAIM.—Any person seeking to locate a mining claim on lands subject to this Act in order to engage in the mineral activities relating to exploration referred to under paragraph (1)(B) may file with the Secretary of the Interior a notice of intention to locate a claim on the lands concerned. The notice shall be in such form as the Secretary shall prescribe. The notice shall contain the name and mailing address of the person filing the notice and a legal description of the lands to which the notice applies. The legal description shall be based on the public land survey or on such other description as is sufficient to permit the Secretary to record the notice on his land status records. Whenever any person has filed a notice under this subparagraph with respect to any lands, during the 60-day period following the date of such filing, no other person (including the surface owner) may—

"(A) file such a notice with respect to any portions of such lands;

"(B) explore for minerals or locate a mining claim on any portion of such lands; or

"(C) acquire any interest in any portion of such lands pursuant to section 209 of the Federal Land Policy and Management Act of 1977 (43 U.S.C. 1719).

"(3) NOTICE TO SURFACE OWNER.—Any person who has filed a notice of intention to locate a mining claim under paragraph (2) for any lands subject to this Act shall provide written notice of such filing by registered or certified mail with return receipt to the surface owner (as evidenced by local tax records) of the lands covered by the notice under paragraph (2). Possession of the return receipt signed by the surface owner shall be necessary prior to entering such lands. The notice shall be provided at least 30 days before entering such lands and shall contain each of the following:

"(A) A brief description of the proposed mineral activities.

"(B) A map and legal description of the lands to be subject to mineral exploration.

"(C) The name, address and phone number of the person managing such activities.

"(D) A statement of the dates on which such activities will take place.

"(4) ACREAGE LIMITATIONS.—The total acreage covered at any time by notices of intention to locate a mining claim under paragraph (2) filed by any person and by affiliates of such person may not exceed 6,400 acres of lands subject to this Act in any one State and 160 acres or one-tenth of any contiguous parcel of land, whichever is greater (except that in no instance shall the total acreage exceed 640 acres), for a single surface owner. For purposes of this paragraph, the term 'affiliate' means, with respect to any person, any other person which controls, is controlled by, or is under common control with, such person.

"(c) CONSENT.—Notwithstanding subsection (a) and any other provision of law, after the ef-

fective date of this subsection no person may engage in the conduct of mineral activities (other than those relating to exploration referred to in subsection (b)(1)B)) on a mining claim located on lands subject to this Act without the written consent of the surface owner thereof unless the Secretary has authorized the conduct of such activities under subsection (d).

"(d) AUTHORIZED MINERAL ACTIVITIES.—The Secretary may authorize a person to conduct mineral activities (other than those relating to exploration referred to in subsection (b)(1)(B)) on lands subject to this Act without the consent of the surface owner thereof if such person complies with the requirements of subsections (e) and (f).

"(e) BOND.—(1) Before the Secretary may authorize any person to conduct mineral activities the Secretary shall require such person to post a bond or other financial guarantee in an amount to insure the completion of reclamation satisfying the requirements of this subsection and subsection (h). The bond or other financial guarantee shall be held for the duration of the mineral activities and for an additional period to cover the responsibility of the person conducting such mineral activities for revegetation under subsection (h)(6). Such bond or other financial guarantee shall also insure—

"(A) payment to the surface owner, after the completion of such mineral activities and reclamation, compensation for any permanent damages to crops and tangible improvements of the surface owner that resulted from mineral activities; and

"(B) payment to the surface owner of compensation for any permanent loss of income of the surface owner due to loss or impairment of grazing, or other uses of the land by the surface owner to the extent that reclamation required by the plan of operations would not permit such uses to continue at the level existing prior to the commencement of mineral activities.

"(2) In determining the bond amount to cover permanent loss of income under paragraph (1)(B), the Secretary shall consider, where appropriate, the potential loss of value due to the estimated permanent reduction in utilization of the land.

"(f) PLAN OR OPERATIONS.—(1) Before the Secretary may authorize any person to conduct mineral activities on lands subject this Act, the Secretary shall require such person to submit a plan of operations. The Secretary shall require that mineral activities and reclamation under such plan be conducted in such a way so as to minimize adverse impacts to the environment. A plan under this subsection shall also include procedures for—

"(A) the minimization of damages to crops and tangible improvements of the surface owner;

"(B) the minimization of disruption to grazing or other uses of the land by the surface owner; and

"(C) payment of a fee equivalent to the loss of income to the ranch operation as established pursuant to subsection (g).

"(2) The Secretary shall provide a copy of the proposal plan of operations to the surface owner at least 60 days prior to the date the Secretary makes a determination as to whether such plan complies with the requirements of this subsection. During such 60-day period the surface owner may submit comments and recommend modifications to the proposed plan of operations to the Secretary.

"(3) The Secretary may approve, require modifications to, or deny a proposed plan of operations. To approve a plan of operations, the Secretary shall make each of the following determinations:

"(A) The proposed plan of operations is complete and accurate.

"(B) The person submitting the proposed plan of operations has demonstrated that reclamation as required under subsection (h) can be accomplished under the plan and would have a high probability of success based on an analysis of such reclamation measures in areas of similar geochemistry, topography and hydrology.

"(C) The person submitting the proposed plan of operations has demonstrated that all other applicable Federal and State requirements have been met.

"(4) Final approval of a plan of operations under this subsection shall be conditioned upon compliance with subsections (e) and (g).

"(g) FEE.—The fee referred to in subsection (f)(2) shall be—

"(1) paid to the surface owner by the person submitting the plan of operations;

"(2) paid in advance of any mineral activities or at such other time or times as may be agreed to by the surface owner and the person conducting such activities; and

"(3) established by the Secretary taking into account the acreage involved and the degree of potential disruption to existing surface uses (including the loss of income to the surface owner and such surface owner's operations due to the loss or impairment of existing surface uses for the duration of the mineral activities).

"(h) RECLAMATION.—Except as provided under paragraphs (5) and (7), lands affected by mineral activities under a plan of operations approved pursuant to subsection (f)(3) shall be reclaimed to a condition capable of supporting the uses to which such lands were capable of supporting prior to surface disturbance. Except as provided under paragraphs (5) and (7), the surface area disturbed by mineral activities shall be backfilled, graded and contoured to its natural topography. Reclamation shall proceed as contemporaneously as practicable with the conduct of mineral activities. For the purposes of such reclamation, the Secretary shall establish reclamation standards which shall include, but not necessarily be limited to, provisions to require each of the following; except that any such standard may be modified only with the consent of the surface owner as part of an approved plan of operations:

"(1) TOPSOIL.—(A) Topsoil removed from lands affected by mineral activities shall be segregated from other spoil material and protected for later use in reclamation. If such topsoil is not replaced on a backfill area within a timeframe short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be used so that the topsoil is preserved from wind and water erosion, remains free of any contamination by acid or other toxic material, and is in a useable condition for sustaining vegetation when restored during reclamation.

"(B) In the event the topsoil from lands affected by mineral activities is of insufficient quantity or of inferior quality for sustaining vegetation, and other suitable growth media removed from the lands affected by the mineral activities are available that shall support vegetation, the best available growth medium shall be removed, segregated and preserved in a like manner as under subparagraph (A) for sustaining vegetation when restored during reclamation.

"(2) STABILIZATION.—All surface areas affected by mineral activities, including spoil material piles, waste material piles, ore piles, subgrade ore piles, and open or partially backfilled mine pits which meet the requirements of paragraph (5) shall be stabilized and protected during mineral activities and reclamation so as to effectively control erosion and minimize attendant air and water pollution.

"(3) EROSION.—Facilities such as but not limited to basins, ditches, streambank stabilization, diversions or other measures, shall be designed, constructed and maintained where necessary to control erosion and drainage of the area affected by mineral activities including spoil material piles and waste material piles prior to the use of such material to comply with the requirements of this subsection, and for the purposes of paragraph (7), and including ore piles and subgrade ore piles.

"(4) HYDROLOGIC BALANCE.—(A) Mineral activities shall be conducted to minimize disturbances to the prevailing hydrologic balance of the area subject to mineral activities and adjacent areas and to the quality and quantity of water in surface and ground water systems in the area subject to mineral activities and adjacent areas.

"(B) Mineral activities shall, to the extent possible, prevent the generation of acid or toxic drainage during the mineral activities and reclamation; and the operator shall prevent the contamination of surface and ground water with acid or other toxic mine drainage and shall prevent or remove water from contact with acid or toxic producing deposits.

"(C) Mineral activities shall be conducted to prevent, to the extent possible, disruption to streamflow, or runoff outside the area covered by the plan of operations, and in no event shall be in excess of requirements set by applicable State or Federal law.

"(D) Reclamation shall, to the extent possible, also include restoration of the recharge capacity of the area subject to mineral activities to approximate premining condition; except that where surface or underground water sources used for domestic or agricultural use have been diminished, contaminated or interrupted as a proximate result of mineral activities, such water resource shall be restored or replaced.

"(5) PIT BACKFILLING/GRADING VARIANCE.—(A) The requirement to backfill, grade and contour land to its natural topography shall not apply with respect to an open mine pit if the Secretary finds that such open pit or partially backfilled pit would not pose a threat to the public health or safety or have an adverse effect on the environment in terms of surface or ground water pollution.

"(B) In instances where complete backfilling of an open pit is not required, the pit shall be graded to blend with the surrounding topography as much as practicable and revegetated in accordance with paragraph (6).

"(6) REVEGETATION.—(A) Except in such instances where the complete backfill of an open mine pit is not required under paragraph (5), the area affected by mineral activities, including any excess spoil material pile and excess waste pile, shall be revegetated in order to establish a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area affected by mineral activities, capable of self-regeneration and plant succession and at least equal in extent of cover to the natural revegetation of the surrounding area.

"(B) In order to insure compliance with subparagraph (A), the period for determining successful revegetation shall be for a period of 5 full years after the last year of augmented seeding, fertilizing, irrigation or other work, except that such period shall be 10 full years where the annual average precipitation is 26 inches or less.

"(7) EXCESS SPOIL AND WASTE.—(A) Excess spoil material and excess waste material shall be transported and placed in approved areas, in a controlled manner in such a way so as to assure long-term mass stability and to prevent mass movement. In addition to the measures described under paragraph (3), internal drainage systems shall be employed, as may be required, to control erosion and drainage. The design of such excess spoil material piles and excess waste material piles shall be certified by a qualified professional engineer.

"(B) Excess spoil material piles and excess waste material piles shall be graded and

contoured to blend with the surrounding topography as much as practicable and revegetated in accordance with paragraph (6).

"(8) SEALING.—All drill holes, and openings on the surface associated with underground mineral activities, shall be sealed when no longer needed for the conduct of mineral activities to ensure protection of the public, wildlife and the environment.

"(9) STRUCTURES.—All buildings, structures or equipment constructed, used or improved during the mineral activity shall be removed, unless the Secretary determines that the buildings, structures or equipment shall be of beneficial use in accomplishing the post-mining uses or for environmental monitoring.

"(i) STATE LAW.—(1) Nothing in this Act shall be construed as affecting any reclamation, bonding, inspection, enforcement, air or water quality standard or requirement of any State law or regulation which may be applicable to mineral activities on lands subject to this Act to the extend that such law or regulation is not inconsistent with this title.

"(2) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, his interest in water resources affected by mineral activities.

"(j) INSPECTIONS.—(1) The Secretary shall make such inspections of mineral activities under a plan of operations approved under subsection (f) so as to ensure compliance with the terms and conditions of such plan. The Secretary shall establish a frequency of inspections for mineral activities conducted under such an approved plan of operations, but in no event shall such inspection frequency be less than one complete inspection per calendar quarter.

"(2) Any surface owner of land subject to this Act has reason to believe that they are or may be adversely affected by mineral activities due to any violation of the terms and conditions of a plan of operations approved under subsection (f), such surface owner may request an inspection. The Secretary shall determine within 10 days of the receipt of the request whether the request states a reason to believe that a violation exists, except in the event the surface owners alleges and provides reason to believe that an imminent danger, as provided in subsection (k)(2), exists the 10 day period shall be waived and the inspection conducted immediately. When an inspection is conducted under this paragraph, the Secretary shall notify the surface owner and such surface owner shall be allowed to accompany the inspector on the inspection.

"(k) ENFORCEMENT.—(1) If the Secretary or the authorized representative of the Secretary determines, on the basis of an inspection that the operator is in violation of the terms and conditions of a plan of operations approved under subsection (f), the Secretary or his authorized representative shall issue a notice of violation to the operator describing the violation and the corrective measures to be taken. The Secretary or his authorized representative shall provide such operator with a reasonable period of time to abate the violation. If, upon the expiration of time provided for such abatement, the Secretary or his authorized representative finds that the violation has not been abated he shall immediately order a cessation of all mineral activities or the portion thereof relevant to the violation.

"(2) If the Secretary or his authorized representative determines, on the basis of an inspection, that any condition or practice exists with respect to mineral activities conducted on lands subject to this Act, or that an operator is in violation of the surface management requirements established pursuant to this section, and such condition, practice or violation is causing, or can reasonably be expected to cause—

"(A) an imminent danger to the health or safety of the surface owner of land subject to this Act, or

"(B) significant, imminent environmental harm to land, air or water resources,

the Secretary or his authorized representative shall immediately order a cessation of such mineral activities or the portion thereof causing such condition, practice or violation.

"(3)(A) A cessation order by the Secretary or his authorized representative pursuant to paragraphs (1) or (2) shall remain in effect until the Secretary or his authorized representative determines that the condition, practice or violation has been abated, or until modified, vacated or terminated by the Secretary or his authorized representative. In any such order, the Secretary or his authorized representative shall determine the steps necessary to abate the violation in the most expeditious manner possible, and shall include the necessary measures in the order. The Secretary shall require appropriate financial assurances to insure that the abatement obligations are met.

"(B) Any notice or order issued pursuant to paragraphs (1) or (2) may be modified, vacated or terminated by the Secretary or his authorized representative. An operator, or person conducting mineral activities under section 201(b)(2), issued any such notice or order shall be entitled to a hearing on the record.

"(4) If, after 30 days of the date of the order referred to in paragraph (3)(A), the required abatement has not occurred the Secretary shall take such alternative enforcement action against the responsible parties as will most likely bring about abatement in the most expeditious manner possible. Such alternative enforcement action shall include, but is not necessarily limited to, seeking appropriate injunctive relief to bring about abatement.

"(5) In the event an operator conducting mineral activities under a plan of operations approved under subsection (f) is unable to abate a violation or defaults on the terms of the plan of operation the Secretary may cause forfeiture of the bond or other financial guarantee for the plan of operations to the extent necessary to ensure abatement and reclamation.

"(l) COMPLIANCE.—The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction or restraining order, in the district court of the United States for the district in which the mineral activities are located whenever an operator: (A) violates, fails or refuses to comply with any order issued by the Secretary under subsection (k); or (B) interferes with, hinders or delays the Secretary in carrying out an inspection under subsection (j). Such court shall have jurisdiction to provide such relief as may be appropriate. Any relief granted by the court to enforce an order under clause (A) shall continue in effect until the completion or final termination of all proceedings for administrative review of such order, unless the district court granting such relief sets it aside or modifies it.

"(m) PENALTIES.—(1) Any operator who fails to comply with the terms and conditions of a plan of operations approved under subsection (f) shall be liable for a penalty of not more than $5,000 per violation. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments. No civil penalty under this subsection shall be assessed until the operator charged with the violation has been given the opportunity for a hearing.

"(2) An operator who fails to correct a violation for which a cessation order has been issued under subsection (k) within the period permitted for its correction shall be assessed a civil penalty of not less than $1,000 per violation for each day during which such failure continues, but in no event shall such assessment exceed a 30-day period.

"(n) DAMAGES FOR FAILURE TO COMPLY.—(1) Whenever the surface owner of any land subject to this Act has suffered any permanent damages to crops or tangible improvements of the surface owner, or any permanent loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner, the surface owner may bring an action in the appropriate United States district court for treble damages, and the court may award such damages if such damages or loss results—

"(A) from any mineral activity undertaken without the consent of the surface owner under subsection (c) or an authorization by the Secretary under subsection (d); or

"(B) from the failure of a person conducting mineral activities on lands subject to this Act approved under subsection (f) to abate a violation under subsection (k).

"(2) The surface owner of any land subject to this Act may also bring an action in the appropriate United States district court for treble damages against any person undertaking any mineral activities on lands subject to this Act in violation of any requirement of subsection (b).

"(3) Treble damages awarded by the court under this subsection shall be reduced by the amount of any compensation which the surface owner has received (or is eligible to receive) pursuant to the bond or financial guarantee required under subsection (e).

"(o) PAYMENT OF DAMAGES.—The surface owner of any land subject to this Act may petition the Secretary for payment of all or any portion of a bond or other financial guarantee required under subsection (e) as compensation for any permanent damages to crops and tangible improvements of the surface owner, or any permanent or temporary loss of income due to loss or impairment of grazing, or other uses of the land by the surface owner. Pursuant to such a petition, the Secretary may use such bond or other guarantee to provide compensation to the surface owner for such damages and to insure the required reclamation.

"(p) BOND RELEASE.—The Secretary shall release the bond or other financial guarantee required under subsection (e) upon the successful completion of all requirements pursuant to a plan of operations approved under subsection (f).

"(q) CONVEYANCE TO SURFACE OWNER.—(1) The Secretary may convey interests owned by the United States (including mineral interests) in lands subject to this Act to the surface owner pursuant to the provisions of section 209 of the Federal Land Policy and Management Act of 1976 without regard to the requirements contained in such provisions that findings be made under subsection (b) of such section.

"(2) The Secretary shall take such actions as may be necessary to simplify the procedures which must oe complied with by surface owners of lands subject to this Act who apply to the Secretary to obtain title to interests in such lands owned by the United States.

"(3) Notwithstanding any other provision of law, the Secretary may not convey mineral interests in lands subject to this Act to any person other than the surface owner of such lands without obtaining the consent of such surface owner.

"(r) DEFINITIONS.—For the purposes of subsections (b) through (q)—

"(1) The term 'mineral activities' means any activity for, related to or incidental to mineral exploration, mining, and beneficiation activities for any locatable mineral on a mining claim. When used with respect to this term—

"(A) The term 'exploration' means those techniques employed to locate the presence of a locatable mineral deposit and to establish its nature, position, size, shape, grade and value;

"(B) The term 'mining' means the processes employed for the extraction of a locatable mineral from the earth; and

"(C) The term 'beneficiation' means the crushing and grinding of locatable mineral ore and such processes are employed to free the mineral from other constituents, including but not necessarily limited to, physical and chemical separation techniques.

"(2) The term 'mining claim' means a claim located under the general mining laws of the United States (which generally comprise 30 U.S.C. chapters 2, 12A, and 16, and sections 161 and 162) subject to the terms and conditions of subsections (b) through (q) of this section.

"(3) The term 'tangible improvements' includes agricultural, residential and commercial improvements, including improvements made by residential subdividers.

"(s) MINERALS COVERED.—Subsections (b) through (q) of this section apply only to minerals not subject to disposition under—

"(1) the Mineral Leasing Act (30 U.S.C. 181 and following);

"(2) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following); or

"(3) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).".

(b) FEES.—The Secretary may establish such user fees as may be necessary to reimburse the United States for expenses incurred in administering this section.

(c) TECHNICAL CONFORMING AMENDMENT.—Section 9 of the Act of December 29, 1916, entitled "An Act to provide for stock-raising homesteads, and for other purposes" (43 U.S.C. 299) is amended by inserting "(a) GENERAL PROVISIONS.—" before the words "That all entries made".

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect 180 days after the date of enactment.

(e) REGULATIONS.—The Secretary of the Interior shall issue final regulations to implement the amendments made by this Act not later than the effective date of this Act. Failure to promulgate these regulations by reason of any appeal or judicial review shall not delay the effective date as specified in paragraph (d).

SEC. 2. REPORT TO CONGRESS ON FOREIGN INTEREST LANDHOLDINGS.

The Secretary of the Department of Interior is directed to report annually to Congress on the control by foreign firms of the acreage and facilities on lands covered by the 1916 Stock Raising Homestead Act.

(a) DEFINITIONS.—For purposes of this amendment:

(1) The term "domestic firm" means a business entity that is incorporated in the United States, conducts business operations in the United States, and at least 50 percent of its assets are held by private citizens and/or business entities of the United States.

(2) The term "foreign firm" means a business entity that is not described under paragraph (1).

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 amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 450) was laid on the table.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 450 and S. 1187, the bills just passed.

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

There was no objection.

□ 1520

WE NEED TO TAKE A LOOK AT FEMA

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

Mr. MONTGOMERY. Mr. Speaker, I rise to tell my colleagues that I had the privilege of going to south Florida this last Saturday. I took a four-man/woman congressional delegation to Florida.

Mr. Speaker, it reminded me of a war zone when we landed there. The buildings were down; trees were blown down. We saw military helicopters, a lot of personnel, and it was really just like a war zone, like there had been an awful fight there.

Luckily, Mr. Speaker, there were no casualties to speak of on that base, and we did have a good visit. It looked to me, Mr. Speaker, that probably we can take the Florida National Guard off of active duty and send them back to their respective homes. They have done a terrific job. They have been on active duty now for 22 days in south Florida.

Mainly, Mr. Speaker, the National Guard has been doing security work, which is protection of property, traffic control, arrests, guarding against looting and stealing, and they have done very well. There are about 21,000 active-duty troops on the ground there working in humanitarian areas, such as working on feeding and housing, and so the military has gotten a lot out of this.

I think the bottom line to me is, Mr. Speaker, that we need to take a good, hard look at FEMA, the Federal Emergency Management Agency, and see if they should have some hearings, as well as our committees, on what action we should take with FEMA. I am convinced FEMA really cannot handle a major, large disaster, and we have to call in the military, we have to call in the Active Forces and the National Guard. So, I would hope that we would start taking some looks at FEMA and maybe consider putting that operation under the Secretary of Defense, not doing away with FEMA, but maybe giving them a little more clout when we do have those major disasters.

ANNOUNCEMENT OF SPECIAL ORDER ON THE LATE JOSEPH L. RAUH

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

Mr. EDWARDS of California. Mr. Speaker, I would like to remind my colleagues that later this evening, later this afternoon, I will be in charge of a special order so that we may pay tribute to the late Joseph L. Rauh of Washington, DC, one of the great civil rights and constitutional leaders, who passed away last week. It will be later today, and I am hoping to have wide participation.

APPOINTMENT AS MEMBERS OF FUNERAL COMMITTEE OF THE LATE TED WEISS

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to House Resolution 564, the Chair announces as members of the funeral committee of the late Ted Weiss the following Members on the part of the House: Mr. HORTON of New York; Mr. FOLEY of Washington; Mr. GEPHARDT of Missouri; Mr. HOYER of Maryland; Mr. FISH of New York; Mr. LENT of New York; Mr. RANGEL of New York; Mr. GILMAN of New York; Mr. SCHEUER of New York; Mr. DOWNEY of New York.

Mr. LAFALCE of New York; Mr. MCHUGH of New York; Mr. NOWAK of New York; Mr. SOLARZ of New York; Mr. GREEN of New York; Mr. SOLOMON of New York; Mr. MARTIN of New York; Mr. MCGRATH of New York; Mr. SCHUMER of New York; Mr. BOEHLERT of New York.

Mr. MRAZEK of New York; Mr. OWENS of New York; Mr. TOWNS of New York; Mr. ACKERMAN of New York; Mr. MANTON of New York; Mr. FLAKE of New York; Mr. HOCHBRUECKNER of New York; Mr. HOUGHTON of New York; Ms. SLAUGHTER of New York; Mr. ENGEL of New York.

Mrs. LOWEY of New York; Mr. MCNULTY of New York; Mr. PAXON of New York; Mr. WALSH of New York; Ms. MOLINARI of New York; Mr. SERRANO of New York; Mr. FASCELL of Florida; Mr. ROSTENKOWSKI of Illinois; Mr. EDWARDS of California; Mr. ALEXANDER of Arkansas.

Mr. COUGHLIN of Pennsylvania; Mr. DELLUMS of California; Mrs. COLLINS of Illinois; Mr. MILLER of California; Mr. MINETA of California; Mr. RUSSO of Illinois; Mr. WAXMAN of California; Mr. GLICKMAN of Kansas; Mr. PANETTA of California; Mr. VENTO of Minnesota.

Mr. GUARINI of New Jersey; Mr. WILLIAMS of Montana; Mr. WOLPE of Michigan; Mr. FOGLIETTA of Pennsylvania; Mr. FRANK of Massachusetts; Mrs. KENNELLY of Connecticut; Mr. CARR of Michigan; Mr. BERMAN of California; Mr. SMITH of Florida; Mr. TORRES of California.

Mr. WISE of West Virginia; Mr. HAYES of Illinois; Mr. KLECZKA of Wisconsin;

Mr. LEWIS of Georgia; Ms. PELOSI of California; Mr. MCDERMOTT of Washington; Mr. PAYNE of New Jersey; Mr. WASHINGTON of Texas; Mr. SANDERS of Vermont; Mr. BLAZ of Guam; and Mr. FALEOMAVAEGA of American Samoa.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, September 16, 1992.

TOURISM POLICY AND EXPORT PROMOTION ACT OF 1991

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill (S. 680) to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

The Clerk read as follows:

Senate amendment to House amendments:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Tourism Policy and Export Promotion Act of 1992".

(b) REFERENCE.—Whenever in 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 International Travel Act of 1961 (22 U.S.C. 2121 et seq.).

SEC. 2. FINDINGS.

The Congress finds that—

(1) the travel and tourism industry is the second largest retail or service industry in the United States;

(2) travel and tourism receipts make up over 6.7 percent of the United States gross national product;

(3) in 1991, the travel and tourism industry generated about six million jobs directly and about two million five hundred thousand indirectly;

(4) travel and tourism expenditures in 1991 were approximately $352,000,000,000;

(5) forty-two million international visitors spent approximately $64,700,000,000 in the United States in 1991;

(6) travel and tourism services ranked as the largest United States business services export in 1991, providing a United States travel trade balance of $16,800,000,000;

(7) many local communities with significant tourism potential are unable to realize the economic and employment opportunities that tourism provides because they lack the necessary local resources and expertise needed to induce tourism trade;

(8) increased efforts directed at the promotion of rural tourism will contribute to the economic development of rural America and further the conservation and promotion of natural, scenic, historic, scientific, educational, inspirational, and recreational resources for future generations of Americans and foreign visitors;

(9) foreign tourists entering the United States are frequently faced with unnecessary delays at the United States border;

(10) advanced technologies, industrial targeting, the industrialization of the Third World, and the flight of some United States manufacturing capacity to overseas locations have affected the international competitiveness of the United States;

(11) exporting those goods and services which United States industry can produce at a comparative cost advantage, such as travel and tourism services, will be in the Nation's long-term strategic interest; and

(12) the emergence of democratic governments in the formerly Communist nations of Eastern Europe and in the former Soviet Union provide new opportunities for United States firms engaged in both the inbound and outbound tourism markets.

SEC. 3. SURVEY OF INTERNATIONAL AIR TRAVELERS.

The Secretary of Commerce, to the extent available resources permit, shall improve the survey of international air travelers conducted to provide the data needed to estimate the Nation's balance of payments in international travel by—

(1) expanding the survey to cover travel to and from the Middle East, Africa, South America, and the Caribbean and enhancing coverage for Mexico, Oceania, the Far East, and Europe; and

(2) improving the methodology for conducting on-board surveys by (A) enhancing communications, training, and liaison activities in cooperation with participating air carriers, (B) providing for the continuation of needed data bases, and (C) utilizing improved sampling procedures.

The Secretary of Commerce shall seek to increase the reporting frequency of the data provided by Statistics Canada and the Bank of Mexico on international travel trade between the United States and both Canada and Mexico. The Secretary shall improve the quarterly statistical report on United States international travel receipts and payments published in the Bureau of Economic Analysis document known as "The Survey of Current Services" and heighten its visibility.

SEC. 4. RURAL TOURISM DEVELOPMENT FOUNDATION.

(a) ESTABLISHMENT OF FOUNDATION.—In order to assist in the development and promotion of rural tourism, there is established a charitable and nonprofit corporation to be known as the Rural Tourism Development Foundation (hereafter in this section referred to as the "Foundation").

(b) FUNCTIONS.—The functions of the Foundation shall be the planning, development, and implementation of projects and programs which have the potential to increase travel and tourism export revenues by attracting foreign visitors to rural America. Initially, such projects and programs shall include—

(1) participation in the development and distribution of educational and promotional materials pertaining to both private and public attractions located in rural areas of the United States, including Federal parks and recreational lands, which can be used by foreign visitors;

(2) development of educational resources to assist in private and public rural tourism development; and

(3) participation in Federal agency outreach efforts to make such resources available to private enterprises, State and local governments, and other persons and entities interested in rural tourism development.

(c) BOARD OF DIRECTORS.—

(1) COMPOSITION.—(A) The Foundation shall have a Board of Directors (hereafter in this section referred to as the "Board") that—

(i) during its first two years shall consist of nine voting members; and

(ii) thereafter shall consist of those nine members plus up to six additional voting members as determined in accordance with the bylaws of the Foundation.

(B)(i) The Under Secretary of Commerce for Travel and Tourism shall, within six months after the date of enactment of this Act, appoint the initial nine voting members of the Board and thereafter shall appoint the successors of each of three such members, as provided by such bylaws.

(ii) The voting members of the Board, other than those referred to in clause (i), shall be appointed in accordance with procedures established by such bylaws.

(C) The voting members of the Board shall be individuals who are not Federal officers or employees and who have demonstrated an interest in rural tourism development. Of such voting members, at least a majority shall have experience and expertise in tourism trade promotion, at least one shall have experience and expertise in resource conservation, at least one shall have experience and expertise in financial administration in a fiduciary capacity, at least one shall be a representative of an Indian tribe who has experience and expertise in rural tourism on an Indian reservation, at least one shall represent a regional or national organization or association with a major interest in rural tourism development or promotion, and at least one shall be a representative of a State who is responsible for tourism promotion.

(D) Voting members of the Board shall each serve a term of six years, except that—

(i) initial terms shall be staggered to assure continuity of administration;

(ii) if a person is appointed to fill a vacancy occurring prior to the expiration of the term of the person's predecessor, that person shall serve only for the remainder of the predecessor's term; and

(iii) any such appointment to fill a vacancy shall be made within sixty days after the vacancy occurs.

(2) EX-OFFICIO MEMBERS.—The Under Secretary of Commerce for Travel and Tourism and representatives of Federal agencies with responsibilty for Federal recreational sites in rural areas (including the National Park Service, Bureau of Land Management, Forest Service, Corps of Engineers, Bureau of Indian Affairs, Tennessee Valley Authority, and such other Federal agencies as the Board determines appropriate) shall be nonvoting ex-officio members of the Board.

(3) CHAIR.—The Chairman and Vice Chairman of the Board shall be elected by the voting members of the Board for terms of two years.

(4) MEETINGS.—The Board shall meet at the call of the Chairman and there shall be at least two meetings each year. A majority of the voting members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Foundation shall have an official seal, which shall be judicially noticed. Voting membership on the Board shall not be deemed to be an office within the meaning of the laws of the United States.

(d) COMPENSATION AND EXPENSES.—No compensation shall be paid to the members of the Board for their services as members, but they may be reimbursed for actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties as such members out of Foundation funds available to the Board for such purposes.

(e) ACCEPTANCE OF GIFTS, DEVISES, AND BEQUESTS.—

(1) IN GENERAL.—The Foundation is authorized to accept, receive, solicit, hold, administer, and use any gifts, devises, or bequests, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein for the benefit of or in connection with rural tourism, except that the Foundation may not accept any such gift, devise, or bequest which entails any expenditure other than from the resources of the Foundation. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of rural tourism.

(2) INDIANS.—A gift, devise, or bequest accepted by the Foundation for the benefit of or in connection with rural tourism on Indian reservations, pursuant to the Act of February 14, 1931 (25 U.S.C. 451), shall be maintained in a separate accounting for the benefit of Indian tribes in the development of tourism on Indian reservations.

(f) INVESTMENTS.—Except as otherwise required by the instrument of transfer, the Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or deal with any property or income thereof as the Board may from time to time determine. The Foundation shall not engage in any business, nor shall the Foundation make any investment that may not lawfully be made by a trust company in the District of Columbia, except that the Foundation may make any investment authorized by the instrument of transfer and may retain any property accepted by the Foundation.

(g) PERPETUAL SUCCESSION; LIABILITY OF BOARD MEMBERS.—The Foundation shall have perpetual succession, with all the usual powers and obligations of a corporation acting as a trustee, including the power to sue and to be sued in its own name, but the members of the Board shall not be personally liable, except for malfeasance.

(h) CONTRACTUAL POWER.—The Foundation shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to its purposes.

(i) ADMINISTRATION.—

(1) IN GENERAL.—In carrying out the provisions of this section, the Board may adopt bylaws, rules, and regulations necessary for the administration of its functions and may hire officers and employees and contract for any other necessary services. Such officers and employees shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and may be paid without regard to the provisions of chapters 51 and 53 of such title relating to classification and General Schedule pay rates.

(2) SERVICES.—The Secretary of Commerce may accept the voluntary and uncompensated services of the Foundation, the Board, and the officers and employees of the Foundation in the performance of the functions authorized under this section, without regard to section 1342 of title 31, United States Code, or the civil service classification laws, rules, or regulations.

(3) CONSTRUCTION.—Neither an officer or employee hired under paragraph (1) nor an individual who provides services under paragraph (2) shall be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims.

(j) EXEMPTION FROM TAXES; CONTRIBUTIONS.—The Foundation and any income or property received or owned by it, and all transactions relating to such income or property, shall be exempt from all Federal, State, and local taxation with respect thereto. The Foundation may, however, in the discretion of the Board, contribute toward the costs of local government in amounts not in excess of those which it would be obligated to pay such government if it were not exempt from taxation by virtue of this subsection or by virtue of its being a charitable and nonprofit corporation and may agree so to contribute with respect to property transferred to it and the income derived therefrom if such agreement is a condition of the transfer. Contributions, gifts, and other transfers made to or for the use of the Foundation shall be regarded as contributions, gifts, or transfers to or for the use of the United States.

(k) LIABILITY OF UNITED STATES.—The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation.

(l) ANNUAL REPORT.—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives an annual report of its proceedings and activities, including a full and complete statement of its receipts, expenditures, and investments.

(m) DEFINITIONS.—As used in this section—

(1) the term "Indian reservation" has the meaning given the term "reservation" in section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d));

(2) the term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(3) the term "local government" has the meaning given that term in section 3371(2) of title 5, United States Code; and

(4) the term "rural tourism" has the meaning given that term by the Secretary of Commerce and shall include activities related to travel and tourism that occur on Federal recreational sites, on Indian reservations, and in the territories, possessions, and commonwealths of the United States.

(n) ASSISTANCE BY SECRETARY OF COMMERCE.—Section 202(a) of the International Travel Act of 1961 (22 U.S.C. 2123(a)) is amended by striking paragraph (15) and inserting in lieu thereof the following new paragraph:

"(15) may assist the Rural Tourism Development Foundation, established under section 4 of the Tourism Policy and Export Promotion Act of 1992, in the development and promotion of rural tourism.".

SEC. 5. POLICY CLARIFICATIONS.

Section 101(b) (22 U.S.C. 2121(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) optimize the contributions of the tourism and recreation industries to the position of the United States with respect to international competitiveness, economic prosperity, full employment, and the balance of payments;";

(2) by redesignating paragraphs (2) through (12) as paragraphs (6) through (16), respectively; and

(3) by inserting immediately after paragraph (1) the following new paragraphs:

"(2) increase United States export earnings from United States tourism and transportation services traded internationally;

"(3) ensure the orderly growth and development of tourism;

"(4) coordinate and encourage the development of the tourism industry in rural communities which—

"(A) have been severely affected by the decline of agriculture, family farming, or the extraction or manufacturing industries, or by the closing of military bases; and

"(B) have the potential necessary to support and sustain an economy based on tourism;

"(5) promote increased and more effective investment in international tourism by the States, local governments, and cooperative tourism marketing programs;".

SEC. 6. DUTIES OF THE SECRETARY OF COMMERCE.

(a) DUTIES OF SECRETARY.—Section 201 (22 U.S.C. 2122) is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(2) in paragraph (3) (as so redesignated) by striking "tourist facilities," and all that follows and inserting in lieu thereof the following: "receptive, linguistic, informational, currency exchange, meal, and package tour services required by the international market;";

(3) by inserting immediately after paragraph (1) the following:

"(2) provide export promotion services that will increase the number of States, local governments (as defined in section 3371(2) of title 5, United States Code), and companies in the United States that sell their tourism services in the international market, expand the number of foreign markets in which exporting States, cities, and companies are active, and inform States, cities, and companies in the United States regarding the specialized services the international market requires;";

(4) by striking the period at the end of paragraph (7) (as so redesignated) and inserting in lieu thereof the following: "and the use of other United States providers of travel products and services; and"; and

(5) by inserting immediately after such paragraph (7) the following new paragraph:

"(8) advise and provide information and technical assistance to United States firms seeking to facilitate travel to and from the emerging democracies of Eastern Europe and the former Soviet Union and compile statistics, as available, regarding such travel.".

(b) PERFORMANCE OF DUTIES.—Section 202(a) (22 U.S.C. 2123(a)) is amended—

(1) by amending paragraph (5) to read as follows:

"(5) shall provide financial assistance under section 203 to cooperative tourism marketing programs;";

(2) in paragraph (9), by striking "United States travel and tourism interests" and inserting in lieu thereof "the United States national tourism interest"; and

(3) in paragraph (12), by inserting immediately before the semicolon at the end the following: "and the use of other United States providers of travel products and services".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 202 (22 U.S.C. 2123) is amended—

(1) in the first sentence of subsection (c), by striking "paragraph (5) of subsection (a)" and inserting in lieu thereof "section 203";

(2) in the second sentence of subsection (c), by striking "paragraph" and inserting in lieu thereof "subsection";

(3) in the third sentence of subsection (c), by striking "paragraph (5) of subsection (a) of this section" and inserting in lieu thereof "section 203"; and

(4) in subsection (d), by striking "paragraph (5) of subsection (a) of this section" and inserting in lieu thereof "section 203".

SEC. 7. TOURISM TRADE DEVELOPMENT.

Section 202 (22 U.S.C. 2123) is amended by adding at the end the following new subsection:

"(e)(1) The Secretary's tourism trade development efforts shall focus on the markets which have the greatest potential for increasing travel and tourism revenues.

"(2) By October 1 of each year (commencing October 1, 1993), the Secretary shall publish a notice in the Federal Register soliciting comment, from persons interested in tourism trade,

concerning markets that would be an appropriate focus of tourism trade development efforts to be carried out in the twelve-month period that begins twelve months after the notice is published.

"(3) Not later than three months after the notice is published under paragraph (2), the Secretary shall select the markets that the Secretary determines are an appropriate focus of tourism trade development efforts to be carried out in the twelve-month period described in paragraph (2). The selection shall be announced by publication in the Federal Register.

"(4) At the same time the Secretary announces the selection of markets under paragraph (3), the Secretary shall issue a request for proposals from cooperative tourism marketing programs to develop and implement tourism trade development programs applicable to the markets so selected. The Secretary shall provide financial assistance in accordance with section 203 to carry out proposals submitted under this subparagraph. Such financial assistance shall be provided on or before September 30 of the year in which the markets are selected under paragraph (3).

"(5) During each twelve-month period described in paragraph (2), tourism trade development efforts shall be directed at the markets selected under paragraph (3).".

SEC. 8. TOURISM MARKETING PROGRAMS.

(a) FINANCIAL ASSISTANCE.—Sections 203 and 204 (22 U.S.C. 2123a and 2123b) are repealed and the following new section is inserted immediately after section 202:

"SEC. 203. (a) The Secretary shall provide financial assistance to cooperative tourism marketing programs in accordance with this section.

"(b)(1) To be eligible for financial assistance under subsection (a), a cooperative tourism marketing program shall, at a minimum—

"(A) involve the participation of—

"(i) two or more States;

"(ii) one or more States and one or more political subdivisions of States; or

"(iii) one or more States and one or more nonprofit organizations;

"(B) be established for the purpose of increasing the number of foreign visitors to the region in which such States or local governments are located; and

"(C) have a written regional tourism marketing plan which includes advertising, publication of promotional materials, or other promotional or market research activities designed to increase the number of foreign visitors to such region.

"(2) Financial assistance may be provided under subsection (a) if the applicant for the assistance demonstrates to the satisfaction of the Secretary that the assistance will be used for a purpose described in subsection (c) and that—

"(A) such cooperative tourism marketing program for which the financial assistance will be provided will increase the travel of foreign visitors to the region for which the assistance is sought;

"(B) such program will contribute to the economic well-being of such region;

"(C) such region is developing or has developed a regional transportation system that will enhance travel to the facilities and attractions in such region; and

"(D) such program will focus its efforts on the countries in the markets selected by the Secretary under section 202(e)(3).

"(c) Financial assistance provided under subsection (a) may be used for the purpose of—

"(1) promoting or marketing to foreign visitors or potential foreign visitors the tourism and recreational opportunities in the region for which such financial assistance is sought;

"(2) targeting foreign visitors to develop or enhance their interest in tourism and recreational opportunities in such region;

"(3) encouraging the development by such cooperative tourism marketing program of regional strategies for international tourism promotion and marketing; or

"(4) developing and implementing tourism trade development programs applicable to markets selected under section 202(e)(3).

"(d) In connection with financial assistance provided under subsection (a), a cooperative tourism marketing program may enter into agreements with individuals and private profit and nonprofit businesses and organizations who will assist in carrying out the purposes for which such financial assistance is provided. Such an agreement shall be disclosed in any application for financial assistance under subsection (a) and such an application may be approved by the Secretary only if the Secretary finds that such agreement meets all applicable legal requirements and is consistent with the purposes of this Act.

"(e) After notice and opportunity for public comment and within one hundred and eighty days after the date of enactment of the Tourism Policy and Export Promotion Act of 1992, the Secretary shall issue rules and guidelines to carry out this section. Proposed rules and guidelines shall be issued within ninety days after such date of enactment.

"(f)(1) The total amount of financial assistance that may be provided under subsection (a) shall, in each of the fiscal years 1994, 1995, and 1996, be not less than 25 percent of the amount appropriated to the Secretary for such fiscal year under section 304.

"(2) Not more than 50 percent of the financial assistance provided under subsection (a) for any fiscal year may be used for tourism trade development designed to promote travel and tourism in the United States generally without promotion of a particular area of the United States. Cooperative tourism marketing programs receiving financial assistance under subsection (a) shall pool 50 percent of their financial assistance for such general tourism trade development in each market selected by the Secretary under section 202(e)(3). The Secretary shall provide technical assistance to recipients of such financial assistance and coordinate such efforts.".

(b) FEDERAL SHARE OF PROJECT COSTS.—The first sentence of section 202(c) (22 U.S.C. 2123(c)) is amended by striking all after "sources" and inserting in lieu thereof a period and the following new sentence: "Any recipient of financial assistance under section 203 shall provide matching funds (consisting of actual dollar expenditures on the program for which such financial assistance is provided) equal to at least 25 percent of such financial assistance.".

SEC. 9. TOURISM TRADE BARRIERS.

Title II (22 U.S.C. 2122 et seq.), as amended by section 8 of this Act, is further amended by adding at the end the following new section:

"SEC. 204. For each calendar year beginning with calendar year 1994, the Secretary shall—

"(1) identify and analyze acts, policies, or practices of each foreign country that constitute significant barriers to, or distortions of, United States travel and tourism exports;

"(2) make an estimate of the trade-distorting impact on United States commerce of any act, policy, or practice identified under paragraph (1); and

"(3) make an estimate, if feasible, of the value of additional United States travel and tourism exports that would have been exported to each foreign country during such calendar year if each of such acts, policies, and practices of such country did not exist.".

SEC. 10. ACTION TO FACILITATE ENTRY OF FOREIGN TOURISTS.

Title II (22 U.S.C. 2122 et seq.), as amended by section 9, is further amended by adding at the end the following new section:

"SEC. 205. The Secretary shall, in coordination with appropriate Federal agencies, take appropriate action to ensure that foreign tourists are not unnecessarily delayed when entering the United States and to ensure that the international processing standard of the International Civil Aviation Organization is met.".

SEC. 11. PERFORMANCE OF THE UNITED STATES TRAVEL AND TOURISM ADMINISTRATION.

Title II (22 U.S.C. 2122 et seq.), as amended by section 10 of this Act, is further amended by adding at the end the following:

"SEC. 206. (a) Beginning October 1, 1994, and annually thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives the goals of the United States Travel and Tourism Administration for the applicable forthcoming fiscal year, including quantifiable measures on which such Administration's performance can be evaluated. Such goals shall include—

"(1) the number of written and telephone inquiries regarding the possibility of foreign travel to the United States expected to be generated by the financial assistance provided to cooperative tourism marketing programs under section 203;

"(2) the number of tour packages for foreign visitors to the United States expected to be sold in connection with such financial assistance;

"(3) the number of tourists from countries in markets selected under section 202(e)(3) expected to visit the United States destinations being promoted in such countries in connection with such financial assistance; and

"(4) the actions recommended to eliminate acts, policies, and practices of foreign countries identified under section 204 that constitute significant barriers to or distortions of United States travel and tourism exports.

"(b) By December 31, 1995, and annually thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report outlining the degree to which the goals set forth for the prior fiscal year have been attained. Such report shall include—

"(1) the number of written and telephone inquiries regarding the possibility of foreign travel to the United States actually received by the Secretary and by persons receiving financial assistance under section 203;

"(2) the number of tour packages for foreign visitors to the United States actually sold in connection with such financial assistance;

"(3) the number of tourists from countries in markets selected under section 202(e)(3) that actually visited the United States destinations being promoted in such countries in connection with such financial assistance;

"(4) an evaluation of the effectiveness of such financial assistance; and

"(5) an evaluation of the effectiveness of any actions recommended under subsection (a)(4) which were taken to eliminate acts, policies, and practices that constitute significant barriers to, or distortions of, United States travel and tourism exports.

"(c) The Secretary shall collect from persons receiving financial assistance under section 203 such information as may be necessary to enable the Secretary to comply with subsections (a) and (b). The Secretary may condition the receipt of such financial assistance on the agreement of the recipient to provide such information to the Secretary at such times and in such manner and form as the Secretary deems appropriate.".

SEC. 12. ADMINISTRATION.

Section 301(a) (22 U.S.C. 2124(a)) is amended—

(1) by striking the third and fourth sentences;

(2) by inserting "(1)" immediately after "(a)"; and

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

"(2) The Secretary shall designate a Deputy Under Secretary for Tourism Trade Development who shall be drawn from, and serve as a member of, the career service. The Deputy Under Secretary shall have responsibility for—

"(A) facilitating the interaction between industry and government concerning tourism trade development;

"(B) directing and managing field operations;

"(C) directing program evaluation research and industry statistical research;

"(D) developing an outreach program to those communities with underutilized tourism potential to assist them in development of strategies for expansion of tourism trade;

"(E) implementing the program to provide financial assistance under section 203 in support of non-Federal tourism trade development activities; and

"(F) performing such other functions as the Under Secretary may assign.".

SEC. 13. COORDINATION.

Section 301 (22 U.S.C. 2124) is amended by adding at the end the following new subsection:

"(c) The Under Secretary of Commerce for Travel and Tourism shall continue to seek the assistance of the United States and Foreign Commercial Service and shall continue to be available to assist the United States Travel and Tourism Administration at locations identified by the Under Secretary, in consultation with the Director General of the United States and Foreign Commercial Service, as necessary to assist the Administration's foreign offices in stimulating and encouraging travel to the United States by foreign residents and in carrying out other powers and duties of the Secretary specified in section 202.".

SEC. 14. LIMITATION ON CERTAIN EXPENDITURES.

Section 301 (22 U.S.C. 2124), as amended by section 13, is further amended by adding at the end the following new subsection:

"(d) The expenditures for personnel compensation, rental payments, communications, utilities, miscellaneous charges, and equipment shall not exceed—

"(1) in fiscal year 1993, 55 percent of the amount appropriated to the Secretary under section 304;

"(2) in fiscal year 1994, 52.5 percent of the amount appropriated to the Secretary under section 304; and

"(3) in fiscal year 1995 and in subsequent fiscal years, 50 percent of the amount appropriated to the Secretary under section 304.".

SEC. 15. TOURISM POLICY COUNCIL.

(a) MEMBERSHIP.—Section 302(b)(1) (22 U.S.C. 2124a(b)(1)) is amended—

(1) by redesignating subparagraphs (H) and (I) as subparagraphs (O) and (P); and

(2) by inserting immediately after subparagraph (G) the following new subparagraphs:

"(H) the Secretary of Agriculture;

"(I) the Chairman of the Tennessee Valley Authority;

"(J) the Commanding General of the Corps of Engineers of the Army, within the Department of Defense;

"(K) the Administrator of the Small Business Administration;

"(L) the Commissioner of the Immigration and Naturalization Service;

"(M) the Chief Executive Officer of the National Railroad Passenger Corporation;

"(N) the Commissioner of Customs;".

(b) DETAILS.—Section 302(d) (22 U.S.C. 2124a(d)) is amended by adding at the end the following new paragraph:

"(4)(A) Every year, upon designation by the Secretary in accordance with subparagraph (B), up to three Federal departments and agencies represented on the Council shall each detail to the Council for that year one staff person and associated resources.

"(B) In making the designation referred to in subparagraph (A), the Secretary shall designate a different group of agencies and departments each year and shall not redesignate any agency or department until all the other agencies and departments represented on the Council have been designated the same number of years.".

SEC. 16. ADVISORY BOARD.

(a) MEMBERSHIP.—Section 303(a)(3) (22 U.S.C. 2124b(a)(3)) is amended—

(1) in subparagraph (A), by striking "and";

(2) in subparagraph (B), by striking "one shall be a representative of the States who is" and inserting in lieu thereof "two shall be representatives of the States who are" and by striking the period at the end and inserting in lieu thereof "; and"; and

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

"(C) at least one shall be a representative of a city who is knowledgeable of tourism promotion.".

(b) TERMS.—The last sentence of section 303(b) (22 U.S.C. 2124b(b)) is amended by striking "two consecutive terms of three years each" and inserting in lieu thereof "six consecutive years or nine years in the aggregate".

(c) ADVICE.—The first sentence of section 303(f) (22 U.S.C. 2124b(f)) is amended by striking "and shall advise" and all that follows through "202(a)(15)".

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

Section 304 (22 U.S.C. 2126) is amended—

(1) in the first sentence, by inserting immediately before the period the following: ", not to exceed $21,000,000 for fiscal year 1993, not to exceed $22,500,000 for fiscal year 1994, not to exceed $24,000,000 for fiscal year 1995, and not to exceed $26,000,000 for fiscal year 1996"; and

(2) by striking the last two sentences and inserting in lieu thereof the following: "Funds appropriated under this section may be expended by the Secretary without regard to sections 501 and 3702 of title 44, United States Code. Funds appropriated under this section for the printing of travel promotional materials shall remain available for 2 fiscal years.".

SEC. 18. REPORT ON TOURISM AND TRAVEL ACTIVITIES.

The Secretary of Commerce shall, within 18 months after the date of the enactment of this Act, report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on—

(1) the status of the actions required by section 3 and the desirability and feasibility of publishing international travel receipts and payments on a monthly basis;

(2) the Secretary's actions under section 201(8) of the International Travel Act of 1961 (as amended by section 6 of this Act), regarding the inbound and outbound tourism trade between the United States and emerging democracies of Eastern Europe and the former Soviet Union (including statistics, as available, on the number of inbound and outbound tourists, receipts from and expenditures by such tourists, the number of tourists traveling into and out of Eastern Europe and the former Soviet Union on American carriers, and other relevant matters);

(3) the activities of the Department of Commerce and other Federal agencies to increase tourism opportunities for, and encourage travel by, disabled persons; and

(4) efforts undertaken under section 205 of the International Travel Act of 1961 (as amended by section 13 of this Act) to improve visitor facilitation and the effect on United States travel and tourism as a result of those improvements.

SEC. 19. REPORT ON FOREIGN OFFICES.

(a) REPORT BY SECRETARY.—The Secretary of Commerce shall, within one year after the date of enactment of this Act, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the offices of the United States Travel and Tourism Administration located in foreign countries.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) DESCRIPTION OF OFFICES.—A description of each foreign office of the United States Travel and Tourism Administration, including the number of United States national employees, foreign national employees, and contract personnel who perform duties for the foreign office and a statement as to how many of each category of employees or personnel are part-time and full-time.

(2) INFORMATION ON LOCAL LAWS.—Information on the laws of the country in which each foreign office is located. The information shall state the country's legal requirements concerning the termination or reassignment of employees or contract personnel, any actions altering the terms or conditions of employment that will result in a requirement to pay additional compensation to the affected employee, and the legally mandated duties to affected employees and contract personnel where an entire foreign office is closed after appropriate notice.

(3) EXISTING LEASES.—Information on all existing leases of office space (or space sharing arrangements with the United States embassy) applicable to each foreign office, including an analysis of the Secretary's ability to terminate such leases or other arrangements and the costs associated with such termination.

(4) COST REDUCTIONS AND MARKETING EFFICIENCIES.—Analysis of and recommendations for possible cost reductions and marketing efficiencies with respect to the activities of foreign offices, including the advantages and disadvantages of consolidating foreign office functions by establishing three regional offices of the United States Travel and Tourism Administration based in and responsible for the following respective geographic areas:

(A) Europe and Africa.

(B) Asia and the Pacific region.

(C) North America, South America, and the Caribbean region.

(5) ORGANIZATIONAL FLEXIBILITY.—Analysis and recommendations concerning methods for increasing organizational flexibility (particularly with respect to the establishment, operations, closing, and relocation of foreign offices) in response to changing market conditions, fiscal constraints, and policy conditions.

(c) DELAY IN CERTAIN ADMINISTRATIVE ACTIONS.—At offices of the United States Travel and Tourism Administration located in foreign countries—

(1) no new foreign national employees nor contract personnel may be hired, except for employees or contract personnel that directly replace foreign national employees or contract personnel; and

(2) no new leases of office space, nor renewals of existing leases for longer than two years, may be executed,

until six months after the report required by subsection (a) is received.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. RITTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days in which to revise and extend their remarks on the Senate amendment to the House amendments to S. 680.

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

There was no objection.

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

Mr. Speaker, I am pleased to bring before the House today S. 680, the Tourism Policy and Export Promotion Act, which reauthorizes the U.S. Travel and Tourism Administration and attempts to focus the agency's efforts more on helping areas of the country with underutilized tourism potential promote themselves more effectively.

S. 680 contains a number of initiatives developed in response to criticisms voiced about USTTA. These include creating a career civil servant Deputy Under Secretary, limiting the amount of money that USTTA can spend on overhead expenses, creating a Rural Tourism Development Foundation, and establishing a financial assistance program for States and localities to help them conduct tourism promotion.

The bill before the House today is a compromise between the Committee on Energy and Commerce and our counterparts in the other body. The bill is similar to the version passed by the House last November; however, we have made several changes to that legislation in an effort to address some of the concerns raised by USTTA.

The legislation passed by the House last year required USTTA to establish three regional offices, and to restructure its foreign operations. In an attempt to address concerns raised about the potential costs of this restructuring, the legislation now requires USTTA to conduct a comprehensive study of its office operations, including the feasibility of, and the costs associated with, establishing the regional offices. The bill forbids USTTA from signing any new leases, or hiring any foreign service nationals or contract personnel, until such time as the study is completed. I look forward to working with USTTA and my colleagues to ensure that these provisions are implemented in a timely and proper manner.

Mr. Speaker, passage of this legislation will enable our national tourism agency to better assist our States and localities in the promotion of travel and tourism. A reauthorization bill for this agency has been long overdue. I would like to thank and commend the distinguished chairman of the Energy and Commerce Committee, Mr. DINGELL, for his leadership in moving this bill forward. I would also like to thank Messrs. LENT and RITTER for their important contributions to the passage of this legislation.

I urge my colleagues to support passage of this bipartisan legislation.

□ 1530

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

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

Mr. Speaker, I want to commend the leadership of the Energy and Commerce Committee—the chairman, Mr. DINGELL, the subcommittee chairman, Mr. SWIFT, and the ranking member, Mr. LENT—for their diligent work in preparing this consensus legislation and reaching agreement with the Senate. I also want to acknowledge the vital technical assistance provided throughout the legislative process by the U.S. Travel and Tourism Administration itself, particularly by Under Secretary John Keller and his staff.

The U.S. Travel and Tourism Administration, part of the Department of Commerce, performs a function that is vital to our international financial and competitive position—the promotion of tourist expenditures by foreign visitors in the United States.

Just how important is foreign tourism to the United States. Well, in 1990, it generated a trade surplus of $5 billion in our intentional accounts. In 1991, that positive balance had grown to $16.8 billion. This is a source of international earnings that we cannot afford to ignore. Overall some 42 million international visitors spent $64.7 billion in 1991.

After all, the basic infrastructure for tourism is there—the many scenic, historical and cultural attractions that our Nation has to offer along with an excellent transportation network. What is needed is effective overseas marketing and promotion of those attractions. And that is where USTTA comes in.

Under this legislation, USTTA will be working more closely than ever before with State, local, and regional groups to foster regional orientation in the pitch the United States makes to potential foreign tourists. In my own area of the Lehigh Valley in Pennsylvania, I might note, we have had success with the regional promotion of events such as our Musikfest and other festivals such as the Celtic Classic. This kind of regional marketing takes advantage of the economies of scale in activities like advertising and promotion, and allows all of the attractions of a region to be portrayed as an integrated, coherent whole. Underlying this new regional emphasis, the legislation also sets up a new system of direct financial assistance for promotional activities in targeted foreign markets on behalf of State and local entities.

Another key feature of this legislation is its focus on future strategic planning by USTTA to increase its adaptability and flexibility in meeting changing market conditions in the future. One key effort provision in the bill requires a report on possible impediments to USTTA's relocating overseas offices or altering the emphasis and allocation to particular overseas offices as market conditions change.

I look upon this new focus on strategic planning as another effort to bring the quality process to Government. Especially in a case such as this, where Government resources should be used to exploit market conditions favorable to increased tourist travel to the United States, we need to make sure that the agency in charge is not only dedicated, but is also given the flexibility it needs to respond to problems and changes with a true quality approach. This legislation is an important step in that direction. I strongly urge its approval.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I am pleased this afternoon to voice my support for this bill, Senate bill 680, the reauthorization of the U.S. Travel and Tourism Administration. Tourism is a key industry not only in the United States, but in my State of Virginia. It is essential for our economic vitality. We, like many other areas, are feeling the upcoming defense cuts, and we are also feeling a languishing economy. We are depending more and more heavily on the travel and tourism industry to provide jobs and revenue to States and localities.

Mr. Speaker, tourism is an underutilized economic development tool that we must capitalize on. By supporting this legislation, I would say to my colleagues, you will be aiding rural areas, like much of my district, by establishing a Rural Tourism Development Foundation to develop and promote tourism in rural areas.

Throughout Virginia, people, including small businesses, are beginning to realize the benefits of what a vigorous, healthy travel and tourism industry can do for their communities. Tourism to historic sites, to battlefields, to natural beauty, whether it is the Blue Ridge Parkway or the Skyline Drive, and also to recreational areas are clean industries that provide thousands of jobs in our State and certainly millions of jobs across the country.

Tourists, whether they come from out of State, out of the region, or from foreign countries, come into your area, they spend money, help out all the tourist-related industries, and that provides thousands of jobs and millions of dollars in revenue, and then they leave and your localities do not have to then educate their children, which is a big cost for local governments.

In Virginia alone, and I am sure this is the case in many other States, tourists spend over $2 million every day. That translates into over 126,000 jobs statewide. We must support such vital, positive economic development ideas and efforts as are represented in this bill.

Mr. Speaker, I hope my colleagues will join me in supporting this good legislation.

Mr. RITTER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. ROTH], who represents what I understand to be the kind of Cape Cod area of the Midwest in northeast Wisconsin.

Mr. ROTH. Mr. Speaker, I thank the gentleman from Pennsylvania for allowing me this time.

Mr. Speaker, I am delighted to see that the Rural Tourism Development Foundation is included in the Tourism Reauthorization Act.

I want to thank the members of the subcommittee, and especially the chairman and the ranking member, for the great job they did on this piece of legislation. This is a piece of legislation that the entire Congress and country can be proud of.

The Rural Tourism Development Foundation, for example, is a nonprofit, privately funded organization that will promote tourism in rural America.

□ 1540

Last year I held a travel and tourism conference in Shawano, WI. During the conference scores of small business owners and community leaders testified to the importance of tourism to their local economies. The U.S. Travel and Tourism Administration director, Linda Misloui, and other leaders, attended and saw firsthand the economic value of tourism in rural Wisconsin.

We formulated the Rural Tourism Development Foundation from the ideas at the Shawano conference, and I am pleased to see this new opportunity for our rural communities.

Tourism is an exploding industry in America. Already travel and tourism has provided a needed injection to our Nation's economic health. Six million jobs, yes, 6 million jobs are directly affected by tourism, and an additional 6.4 million jobs are indirectly affected by this industry.

In the last 2 years, travel and tourism has grown at twice the rate of the next closest industry. So if we want to have a good and stronger economy in America, this is one route that we can take.

Jobs, jobs, jobs is what the tourism industry offers to the American worker and tax dollars to our local and State coffers. Almost $44 billion in Federal and State and local taxes were collected last year because of tourism in America, $44 billion.

I am especially proud of the role that rural America is playing in this ever-growing industry. In my State of Wisconsin, tourism was the largest employer last year and has been for a number of years.

Tourism brought into our one State, the State of Wisconsin, $5.4 billion. Just that one industry, resulted in some $225 million in State and local revenues.

The economic benefits are clear as a bell. With a huge trade surplus. This is a huge industry that has not even begun to see its full potential.

This potential is now being revealed and coming into its own. This is an excellent bill.

I am pleased that my colleagues agree that rural tourism is so important to our economy, and I commend my friends on both sides of the aisle and the subcommittee for looking at this and for passing this legislation.

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

Mr. ROTH. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, I would simply like to recognize the gentleman for his leadership. He is not on the committee, but he has been a strong proponent of this legislation for a very long time.

His leadership, particularly with regard to the provision that establishes the Rural Tourism Foundation, has been stellar.

I want to thank the gentleman for his help to me and to the committee in passage of this legislation.

Mr. ROTH. Mr. Speaker, I thank the gentleman for his kind words. I remember the day that the chairman of this subcommittee traveled over to the other body to appear before the Senate for JAY ROCKEFELLER's committee and talk about this legislation, and I realize full well that I could not have done this alone. I appreciate the gentleman's help, and I am delighted that he put this into the legislation.

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

I thank the gentleman for his remarks and would add that tourism expenditures are not only direct; that is, the payment for the ticket, the payment for the hotel room, the payment for the meal, the payment for the entry into the amusement facility or whatever. Tourism expenditures are indirect, and they involve the construction of the hotel, the construction jobs, the concrete, the steel, the glass, the electrical wiring, the furnishings, the appliances, and so on and so forth.

They involve the transportation vehicles, the planes, the trains, the automobiles, the rental cars, all of this.

And so modern America really benefits from a healthy tourism industry because there is a ripple effect of expenditures in tourism that really impact on most of our jobs and most of our economy. So it is a real job stimulant in every sense of the word.

Mr. DINGELL. Mr. Speaker, I rise in support of S. 680, a bill that seeks to reform the U.S. Travel and Tourism Administration [USTTA].

I first wish to commend the gentleman from the State of Washington, the chairman of our Subcommittee on Transportation and Hazardous Materials, AL SWIFT, for his untiring efforts to enact meaningful legislation in this area. I also wish to commend Mr. LENT, the ranking Republican member of the full committee, and Mr. RITTER, the ranking Republican of the Subcommittee on Transportation and Hazardous Materials, for the bipartisan cooperation we have enjoyed at every step during this lengthy and difficult matter. I also wish to convey my sincere appreciation to the chairman of the Senate Committee on Commerce, Science, and Transportation, Mr. HOLLINGS, and the chairman of the Senate Subcommittee on Foreign Commerce and Tourism, Mr. ROCKEFELLER. Together with their Republican counterparts, they have helped us to craft an acceptable reform measure that could form a constructive basis for the continuation of USTTA.

It has been a decade since the enactment of authorization legislation for USTTA. Despite the stalemate in the authorization process, the Appropriations Committees have seen fit to provide Federal taxpayer dollars for the agency's operations. I have tried to make it abundantly clear during these past few years that I am certainly no fan of USTTA. My overt criticism of the agency stems from the fact that no one has ever been able to demonstrate convincingly that the USTTA brings into our country more than what it costs the American taxpayer to support the agency. Given the backdrop of skyrocketing Federal deficits, I have been unable to find a compelling reason to support the continuation of authorizing the expenditures of general tax funds in the absence of such evidence. When other meaningful Federal programs—that have real, proven, and palpable public benefits—are feeling the massive effects of budgetary cutbacks, and when other serious national problems remain unfunded and unaddressed, I have not been able to support in good conscience the authorization of an agency whose primary mission has amounted to nothing more than a corporate welfare program.

Two years ago, our committee considered legislation that would have funded USTTA from user fees. While noting my continuing objections to the complete lack of accountability of the agency, as well as the complete dearth of believable evidence supporting the agency's effectiveness, I supported the user fee legislation as a compromise measure. My support for such legislation was premised on two primary notions. First, I believed that by eliminating general taxpayer support for the agency's questionable programs and practices, we at least would be removing the most egregious and fundamental public policy problem presented by the agency's continued miserable existence. Second, I believed that a user fee approach would bring some measure of accountability to the agency by forcing those who benefit from its current programs to examine—as well as to pay for—the agency's actual operations. While Congress enacted a USTTA user fee provision as part of the Omnibus Budget Reconciliation Act of 1990, the provision unfortunately has been invalidated since its enactment. Thus, early in this Congress, I found myself back at square one in the consideration of legislation to authorize USTTA's programs.

Primarily because of the persistence of Chairman SWIFT and Chairman ROCKEFELLER,

we thereafter embarked on a course to consider legislation that would reform the agency, provide accountability to the Congress and the public, and significantly revamp the direction of the agency's programs. While I would have preferred a stronger approach in some areas, I can support the compromise legislation we are considering today because of the meaningful and substantial changes it will make in the way that USTTA operates.

Chairman SWIFT and others have described some of the provisions that make this legislation acceptable. I would like to highlight some of the provisions that are of particular importance to me and to indicate in the strongest possible terms my intention to conduct strict and rigorous oversight of the agency's implementation of these new legislative directives.

First and foremost, the bill requires USTTA to provide financial assistance to so-called cooperative tourism marketing programs—that is, programs consisting of States, local jurisdictions and private nonprofit interests established for tourism promotion—for the promotion of both regional and national tourism efforts in the United States. Our committee's numerous investigations in the area have revealed that regional and State tourism programs—not the USTTA—have been the most effective means of promoting American tourism efforts. The bill requires USTTA to provide financial assistance to cooperative tourism marketing programs of not less than 25 percent of all funds appropriated to the agency for fiscal years 1994–96. The bill requires a significant actual dollar contribution level from such marketing programs of not less than 25 percent of the amount of Federal financial assistance provided to ensure the good faith and commitment of such programs to these new promotion activities. Other provisions of the legislation require the marketing programs to have written plans for increasing foreign visitors to the regions represented, as well as requiring USTTA to conduct an annual participative process for identifying particular foreign markets that will be targeted by the cooperative tourism marketing programs. In all, this new program of financial assistance should provide regional programs with needed wherewithal to implement effective promotion activities. Financial assistance from USTTA thus will be used to effectuate both the specific tourism promotion objectives of each selected cooperative tourism marketing program as well as a cooperative venture by all selected cooperative tourism marketing programs to provide coordinated national tourism promotion.

Additionally, the legislation makes important changes to the accountability and organic structure of USTTA. For example, the bill requires the agency to improve the collection and data relative to tourism, to conduct an annual analysis of acts, practices, and policies of foreign countries that constitute significant barriers to our country's travel and tourism exports, to improve relevant statistical information regarding various aspects of tourism and travel, to provide the committees of jurisdiction with annual goals of the agency together with quantifiable measures for evaluating the agency's performance, and to provide the committees of jurisdiction with annual follow-up reports relative to the agency's attainment of such goals. Additionally, the bill requires the Secretary of Commerce to designate a career service employee as the Deputy Under Secretary for Tourism Trade Development to have responsibility for certain designated responsibilities. The legislation also limits the agency's expenditures for specified administrative expenses, including personnel compensation and rents, to a specific level of appropriated funds. This should help to ensure that the agency is expending taxpayer dollars for the programs designated in the bill, not on more people and foreign offices. In connection with USTTA's foreign offices, the bill requires USTTA to provide a comprehensive report to the committees of jurisdiction within 1 year that sets forth a description of each office; the precise rental arrangement in each instance; number of employees in each office—including full-time, part-time, contract, and foreign nationals; and an analysis of possible cost reductions and marketing efficiencies that could be realized from consolidating or eliminating foreign offices.

In researching the issues surrounding USTTA foreign offices, it astounds me that the agency takes the position that elimination or possible consolidations of existing foreign offices could be more costly than continuation of such offices because of foreign laws governing USTTA's employment of foreign nationals. USTTA staff informed by staff recently that the hiring of foreign nationals in certain countries is tantamount to guaranteed lifetime employment. In opposing the House authorization bill last year, Secretary Mosbacher wrote me to complain of the provision in the bill that limited administrative expenses, including rental expenses. Secretary Mosbacher's November 18, 1991 letter states that:

> USTTA's work is necessarily dependent on the provision of core services as well as administrative support for its tourism offices. Rents alone for these offices total *nearly $2 million*. These are *fixed costs* without which USTTA's programs cannot be implemented; thus, these expenditures are *essential* to the accomplishment of USTTA's mission. (italic added.)

While I find such a defense of USTTA's essential rental agreements in foreign countries to be laughable, I was not aware at that time that these expenses are also perpetual. Needless to say, a complete review of USTTA's foreign office operations, including detailed information on USTTA's ability to close or consolidate such offices—and the precise costs associated therewith—is sorely needed and long overdue. In order to underscore the necessity for such a report, we have prohibited the agency from hiring new employees, entering into new leases, or renewing any existing lease for more than 2 years, until 6 months after the report is submitted to our committee. It is more than interesting to note that a 10-year renewal of one of USTTA's Canadian offices was executed in June this year, representing by far the longest term arrangement in the history of the agency. From the agency's words and deeds, it is clear that USTTA will do everything in its power to perpetuate its existence. We wish to make it equally clear to the agency that the prohibition on leases and employees set forth in the legislation had better be adhered to meticulously and without exception. I would hope sincerely that the administration would support our oversight and examination of USTTA's foreign office operations and rental payments—which alone amounts to one-seventh of its current total appropriations—in an effort to avoid continuing and wasteful Government spending.

In summary, Mr. Speaker, I again wish to commend in particular my good friends and colleagues, Chairman SWIFT and Chairman ROCKEFELLER, for their unflagging determination to enact the bill before us. I also wish to indicate the necessity for full and prompt compliance with the letter and spirit of this legislation by USTTA. Any other course of action by the agency certainly will be met with even greater scrutiny and more drastic action by our committee than USTTA has ever experienced.

I urge my colleagues to support this legislation and yield back the balance of my time.

Mr. LENT. Mr. Speaker, I want to commend our committee chairman, the gentleman from Michigan; our Transportation Subcommittee chairman, the gentleman from Washington, and our subcommittee's ranking member, the gentleman from Pennsylvania. All three have been most diligent and resourceful in helping to fashion this legislation, move it through the House, and reach ultimate agreement with the other body.

This final version of the U.S. Travel and Tourism Administration's reauthorization represents a hard-won bipartisan consensus with the Senate. I am particularly gratified that we are giving USTTA its first statutory authorization in several years.

This agency is performing a vital service—promoting the visits of foreign travelers to the United States. The money foreign tourists spend here helps to offset part of our trade deficit in other areas, and is an important source of earnings for the American Economy. In 1991, for example, the net trade surplus generated by foreign tourist expenditures in the United States was $16.8 billion. This is a contribution to our international economic stature and our competitiveness that we cannot afford to ignore.

In the New York area, we have known for many years what a major economic contribution our tourist attractions can make if they are effectively marketed. This legislation will help to improve and focus the Federal efforts to promote foreign tourism in the United States. In particular, USTTA will be given the tools for a new emphasis on regional tourism promotion, so that several cities, States, or other organizations can pool their resources in a more cost-effective marketing effort to attract foreign tourists.

This kind of strategic thinking, where we work smart to get the most out of both public and private resources, is a major theme in this legislation. I strongly support this bill and its renewed charter for USTTA, and I urge my colleagues to do so as well.

Mr. BLAZ. Mr. Speaker, I would like to express my support for S. 680, the Tourism Policy and Export Promotion Act of 1991. This measure is near and dear to the people of Guam since a major component of our economy rests on tourism. This industry generates hundreds of millions of dollars in revenue for the territory as well as thousands of high paying jobs. Tourism has given our people the chance to attain a measure of economic self sufficiency and has released us from being economic wards of the United States.

The establishment of the Rural Tourism Development Foundation is a particularly beneficial provision of this bill for it will assist in the development of rural tourism, a potentially lucrative market.

Our territory's reliance on the tourism market has been made possible by our geographical location and our political status as the American territory in the Pacific Basin nearest Asia. As we strive to recover and rebuild from the devastation wrought by Typhoon Omar 3 weeks ago, we are encouraged by this bill which will amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States.

I fully support the provision of this bill and urge its passage which will add more jobs to the over 6 million directly affected by the tourism industry which generates an annual revenue of over $44 billion for the entire Nation.

Mr. WOLF. Mr. Speaker, I am pleased to rise in support of S. 680, the reauthorization of the U.S. Travel and Tourism Administration for fiscal years 1993, 1994, 1995, and 1996.

Tourism is of crucial importance to the economic health of not only my home State of Virginia but our Nation as a whole. One aspect of this legislation which I find of utmost importance is the creating of a Rural Tourism Development Foundation to develop and promote rural tourism.

I have worked hard to promote tourism, as our Nation, especially in many rural areas, is which in natural and scenic beauty as well as renowned for its historical significance. In the Commonwealth of Virginia, for example, tourism is an $8 billion industry, and during 1991 tourism was up over 3 percent statewide. For every $1 invested in tourism, Virginia receives $8 in return—an outstanding 8-to-1 return on investment. In 41 of 50 States, the tourism industry is among the top 3 employers, and in Virginia tourism is the second-leading industry statewide. Over the last 7 years, requests for Virginia travel guides have increased from 120,000 in 1985 to 480,000 in 1992—an excellent indicator of the increasing interest visitors have in traveling to the Old Dominion, and how much tourism can help the economy nationwide. In 1990, 5.86 million people were employed nationwide in the tourism industry, and that was a 3-percent increase over figures from the previous year.

Travelers buy food, buy gasoline, stay at hotels and motels, purchase souvenirs, visit and enjoy new places and old favorites. The economic benefits are excellent across a wide array of diverse businesses. I have worked closely with State and local leaders to promote tourism, as this important industry stimulates much-needed economic growth and creates jobs. I am pleased to support the outstandng work of the USTTA, and join my colleagues in support of S. 680.

Mr. RITTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill, S. 680.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendments was concurred in.

A motion to reconsider was laid on the table.

THE LATE HONORABLE WALTER B. JONES, A REPRESENTATIVE FROM NORTH CAROLINA

Mr. ROSE. Mr. Speaker, I offer a privileged resolution (H. Res. 567) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 567

Resolved, That the House has heard with profound sorrow of the death of the Honorable Walter B. Jones, a Representative from the State of North Carolina.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. ROSE] is recognized for 1 hour.

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

Mr. Speaker, with the passing of the Honorable WALTER B. JONES today, the House will miss the spirit, and the wisdom, of a great person, and a great legislator.

As a fellow North Carolinian, he will be sorely missed by the delegation. His wise counsel, and his steady hand, have been of immeasurable benefit to the State, as well as to his constituents.

WALTER B. JONES spent over 40 years in service to others—as a mayor, a State representative and a State senator—and since 1966, as a Member of the U.S. House of Representatives.

As the chairman of the Committee on Merchant Marine and Fisheries, he has been credited with having strongly influenced the face and character of maritime policy, both the United States and abroad.

But I knew him best as a partner on the Agriculture Committee, and as a champion of North Carolina farmers. He was a great teacher, and I learned my lessons from his stewardship of the Tobacco Subcommittee.

There is so much about the life of this quiet and gentle man that needs to be said, and I will insert in the RECORD a brief statement of his remarkable career and life.

As we adjourn today, I would like to honor his contributions to North Carolina agriculture and coastal policy. They have left a legend of treasures for us all to enjoy for many years to come. We shall certainly miss his never ending commitment to improve the quality of life for all Americans by ensuring the preservation of our natural resources.

WALTER B. JONES

WASHINGTON, DC.—Walter B. Jones (D-NC), Chairman of the House Merchant Marine and Fisheries Committee, died this afternoon. He had been hospitalized at Sentara Norfolk General Hospital since August 25 for the treatment of pneumonia and complications from that illness.

The 79 year old U.S. Representative earlier this year announced that he would retire at the end of this Congress.

He is survived by his wife, Elizabeth Fischer Jones, and two children, Walter and DotDee, from his marriage to Doris Long (deceased). His son, Walter Jones, Jr., a member of the North Carolina State House of Representatives, and his wife, Joe Anne, have one child, Ashley. His daughter, DotDee, is married to Jack Slaughter and has three children, Jayme, Chris, and Valerie Fountain.

Funeral arrangements are incomplete. The family suggests that donations in the Chairman's name can be made to the Walter B. Jones, Sr. Scholarship Fund at the North Carolina State University Humanities Foundation.

Congressman Jones was born in Fayetteville, North Carolina, and graduated from North Carolina State University in 1934. He was in the office supply business from 1934 until 1949 when he was elected mayor of Farmville, North Carolina. He served as mayor until 1953. He was a representative in the North Carolina General Assembly in 1955, 1957, and 1959, and the State Senate in 1965.

Chairman Jones was first elected to Congress in a special election on February 5, 1966. The voters of northeastern and coastal North Carolina returned him to office in every succeeding election. He was elected Chairman of the House Merchant Marine and Fisheries Committee in 1981, and also served as Chairman of the Merchant Marine Subcommittee. He has been a Member of the House Agriculture Committee and chaired that panel's Subcommittee on Tobacco for many years prior to taking the helm of the Merchant Marine and Fisheries Committee.

With a jurisdiction as wide as the oceans, the Merchant Marine and Fisheries Committee Chairmanship afforded Chairman Jones the opportunity to play a leadership role in issues ranging from promoting the rebirth of the United States Merchant Marine to overhauling federal laws designed to prevent, and assess liability for, marine oil spills.

Following is a summary of major accomplishments of the Merchant Marine and Fisheries Committee under Chairman Jones' leadership:

The Oil Pollution Act of 1990 (OPA 90) put in place new standards to prevent oil spills, drastically increased liability limits for those responsible for spills, and established an industry-financed fund to compensate those injured by a spill.

Jones' amendments in 1990 to the Coastal Zone Management Act (CZMA) overturned a Supreme Court decision which had diminished a state's right to review federal actions that affected that state's coastal areas.

The Chairman was an avid opponent of the imposition of a Coast Guard "user fee" on

the nation's recreational boaters and has been a vocal leader in the effort to repeal this tax—an effort that is now on the threshold of Congressional approval.

Seeking a balance between legitimate concerns for the arctic environment and the nation's energy needs, Chairman Jones has advocated opening portions of the Arctic National Wildlife Refuge to explore and develop potential energy resources only under the most stringent environmental safeguards.

Chairman Jones has also been in the forefront of efforts to limit offshore oil and gas development. He authored the provisions of the energy bill currently in conference which impose a ten-year moratorium on outer Continental Shelf (OCS) lease sales virtually everywhere except in the Gulf of Mexico and parts of Alaska. The Jones' provisions also call for the "Buy-back" of existing leases in particularly sensitive areas offshore North Carolina, Florida, and in Bristol Bay, Alaska.

Jones has been a strong proponent of efforts to strengthen American capacities for oceanographic research, successfully resisting relentless Administration efforts to eliminate the Sea Grant program and pushing hard for a modern and efficient fleet of research ships for the National Oceanic and Atmospheric Administration.

Chairman Jones was the prime sponsor of the Shipping Act of 1984, a major rewrite of the laws regulating the ocean transportation of goods to and from the United States. He most recently served on an Advisory Commission which reviewed the implementation of the 1984 Act and made recommendations for change.

After many years of being a lonely voice for the U.S. merchant fleet, Chairman Jones' advocacy of a strong domestic fleet became a popular cause after the Persian Gulf War when it became obvious that this critical component of our military readiness, though manned by patriotic and valiant mariners, no longer had a sufficient number of ships to meet our sealift needs. For many years, Jones has led Congressional efforts to bring back a U.S.-flag merchant fleet that would be capable of being pressed into service during an emergency, and has most recently been behind successful proposals to include specific sealift monies in DOD appropriations bills.

Chairman Jones was the author of the Foreign Shipping Practices Act that gave the Federal Maritime Commission the authority to investigate and take action against foreign policies discriminatory to U.S. carriers.

Under Chairman Jones' leadership, the National Marine Sanctuary Program has blossomed. Enacted by his Committee to protect valuable coastal or ocean areas, the first sanctuary designated was the site of the USS MONITOR off Cape Hatteras. When Congressman Jones took over the Committee, the Sanctuary program consisted of three sites covering 1,350 square miles. By the end of this year, it will include 13 sites totalling nearly 11,000 square miles.

Throughout the tenure of Chairman Jones, the Committee has been a major force in fisheries policy. Successes include prohibitions on the use of large-scale driftnets in tuna fishing, a method of fishing which can kill dolphin and other untargeted marine fish and birds; and, successful efforts to rebuild declining striped bass stocks, including those in the Albemarle-Pamlico Sound. Over the past four years, Chairman Jones has won over $1 million in improvements for the National Marine Fisheries Service Laboratory in Beaufort, North Carolina.

While his duties as Chairman involved Congressman Jones in national and international issues, he was also an outstanding steward of the interests of the people of the First District of North Carolina. His position allowed him to have an impact on many questions vital to the interests of North Carolina's coastline.

During the final day of the Conference Committee on the Oil Pollution Act of 1990, a Conference which Congressman Jones chaired, he added a provision delaying a proposal by Mobil Oil to drill a gas well off Cape Hatteras until a panel of scientists reviewed the existing environmental data and reported on its sufficiency. The Panel has recommended the completion of six additional studies and Interior Secretary Lujan has said he will comply with these recommendations before going forward with approval of the Mobil project.

Chairman Jones authored legislation to reform the National Flood Insurance program to help homeowners and communities deal with coastal erosion and save money for both property owners and the federal goernment. This program has proved critically important to North Carolina's Outer Banks where violent weather puts many coastal homes at risk.

The Congressman amended the Clean Water Act to establish the Albermarle-Pamlico Estuarine System in North Carolina—the second largest estuary in the country—in a federal effort to recognize nationally important estuarine habitat and develop comprehensive management planning for these ecosystems.

Chairman Jones has been the leading voice in Congress to eliminate bureaucratic roadblocks that have prevented the construction of jetties to stabilize Oregon Inlet. Legislation he introduced in 1984 to allow the jetties to be built passed the House but died in the Senate.

During Chairman Jones' tenure in Congress, the number of National Wildlife Refuges in North Carolina's First Congressional District a program authorized by his Committee, has increased from seven to 11, protecting approximately 400,000 acres of natural areas.

Chairman Jones secured more than $3 million in federal funds for the acquisition of land in the sensitive Buxton Woods maritime forest. The Congressman also worked with conservation and community groups to force the Resolution Trust Corporation to sell the Nags Head Woods maritime forest, at a reduced price, to the North Carolina Nature Conservancy.

The expansion of the Fort Raleigh Historic Site has been a priority of Congressman Jones' for several years. He was successful last year in earmarking $5.6 million to buy land adjacent to Fort Raleigh that was threatened with development.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GOVERNMENT SECURITIES REFORM ACT OF 1992

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1699) to prevent false and misleading statements in connection with offerings of government securities, as amended.

The Clerk read as follows:

S. 1699

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 "Government Securities Reform Act of 1992".

TITLE I—GOVERNMENT SECURITIES SECONDARY MARKET REGULATION

SEC. 101. EXTENSION OF GOVERNMENT SECURITIES RULEMAKING AUTHORITY.

Section 15C(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(g)(1)) is amended by striking "October 1, 1991" and inserting "October 1, 1997".

SEC. 102. RECORDKEEPING.

Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended by adding at the end thereof the following new subsection:

"(i) GOVERNMENT SECURITIES RECORDKEEPING.—

"(1) MAINTENANCE OF RECORDS.—The Commission may prescribe rules to require any government securities broker or government securities dealer to make, keep, and maintain for prescribed periods, in a form and containing such information as may be specified by the Commission, records of government securities transactions, including (but not limited to) records of the date and time of execution of trades.

"(2) EXAMINATION OF RECORDS.—Every government securities broker and government securities dealer shall make such records available for examination to representatives of the appropriate regulatory agency for such government securities broker or government securities dealer and furnish copies thereof to such representatives on request.

"(3) FURNISHING RECORDS TO RECONSTRUCT TRADING.—Every government securities broker and government securities dealer shall furnish to the Commission on request such of the information required to be made, kept, or maintained under this subsection as the Commission may require to reconstruct trading in furtherance of the purposes of this title. In requiring information pursuant to this paragraph, the Commission shall specify the information required, the period for which it is required, the time and date on which the information must be furnished, and whether the information is to be furnished directly to the Commission, to the Federal Reserve Bank of New York, or to an appropriate regulatory agency or self-regulatory organization with responsibility for examining the government securities broker or government securities dealer. The Commission may require that such information be furnished in machine readable form.

"(4) LIMITATION; CONSTRUCTION.—The Commission shall not utilize its authority under this subsection to develop regular reporting requirements for information concerning a substantial segment of all daily transactions in government securities; however, the Commission may require information to be furnished under this subsection as frequently as necessary for particular inquiries or investigations. The Commission shall, where feasible, avoid requiring any information to be furnished under this subsection that the Commission may obtain from the Federal Reserve Bank of New York.

"(5) CONSULTATION REQUIREMENT.—In making rules under this subsection applicable to government securities brokers and government securities dealers for which a Federal banking agency is the appropriate regulatory agency, the Commission shall consult with and consider the views of each such ap-

propriate regulatory agency. If a Federal banking agency comments in writing on a proposed rule under this subsection that has been published for comment, the Commission shall respond in writing to such written comment before adopting the proposed rule. The Commission shall, at the request of the Federal banking agency, publish such comment and response in the Federal Register at the time of publishing the adopted rule. For purposes of this paragraph, the term 'Federal banking agency' has the meaning provided in subsection (h)(3)(G).

"(6) AUTHORITY OF THE COMMISSION TO LIMIT DISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, the Commission and the appropriate regulatory agencies shall not be compelled to disclose any information required under this subsection. Nothing in this subsection shall authorize the Commission or any appropriate regulatory agency to withhold information from Congress, or prevent the Commission or any appropriate regulatory agency from complying with a request for information from any other Federal department or agency requesting information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States, the Commission, or the appropriate regulatory agency. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.".

SEC. 103. LARGE POSITION REPORTING.

(a) AMENDMENT.—Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h); and

(2) by inserting after subsection (e) the following new subsection:

"(f) LARGE POSITION REPORTING.—

"(1) REPORTING REQUIREMENTS.—The Secretary may adopt rules to require specified persons holding, maintaining, or controlling large positions in to-be-issued or recently issued Treasury securities to file such reports regarding such positions as the Secretary determines to be necessary or appropriate for the purpose of monitoring the impact in the Treasury securities market of concentrations of positions in Treasury securities and for the purpose of otherwise assisting the Commission in the enforcement of this title. Reports required under this subsection shall be filed with the Federal Reserve Bank of New York, acting as agent for the Secretary, and shall be provided by that Federal Reserve Bank to the Commission on a timely basis.

"(2) LIMITATION ON REQUIRING CERTAIN REPORTS.—The Secretary may not require under this subsection—

"(A) reports from persons that are not government securities brokers or government securities dealers, or

"(B) reports from government securities brokers and government securities dealers that identify particular customers and customer positions,

except when the Secretary determines, after consultation with the Commission and the Board of Governors of the Federal Reserve System, that market conditions exist that require such information be obtained to carry out the purposes of this subsection.

"(3) ADDITIONAL CONSIDERATIONS.—In making determinations under paragraphs (1) and (2), the Secretary shall take into account any impact on the efficiency and liquidity of the Treasury securities market and on the cost to the taxpayers of funding the Federal debt.

"(4) RECORDKEEPING REQUIREMENTS.—Rules under this subsection may require persons holding, maintaining, or controlling large positions in Treasury securities to make and keep for prescribed periods such records as the Secretary determines are necessary or appropriate to ensure that such persons can comply with reporting requirements under this subsection.

"(5) AGGREGATION RULES.—Rules under this subsection—

"(A) may prescribe the manner in which positions and accounts shall be aggregated for the purpose of this subsection, including aggregation on the basis of common ownership or control; and

"(B) may define which persons (individually or as a group) hold, maintain, or control large positions.

"(6) DEFINITIONAL AUTHORITY; DETERMINATION OF REPORTING THRESHOLD.—

"(A) In prescribing rules under this subsection, the Secretary may, consistent with the purpose of this subsection, define terms used in this subsection that are not otherwise defined in section 3 of this title.

"(B) Rules under this subsection shall specify—

"(i) the minimum size of positions subject to reporting under this subsection, taking into account the purposes of this subsection and the potential for price distortions or other anomalies resulting from large positions;

"(ii) the types of positions (which may include financing arrangements) to be reported;

"(iii) the securities to be covered; and

"(iv) the form and manner in which reports shall be transmitted, which may include transmission in machine readable form.

"(7) LIMITATION ON DISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, the Secretary and the Commission shall not be compelled to disclose any information required to be kept or reported under this subsection. Nothing in this subsection shall authorize the Secretary or the Commission to withhold information from Congress, or prevent the Secretary or the Commission complying with a request for information from any other Federal department or agency requesting information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States, the Secretary, or the Commission. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.".

(b) CONFORMING AMENDMENT.—Section 15C(d)(2) of such Act is amended to read as follows:

"(2) Information received by an appropriate regulatory agency, the Secretary, or the Commission from or with respect to any government securities broker, government securities dealer, any person associated with a government securities broker or government securities dealer, or any other person subject to this section or rules promulgated thereunder, may be made available by the Secretary or the recipient agency to the Commission, the Secretary, the Department of Justice, the Commodity Futures Trading Commission, any appropriate regulatory agency, any self-regulatory organization, or any Federal Reserve Bank.".

SEC. 104. AUTHORITY OF THE COMMISSION TO REGULATE TRANSACTIONS IN EXEMPTED SECURITIES.

(a) PREVENTION OF FRAUDULENT AND MANIPULATIVE ACTS AND PRACTICES.—Section 15(c)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking "fictitious quotation, and no municipal securities dealer" and inserting the following:

"fictitious quotation.

"(B) No municipal securities dealer";

(3) by striking "fictitious quotation. The Commission shall" and inserting the following:

"fictitious quotation.

"(C) No government securities broker or government securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or induce or attempt to induce the purchase or sale of, any government security in connection with which such government securities broker or government securities dealer engages in any fraudulent, deceptive, or manipulative act or practice, or makes any fictitious quotation.

"(D) The Commission shall"; and

(4) by inserting at the end thereof the following:

"(E) The Commission shall, prior to adopting rules or regulations under subparagraph (C), consult with and consider the views of the Secretary of the Treasury and the Board of Governors of the Federal Reserve System. If the Secretary of the Treasury or the Board of Governors of the Federal Reserve System comments in writing on a proposed rule or regulation of the Commission under such subparagraph (C) that has been published for comment, the Commission shall respond in writing to such written comment before adopting the proposed rule.".

(b) FRAUDULENT AND MANIPULATIVE DEVICES AND CONTRIVANCES.—Section 15(c)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(1)) is amended—

(1) by inserting "(A)" after "(c)(1)";

(2) by striking "contrivance, and no municipal securities dealer" and inserting the following:

"contrivance.

"(B) No municipal securities dealer";

(3) by striking "contrivance. The Commission shall" and inserting the following:

"contrivance.

"(C) No government securities broker or government securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any government security by means of any manipulative, deceptive, or other fraudulent device or contrivance.

"(D) The Commission shall"; and

(4) by inserting at the end thereof the following:

"(E) The Commission shall, prior to adopting rules or regulations under subparagraph (C), consult with and consider the views of the Secretary of the Treasury and the Board of Governors of the Federal Reserve System. If the Secretary of the Treasury or the Board of Governors of the Federal Reserve System comments in writing on a proposed rule or regulation of the Commission under such subparagraph (C) that has been published for comment, the Commission shall respond in writing to such written comment before adopting the proposed rule.".

SEC. 105. BROKER/DEALER SUPERVISION RESPONSIBILITIES.

Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding

at the end thereof the following new subsection:

"(h) POLICIES AND PROCEDURES TO PREVENT AND DETECT VIOLATIONS.—Every government securities broker and government securities dealer shall establish, maintain, and enforce written policies and procedures reasonably designed, taking into consideration the nature of such person's business, to prevent and detect in connection with the purchase or sale of government securities, insofar as practicable, fraud and manipulation in violation of this title and the rules and regulations thereunder and violations of such other provisions of this title and the rules and regulations thereunder as the Commission shall designate by rule. The Commission, as it deems necessary or appropriate in the public interest or for the protection of investors, shall prescribe rules or regulations to require specific policies or procedures reasonably designed to prevent such violations.".

SEC. 106. SALES PRACTICE RULEMAKING AUTHORITY.

(a) RULES FOR FINANCIAL INSTITUTIONS.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(b)) is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) SALES PRACTICE RULES.—(A) With respect to any financial institution that has filed notice as a government securities broker or government securities dealer or that is required to file notice under subsection (a)(1)(B) of this section, the appropriate regulatory agency for such government securities broker or government securities dealer may issue such rules with respect to transactions in government securities as may be necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade.

"(B) Each appropriate regulatory agency shall consult with the other appropriate regulatory agencies for the purpose of ensuring the consistency of the rules prescribed by such agencies under this paragraph. The appropriate regulatory agencies shall consult with and consider the views of the Secretary and the Commission with respect to the impact of such rules on the operations of the market for government securities, consistency with analogous rules of self-regulatory organizations, and the enforcement and administration of such rules. The consultation required by this paragraph shall be conducted prior to the appropriate regulatory agency adopting a rule under this paragraph, unless the appropriate regulatory agency determines that an emergency exists requiring expeditious and summary action and publishes its reasons therefor. If the Secretary or the Commission comments in writing to the appropriate regulatory agency on a proposed rule that has been published for comment, the appropriate regulatory agency shall respond in writing to such written comment before adopting the rule.".

(b) RULES BY REGISTERED SECURITIES ASSOCIATIONS.—

(1) REMOVAL OF LIMITATIONS ON AUTHORITY.—(A) Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) is amended—

(i) by striking subsections (f)(1) and (f)(2); and

(ii) by redesignating subsection (f)(3) as subsection (f).

(B) Section 15A(g) of such Act is amended—

(i) by striking "exempted securities" in paragraph (3)(D) and inserting "municipal securities";

(ii) by striking paragraph (4); and

(iii) by redesignating paragraph (5) as paragraph (4).

(2) OVERSIGHT OF REGISTERED SECURITIES ASSOCIATIONS.—Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended—

(A) in subsection (b), by adding at the end thereof the following new paragraph:

"(5) The Commission shall consult with and consider the views of the Secretary of the Treasury prior to approving a proposed rule change filed by a registered securities association that primarily concerns conduct related to transactions in government securities, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary comments in writing to the Commission on such proposed rule change that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule change.";

(B) in subsection (c), by adding at the end thereof the following new paragraph:

"(5) Before adopting a rule to amend a rule of a registered securities association that primarily concerns conduct related to transactions in government securities, the Commission shall consult with and consider the views of the Secretary, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary comments in writing to the Commission on such proposed rule change that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule change.".

(3) CONFORMING AMENDMENT.—

(A) Section 3(a)(12)(B)(ii) of such Act (15 U.S.C. 78b(a)(12)(B)(ii)) is amended by striking "15, 15A (other than subsection (g)(3)), and 17A" and inserting "15 and 17A".

(B) Section 15(b)(7) of such Act (15 U.S.C. 78o(b)(7)) is amended by inserting "or government securities broker or government securities dealer registered (or required to register) under section 15C(a)(1)(A)" after "No registered broker or dealer".

SEC. 107. MARKET INFORMATION.

(a) TRANSPARENCY.—The Securities Exchange Act of 1934 is amended by adding at the end of section 11A (15 U.S.C. 78k-1) the following:

"MARKET INFORMATION WITH RESPECT TO GOVERNMENT SECURITIES

"SEC. 11B. (a) FINDINGS.—The Congress finds that—

"(1) it is necessary and appropriate for the protection of investors to assure public dissemination of information concerning government securities transactions and quotations;

"(2) government securities brokers, government securities dealers, and government securities information systems have created substantial transparency through the dissemination of information concerning government securities transactions and quotations and are expected to maintain and improve such transparency through voluntary actions; and

"(3) if such voluntary actions do not attain the objectives stated in subsections (b) and (c), the Commission should have the authority, in accordance with the requirements of this section, to assure the attainment of those objectives.

"(b) GOVERNMENT SECURITIES INFORMATION SYSTEMS.—

"(1) CONDITIONAL AUTHORITY.—Upon a finding by the Commission that information available to investors generally through government securities information systems taken as a whole does not meet the objectives set forth in paragraph (2) with respect to a class or category of regularly traded government securities, the Commission, having due regard for the public interest, the protection of investors, the maintenance of fair and orderly markets, the integrity, liquidity, and efficiency of the government securities market, and the fostering of competition, may prescribe rules applicable to government securities information systems to the extent necessary to assure that government securities information systems meet the objectives set forth in paragraph (2) with respect to such class or category of securities. The Commission (A) shall not utilize its authority under this paragraph to regulate the amount of fees charged for information, and (B) shall not require dissemination through government securities information systems of information not transmitted by or through government securities interdealer brokers (or their functional equivalents).

"(2) OBJECTIVES.—The Commission may not take action under paragraph (1) of this subsection unless the Commission makes the finding required by paragraph (1) and determines that such action is necessary or appropriate—

"(A) to assure that information on transactions in and quotations for a class or category of regularly traded government securities being reported through government securities information systems taken as a whole is available to investors generally and includes—

"(i) information concerning price and volume with respect to a reasonably sufficient number or proportion of transactions in any security in such class or category to permit the determination of the prevailing market price for such security; and

"(ii) reports of the highest bids and lowest offers for any security in such class or category being reported through such systems (including the size at which government securities brokers and dealers are willing to trade with respect to such bids and offers);

"(B) to assure that such information is timely reported;

"(C) to assure that such information is made available to investors generally on a fair, reasonable, and nondiscriminatory basis; and

"(D) to assure the ability of investors to obtain and retain such information for analytical purposes.

"(c) STANDBY AUTHORITY WITH RESPECT TO MARKET INFORMATION.—

"(1) AUTHORITY.—Subject to paragraph (2), the Commission by rule—

"(A) may require any government securities broker or government securities dealer that regularly trades a security as to which the Secretary of the Treasury has made a determination under paragraph (2) to report any purchase or sale of such a security to any securities information processor that has the capability and agrees to disseminate such reports or, if there is no such processor, to a self-regulatory organization designated by the Commission to receive such reports, and may require such securities information processor or self-regulatory organization to make information with respect to such purchase or sale publicly available on fair, reasonable, and nondiscriminatory terms and conditions; and

"(B) may require any self-regulatory organization, and any government securities broker or government securities dealer that

regularly trades such securities, to act jointly in planning, developing, or operating facilities for the dissemination of information with respect to purchases or sales of government securities.

"(2) INADEQUATE PRICE INFORMATION FINDING REQUIRED.—The Commission may not take an action authorized by paragraph (1) of this subsection with respect to any class or category of regularly traded government securities unless the Secretary of the Treasury, after consultation with the Commission, determines that information that is available to investors generally with respect to such class or category either—

"(A) does not permit investors in general to determine readily the prevailing market price of securities in such class or category of regularly traded government securities; or

"(B) is no longer representative of the market for such class or category of government securities.

"(3) RULE OF CONSTRUCTION.—This subsection is not intended to authorize the Commission to require the establishment or use of a consolidated trading system for government securities.

"(d) RULEMAKING.—

"(1) Consultation.—In making rules under this section, the Commission shall consult with and consider the views of the Secretary of the Treasury and the Board of Governors of the Federal Reserve System. If the Secretary of the Treasury or the Board of Governors of the Federal Reserve System comments in writing on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before adopting the proposed rule. Prior to prescribing a rule pursuant to subsection (c), the Commission shall consult with representatives of the persons described in subsection (a)(2).

"(2) STANDARDS.—In making rules under this subsection, the Commission may designate classes or categories of government securities, establish standards for determining whether they are regularly traded, and establish standards for determining whether a person regularly trades such government securities or a class or category of such government securities.

"(e) EXAMINATION ACCESS.—

"(1) AUTHORITY TO EXAMINE.—Systems and operations of government securities information systems (and records relating thereto) are subject to reasonable examination by representatives of the Commission—

"(A) to assess whether the objectives set forth in subsection (b)(2) of this section are being met; and

"(B) to assess compliance with any rules or regulations under this section.

"(2) LIMITATIONS.—The Commission shall have no authority under this section—

"(A) to examine the financial, personnel, marketing, sales, product, and service development, or similar business records of such person; or

"(B) to examine systems and operations unrelated to dissemination of government securities information.

The Commission may not examine contracts except to the extent necessary to assess whether the objectives set forth in subsections (b)(2)(C) and (b)(2)(D) of this section are being met, and to determine compliance with rules prescribed for purposes of such subsections.

"(3) PROTECTION OF INFORMATION.—Notwithstanding any other provision of law, the Commission (and any Federal agency or department to which such information is disclosed) shall not be compelled to disclose any information obtained by the Commission in an examination under this subsection. Furthermore, the Commission (and any Federal agency or department to which such information is disclosed) shall not publicly disclose information obtained by the Commission in such an examination, except that this sentence shall not prohibit the disclosure of such information in a proceeding brought by the Commission. Nothing in this section shall authorize the Commission to withhold information from Congress, or prevent the Commission or any appropriate regulatory agency from complying with a request for information from any other Federal department or agency requesting information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States, the Commission, or the appropriate regulatory agency. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.

"(f) VIOLATIONS OF RULES PROHIBITED.—No government securities broker, government securities dealer, securities information processor, or government securities information system shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, to induce the purchase or sale of, or to distribute or disseminate any quotation or transaction report for, any government security in contravention of any rule adopted pursuant to this section.

"(g) EFFECTIVE DATE OF RULEMAKING AUTHORITY.—The authority of the Commission to prescribe rules under subsections (b) and (c) is effective on October 1, 1993.

"(h) DEFINITION.—For purposes of this section, the term 'government securities' does not include a security secured by an interest in pools of mortgages representing liens on residential real estate.".

(b) CONFORMING AMENDMENTS.—The Securities Exchange Act of 1934 is amended—

(1) by striking "(other than an exempted security)" in section 3(a)(22)(A);

(2) by adding at the end of section 3(a) the following:

"(53) The term 'government securities information system' means any person engaged in the business of operating a system for the timely, automated dissemination to more than 10 persons of (A) quotations for government securities of or through government securities interdealer brokers (or their functional equivalents), or (B) reports of purchases or sales of government securities by or through government securities interdealer brokers (or their functional equivalents).";

and

(3) by inserting at the end of section 11A(b)(1) the following: "The Commission shall not require any securities information processor to register under this section in connection with its activities with respect to quotations for or transactions in exempted securities.".

(c) STUDIES WITH RESPECT TO MORTGAGE-BACKED GOVERNMENT SECURITIES.—

(1) STUDIES REQUIRED.—With respect to government securities (as defined in section 3(a)(42) of the Securities Exchange Act of 1934) that are secured by an interest in pools of mortgages representing liens on residential real estate (hereafter in this subsection referred to as 'mortgage-backed government securities'), the Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System shall monitor and evaluate the effectiveness of private sector efforts to disseminate mortgage-backed government securities price and volume information, and determine whether such efforts—

(A) assure the prompt, accurate, reliable, and fair reporting, collection, processing, distribution, and publication of information with respect to quotations for and transactions in mortgage-backed government securities and the fairness and usefulness of the form and content of such information;

(B) assure that all mortgage-backed government securities information processors may, for the purpose of distribution and publication, obtain on fair and reasonable terms such information with respect to quotations for and transactions in mortgage-backed government securities, as reported, collected, processed, or prepared for distribution or publication by any processor of such information (including self-regulatory organizations) acting in an exclusive capacity; and

(C) assure that all mortgage-backed government securities brokers, mortgage-backed government securities dealers, mortgage-backed government securities information processors, and other appropriate persons may obtain on nondiscriminatory terms such information with respect to quotations for and transactions in mortgage-backed government securities as is distributed or published.

(2) REPORTS.—The Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System shall each submit a report to the Congress describing its findings under this subsection and any recommendations for legislation not later than 18 months after the date of enactment of this Act.

SEC. 108. STUDY OF REGULATORY SYSTEM FOR GOVERNMENT SECURITIES.

(a) JOINT STUDY.—The Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve System shall—

(1) evaluate the effectiveness of any rules promulgated or amended after October 1, 1991, pursuant to section 15C of the Securities Exchange Act of 1934 or any amendment made by this title, and any national securities association rule changes applicable principally to government securities transactions approved after October 1, 1991, in carrying out the purposes of such Act;

(2) evaluate the effectiveness of surveillance and enforcement with respect to government securities, and the impact on such surveillance and enforcement of defects in any available audit trails with respect to transactions in such securities; and

(3) submit to the Congress, not later than March 31, 1997, any recommendations they may consider appropriate concerning—

(A) the regulation of government securities brokers and government securities dealers,

(B) the dissemination of information concerning quotations for and transactions in government securities,

(C) the prevention of sales practice abuses in connection with transactions in government securities, and

(D) such other matters as they consider appropriate.

(b) GAO STUDY.—The Comptroller General shall—

(1) conduct a study of the effectiveness of regulation of government securities brokers and government securities dealers pursuant to section 15C of the Securities Exchange Act of 1934 and the effectiveness of the amendments made by this title; and

(2) submit to the Congress, not later than March 31, 1996, the Comptroller General's

recommendations for change, if any, or such other recommendations as the Comptroller General considers appropriate.

SEC. 109. TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO DEFINITIONS.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (34)(G) (relating to the definition of appropriate regulatory agency), by amending clauses (ii), (iii), and (iv) to read as follows:

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a foreign bank, an uninsured State branch or State agency of a foreign bank, a commercial lending company owned or controlled by a foreign bank (as such terms are used in the International Banking Act of 1978), or a corporation organized or having an agreement with the Board of Governors of the Federal Reserve System pursuant to section 25 or section 25A of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System or a Federal savings bank) or an insured State branch of a foreign bank (as such terms are used in the International Banking Act of 1978);

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation;";

(2) by amending paragraph (46) (relating to the definition of financial institution) to read as follows:

"(46) The term 'financial institution' means—

"(A) a bank (as defined in paragraph (6) of this subsection);

"(B) a foreign bank (as such term is used in the International Banking Act of 1978); and

"(C) a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation."; and

(3) by redesignating paragraph (51) (as added by section 204 of the International Securities Enforcement Cooperation Act) as paragraph (52).

(b) EFFECTIVE DATE OF BROKER/DEALER REGISTRATION.—

(1) GOVERNMENT SECURITIES BROKERS AND DEALERS.—Section 15C(a)(2)(ii) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(a)(2)(ii)) is amended by inserting before "At the conclusion" the following: "The order granting registration shall not be effective until such government securities broker or government securities dealer has become a member of a national securities exchange registered under section 6 of this title, or a securities association registered under section 15A of this title, unless the Commission has exempted such government securities broker or government securities dealer, by rule or order, from such membership.".

(2) OTHER BROKERS AND DEALERS.—Section 15(b)(1)(B) of such Act (15 U.S.C. 78o(b)(1)(B)) is amended by inserting before "At the conclusion" the following: "The order granting registration shall not be effective until such broker or dealer has become a member of a registered securities association, or until such broker or dealer has become a member of a national securities exchange if such broker or dealer effects transactions solely on that exchange, unless the Commission has exempted such broker or dealer, by rule or order, from such membership.".

SEC. 110. OFFERINGS OF CERTAIN GOVERNMENT SECURITIES.

Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by inserting after paragraph (6) of subsection (c) the following new paragraph:

"(7) In connection with any bid for or purchase of a government security related to an offering of government securities by or on behalf of an issuer, no government securities broker, government securities dealer, or bidder for or purchaser of securities in such offering shall knowingly or willfully make any false or misleading written statement or omit any fact necessary to make any written statement made not misleading. For purposes of the preceding sentence, the term 'government security' shall not include any public debt obligation (as defined in section 3121(i)(3)(A) of title 31, United States Code)."

SEC. 111. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Except as provided in section 3121(i) of title 31, United States Code, as added by section 201 of this Act, no provision of, or amendment made by, this title may be construed—

(1) to apply to the initial issuance of any public debt obligation, or

(2) to grant any authority to (or extend any authority of) the Securities and Exchange Commission—

(A) to prescribe any procedure, term, or condition governing such initial issuance,

(B) to require any recordkeeping, or the furnishing of any information, with respect to such initial issuance, or

(C) to otherwise regulate in any manner such initial issuance.

(b) PUBLIC DEBT OBLIGATION.—For purposes of this section, the term "public debt obligation" means an obligation subject to the public debt limit established in section 3101 of title 31, United States Code.

TITLE II—PRIMARY MARKET TRANSACTIONS IN PUBLIC DEBT SECURITIES

SEC. 201. ANTI-FRAUD PROVISIONS.

Section 3121 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(i)(1) In connection with any bid for or purchase of a public debt obligation related to an offering of public debt obligations under this chapter or otherwise by or on behalf of the issuer, no government securities broker, government securities dealer, or bidder for or purchaser of obligations in such offering shall knowingly or willfully make any false or misleading written statement or omit any fact necessary to make any written statement made not misleading.

"(2) All provisions of law (including penalties) applicable to section 15(c)(7) of the Securities Exchange Act of 1934 shall apply with respect to paragraph (1) of this subsection in the same manner as if such paragraph were a part of such section 15(c)(7).

"(3) As used in this subsection—

"(A) 'public debt obligation' means an obligation subject to the public debt limit established in section 3101 of this title,

"(B) 'government securities broker' has the meaning prescribed in section 3(a)(43) of the Securities Exchange Act of 1934, and

"(C) 'government securities dealer' has the meaning prescribed in section 3(a)(44) of the Securities Exchange Act of 1934."

SEC. 202. ANNUAL REPORT ON PUBLIC DEBT.

(a) GENERAL RULE.—Subchapter II of chapter 31 of title 31, United States Code, is amended by adding at the end thereof the following new section:

"§ 3130. Annual public debt report

"(a) GENERAL RULE.—On or before June 1 of each calendar year after 1992, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on—

"(1) the Treasury's public debt activities, and

"(2) the operations of the Federal Financing Bank.

"(b) REQUIRED INFORMATION ON PUBLIC DEBT ACTIVITIES.—Each report submitted under subsection (a) shall include the following information:

"(1) A table showing the following information with respect to the total public debt:

"(A) The past levels of such debt and the projected levels of such debt as of the close of the current fiscal year and as of the close of the next 5 fiscal years under the most recent current services baseline projection of the executive branch.

"(B) The past debt to GDP ratios and the projected debt to GDP ratios as of the close of the current fiscal year and as of the close of the next 5 fiscal years under such most recent current services baseline projection.

"(2) A table showing the following information with respect to the net public debt:

"(A) The past levels of such debt and the projected levels of such debt as of the close of the current fiscal year and as of the close of the next 5 fiscal years under the most recent current services baseline projection of the executive branch.

"(B) The past debt to GDP ratios and the projected debt to GDP ratios as of the close of the current fiscal year and as of the close of the next 5 fiscal years under such most recent current services baseline projection.

"(C) The interest cost on such debt for prior fiscal years and the projected interest cost on such debt for the current fiscal year and for the next 5 fiscal years under such most recent current services baseline projection.

"(D) The interest cost to outlay ratios for prior fiscal years and the projected interest cost to outlay ratios for the current fiscal year and for the next 5 fiscal years under such most recent current services baseline projection.

"(3) A table showing the maturity distribution of the net public debt as of the time the report is submitted and for prior years, and an explanation of the overall financing strategy used in determining the distribution of maturities when issuing public debt obligations.

"(4) A table showing the following information as of the time the report is submitted and for prior years:

"(A) A description of the various categories of the holders of public debt obligations.

"(B) The portions of the total public debt held by each of such categories.

"(5) A table showing the relationship of federally assisted borrowing to total Federal borrowing as of the time the report is submitted and for prior years.

"(6) A table showing the annual principal and interest payments which would be required to amortize in equal annual payments the level (as of the time the report is submitted) of the net public debt over the longest remaining term to maturity of any obligation which is a part of such debt.

"(c) REQUIRED INFORMATION ON FEDERAL FINANCING BANK.—Each report submitted under subsection (a) shall include information on the levels and categories of the lending activities of the Federal Financing Bank for

the current fiscal year and for prior fiscal years.

"(d) RECOMMENDATIONS.—The Secretary of the Treasury may include in any report submitted under subsection (a) such recommendations to improve the issuance and sale of public debt obligations (and with respect to other matters) as he may deem advisable.

"(e) DEFINITIONS.—For purposes of this section—

"(1) CURRENT FISCAL YEAR.—The term 'current fiscal year' means the fiscal year ending in the calendar year in which the report is submitted.

"(2) TOTAL PUBLIC DEBT.—The term 'total public debt' means the total amount of the obligations subject to the public debt limit established in section 3101 of this title.

"(3) NET PUBLIC DEBT.—The term 'net public debt' means the portion of the total public debt which is held by the public.

"(4) DEBT TO GDP RATIO.—The term 'debt to GDP ratio' means the percentage obtained by dividing the level of the total public debt or net public debt, as the case may be, by the gross domestic product.

"(5) INTEREST COST TO DEBT RATIO.—The term 'interest cost to outlay ratio' means, with respect to any fiscal year, the percentage obtained by dividing the interest cost for such fiscal year on the net public debt by the total amount of Federal outlays for such fiscal year."

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 31 of title 31, United States Code, is amended by adding at the end thereof the following new item:

"3130. Annual public debt report."

"3130. Annual public debt report."

SEC. 203. TREASURY STUDY ON MODIFICATIONS TO AUCTION SYSTEM.

(a) GENERAL RULE.—The Secretary of the Treasury shall conduct a study on—

(1) proposals for reforming the system for issuing public debt obligations (including the use of a uniform-price, open auction system), and

(2) the impact (if any) on the primary market for public debt obligations of recent administrative and legislative changes with respect to public debt markets.

(b) REPORT.—Not later than January 1, 1993, the Secretary of the Treasury shall submit to the Congress a report on the study conducted under subsection (a), together with such recommendations as he may deem advisable.

(c) SPECIAL RULE.—The Secretary of the Treasury shall not implement a uniform-price, open auction system for issuing public debt obligations before the date on which the report on the study conducted under subsection (a) is submitted as required in subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. RINALDO] will be recognized for 20 minutes.

Mr. GONZALEZ. Mr. Speaker, I would like to ask the gentleman from New Jersey [Mr. RINALDO] if he is opposed to the bill.

Mr. RINALDO. Mr. Speaker, I am not opposed to the bill.

Mr. GONZALEZ. Mr. Speaker, then I demand time because I am in opposition to the bill.

The SPEAKER pro tempore. The gentleman from Texas [Mr. GONZALEZ] qualifies and is recognized for 20 minutes in opposition to the bill.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that our time be subdivided so that I may yield 10 minutes to the gentleman from Texas [Mr. PICKLE] from the Committee on Ways and Means for his control as well in the course of this hearing.

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

There was no objection.

□ 1550

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

Mr. Speaker, I rise in strong support of S. 1699, and I hope that the Members of this body will support it as well.

The government securities marketplace is a $4 trillion market that finances the U.S. Government's debt, serves as the benchmark for interest rates throughout the global economy, is used by the Federal Reserve to carry out monetary policy, and is the primary investment held by the State and local governments.

Given its unique importance to the well-being of our Nation's economy, many may be surprised to learn that the Government securities market has largely been exempted from the Federal securities laws.

The Subcommittee on Telecommunications and Finance of the Committee on Energy and Commerce began its investigation into the regulation of the Government securities market in September of 1990, when the gentleman from Tennessee [Mr. COOPER] and I asked that the SEC undertake a study of the reauthorization of the Government Securities Act of 1986.

This investigation led to a May 1991 subcommittee hearing on sales practices and their abuses in the Government securities market. The following month the subcommittee initiated inquiries with the SEC, with Treasury, and the Fed regarding reports of persistent short squeezes in recently issued Treasury securities.

By August 1991, the Salomon Brothers scandal dramatically underscored the need for Government securities market reform. The Salomon revelations provided the first public evidence connecting the report of manipulative short squeezes in the Treasury securities market to wrongdoing by a specific Government securities dealer. It triggered industry-wide probes by the SEC and the Department of Justice into fraudulent and manipulative activities in the Government securities market.

By January 1992, these allegations resulted in 98 securities firms and bank dealers being found culpable for security law violations involving inflated customer order information in conjunction with sales of Government agency securities and maintaining false books and records.

In June 1992, the SEC and the Justice Department reached a settlement with Salomon Brothers. The firm agreed to pay a total of $290 million in fines for submitting 10 false bids totaling $15.5 billion in nine Treasury auctions, failing to supervise its employees, maintaining false books and records, and failing to disclose material information.

In addition, the Justice Department found that Salomon's actions were part of a conspiracy to manipulate prices following the May 1992 Treasury auction of 2-year Treasury notes.

SEC and Justice Department investigations into wrongdoing by former Salomon Brothers officers and employees are continuing, along with SEC investigations into noncompetitive bidding abuses, possible short squeezes in connection with other recent Treasury auctions, and pre-auction conduct by Government securities dealers.

The subcommittee and full committee's investigation into the Salomon scandal revealed that the Treasury Department and the Federal Reserve largely turned a blind eye to the potential for wrongdoing in the Government securities market.

At the same time, the committee found that the Securities and Exchange Commission, which is supposed to be the Nation's cop on the beat, lacked many of the tools it needed in order to detect and to deter and bring wrongdoers to justice.

This bill rectifies that situation by reemphasizing the applicability of the basic antifraud provisions of the Federal securities laws through bids of purchasers of Government securities, extending the SEC's authority to prescribe specific antifraud and antimanipulation rules for the Government securities market, requiring Government securities brokers and dealers to develop internal controls aimed at preventing fraud, manipulation, and other wrongdoing, providing regulators with an early warning of potential problems by requiring reports of large concentrations of positions in the Treasury market, and ensuring that Government securities brokers and dealers maintain transaction records adequate to allow the SEC to carry out its surveillance, so it can track down the wrongdoers, so it can prevent the wrongdoing from occurring in the first instance.

This enables the marketplace to work more effectively, more honestly. The SEC is empowered to be the cop on the beat. It wants that job. These other agencies basically do not think of themselves as cops on the beat.

The Committee on Energy and Commerce, working through the chairman, the gentleman from Michigan [Mr. DINGELL], and the minority, working with the Committee on Ways and Means, led

by the gentleman from Illinois [Mr. ROSTENKOWSKI] and the gentleman from Texas [Mr. PICKLE], have been able to work out an agreement with regard to how this marketplace should be monitored in the future.

We have presented to the House floor this afternoon the final results of our negotiations between our committees. We think it represents a solution to a problem which is now past its first anniversary, and we think with its passage we will be able to say to the investing public in our country that we have protected those investors and the public from wrongdoing.

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

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

Mr. Speaker, I think we have all learned and continue to learn from the very expensive savings and loan crisis that banking regulators need to have full authority to regulate all activities of the insured depository institutions within their jurisdiction. The Garn-St Germain Act of 1982 hobbled the ability of the thrift regulators to regulate all activities of savings and loans, and was partly responsible for the savings and loan crisis. We have corrected that problem with the passage of comprehensive regulatory reform.

Last year's banking bill gave the bank regulators broad regulatory authority over insured depository institutions in order to preserve the safety and soundness of the industry and protect the deposit insurance funds. And under current law, each insured depository institution is under the supervision of one primary Federal banking regulator. Each primary bank regulator has the power to regulate all activities of the insured depository institutions within their jurisdiction. This is the most efficient way to protect the deposit insurance funds: One regulator, a banking regulator, for each insured depository institution, and for all its activities.

Now the Energy and Commerce Committee comes along, and under suspension, suspension, tries to slip through what I would define as the "Salomon Bros. defense and protection act," and all of those similarly situated as Salomon Bros., and it acts as if the agency that they have direct responsibility over did something about the Salomon Bros. scandal, and they act as if, after a rigorous investigation by whom, this committee that has jurisdiction, prime jurisdiction, exclusive jurisdiction; no, the SEC and the Justice Department.

What happened? Salomon Bros. robbed the Treasury of the United States out of close to $2 billion. How much did we get back from them? About $200 million.

I ask the gentleman that is passing this exercise today as an answer to the prevention of the repetition, how and wherein this bill attempted to be sneaked through without much debate, and without the sequential referrals, referrals demanded with the Committee on Banking, Finance and Urban Affairs? Why?

Now this Committee on Energy and Commerce comes forth and it wants to establish the SEC, the Securities and Exchange Commission, I would say to the gentleman from New Jersey [Mr. RINALDO], as the primary regulator of banks in this respect, notwithstanding the fact that unlike the securities concerns, these banks are involved in insured deposits that ultimately must be accounted for by the taxpayers, as the Members are finding out, and will continue to find out in the immediate future.

□ 1600

This is preposterous—it opens a yawning chasm in bank regulation, by splitting responsibilty in a vital area—Government securities trading. This bill expands the reach of the SEC, but severely limits the power of those who must regulate banks.

The banking regulators have the accumulated expertise in banking regulation, not the SEC.

If the SEC had been on top of this, why did it not expose, before the taxpayer was robbed, such entities as a Salomon Bros.?

The banking regulators have the access to examination, enforcement, and other confidential data that is needed to preserve the safety and soundness of the banking industry.

This bill also runs contrary to over 50 years of well reasoned statutory separations between the regulation of banks and the regulation of securities firms. These separations are reflected in the Securities Act of 1933, the Securities Exchange Act of 1934, the Glass-Steagall Act, and more recently the Government Securities Act of 1986, to which the gentleman referred to before.

The Government Securities Act of 1986 gave the Department of the Treasury the responsibility for developing rules with respect to transactions in Government securities, and left the implementation and enforcement of those rules to banking regulators in the case of banks, and the SEC in the case of securities firms. This has worked very well. But the Energy and Commerce Committee does not like that framework because the Treasury Department is not within its jurisdiction. So it decides to toss 50 years of consistent regulation out the window and have the SEC—which it does have jurisdiction over—regulate the Government securities activities of banks.

This is nothing more than another insatiable grab for jurisdiction by this power hungry, insatiable committee known as the Energy and Commerce Committee. A vote for this bill could turn out to be a vote for another taxpayer bailout. If for no other reason than this, the bill must be defeated.

We cannot sit here and allow this legislation solely and exclusively intended to protect the Salomon Brothers and their ilk into the future after having been allowed to get away with stealing a mere $2 billion from the taxpayers' pockets; to wit: the U.S. Treasury.

I urge my fellow Members to reject this senseless, badly written, ill-intended legislation.

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

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Texas [Mr. GONZALEZ] has consumed 7 minutes. The gentleman from Massachusetts [Mr. MARKEY] has 4 minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. RINALDO], the ranking member of the committee.

Mr. RINALDO. Mr. Speaker, I rise in support of the amendments to the Government Securities Act.

Public confidence in the integrity of the market for U.S. Government securities is essential. Without the support of the investing public it would be impossible for the Federal Government to sell its securities at the lowest possible interest cost. To help preserve that confidence and support, Congress enacted the Government Securities Act of 1986 and brought registration, record keeping, capital adequacy, financial reporting, and audit requirements to the previously unregulated market.

In 1986, Congress made the Department of the Treasury the principal regulator of the Government securities market. The Department's knowledge of the intricacies of this market, and its responsibility for managing the public debt, made Treasury the logical choice at that time. It continues to be so and this legislation does not change the status of the Department.

Our committee reviewed the overall success of the 1986 act, and examined those areas in which improvement could be made. For the most part, we believe that only refinement, and not radical restructuring, of the regulation of this market is appropriate. The legislation before us today is designed not to disturb the functioning and integrated regulatory system currently in operation.

The market for Treasury, Federal agency, and Government-sponsored mortgage backed securities is enormous. In 1990, an average of over $118 billion of U.S. Treasury securities traded daily among the primary dealers alone. Every Member of this body understands that whatever new regulations are imposed in this area, they must not inadvertently damage the market. Such damage would make it harder for Treasury to sell its securities, and the higher interest rates it would have to pay translate into bigger deficits and higher taxes.

The legislation before us today was carefully shaped by the Energy and Commerce Committee and its Subcommittee on Telecommunications and Finance with the help and constructive criticism of the Department of the Treasury, the Federal Reserve Board, the Securities and Exchange Commission, and the securities industry. Throughout the deliberation process, carefully focused solutions to specific problems have been developed. The result of our collective and cooperative effort is that the regulators and the regulated both agree that the bill before us will foster improvements in market operations, market efficiencies, and investor protection without disruption of these vitally important securities markets.

Mr. Speaker, originally there were a number of areas of conflict in the bill. A provision of the bill requiring dealer internal procedures to ensure compliance with the Government Securities Act was saved with careful redrafting. A second problem arose concerning dealer reporting of large positions in Government securities. this too remains in the final legislation as the result of careful redrafting.

The most troublesome questions we dealt with concerned regulations to ensure the transparency of the marketplace. During our deliberations in the subcommittee, we heard testimony about rapidly developing private sector initiatives providing information about the Government securities market on a profitable basis and for fees that industry participants were willing to pay. These commercial systems operate with their own capital at risk and in a highly competitive field. Our examination of this issue showed us that the status quo in market transparency, (that is, a rapidly envolving environment in which commercial vendors are competing against each other to provide better information, faster and cheaper) is, for the most part, acceptable.

We also saw that the status quo is not static. New systems are being developed along corporate timetables that meet the demands of the marketplace and the need of the business entrepreneurs for an acceptable rate of return on the capital they invest and put at risk. Because the system seems to be functioning well, this legislation wisely defers to the private sector initiatives, and places the Government in a backup role, in which it will intervene in the markets only in the most severe situations and circumstances.

Mr. Speaker, I want to commend my good friend, Chairman JOHN DINGELL, for his leadership on this issue, as well as Chairman EDWARD MARKEY, for his great efforts in guiding the development of this legislation. I would also like to recognize the always valuable contributions of my good friend from New York, Congressman NORMAN LENT, the ranking Republican on the committee. Once again, our committee has been able to function in a bipartisan manner that works in the best interests of the people of this country, and I urge the adoption of the legislation.

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

Mr. Speaker, I rise today in strong support of H.R. 1699, the Government Securities Reform Act of 1992. It is very important legislation.

Let me review for the Members of this body some of the steps we have taken. Over a year ago it became apparent there were some violations in the Government securities market. Our subcommittee became concerned about these attempts to manipulate the market and held hearings. It was obvious that Salomon Bros., one of the largest brokerage houses in the country, had violated Treasury Department rules governing the issuance of various Federal debt obligations. These repeated violations involved the purchase and sale of tens of billions of dollars of Government securities in an attempt to corner and to squeeze the market in certain issues of Treasury debt.

The Subcommittee on Oversight held hearings in September 1991, and again in February 1992. On March 12, on a bipartisan basis, our Oversight Subcommittee reported recommendations to the full Ways and Means Committee. On June 24, 1992, the committee passed out a measure that attempted to correct some of these violations. This measure is now title II of the amendment before us. These facts are not in controversy. Salomon Bros. has admitted to the wrongdoing, and we have reacted properly.

These are the steps from my committee which we have taken in this bill that are helpful, and let me note them for the Members.

First, title II of the amendment to this bill would make it an explicit violation of Federal law to knowingly or willfully make any false or misleading written statement in connection with the issuance of any public debt obligation. Such violation would be subject to criminal and civil penalties. The civil penalties could potentially amount to millions of dollars, as much as three times the amount of money that is alleged to have been gained through the violation. The criminal penalties would treat these violations as a felony. This provision reflects the intent of the committee that such violations in the Government securities law would be subject to the same standards that are now applied to other securities under the antifraud and the antimanipulation provisions of the Securities and Exchange Act.

Second, title II of this amendment would require the Secretary of the Treasury to make an annual report to the Committee on Ways and Means and the Senate Finance Committee on the Treasury's public debt activities and the operation of the Federal Financing Bank. For the first time it makes them give us a study to show completely what is the status of our public debt, and that is something we all should be much, much more concerned about.

□ 1610

And third, the Secretary of the Treasury would be required to study and report to Congress on reforms to the current system of issuing public debt obligations and the impact of recent legislative and administrative changes on the primary market for such obligations. This report from the Treasury is supposed to be given to the Congress by January 1, 1993.

These are three strong corrective provisions that say we are not going to allow the securities market to go unchecked and unregulated.

If there are violations, we will have strong laws to penalize them for it. This is very much needed. This is important legislation.

Mr. Speaker, these provisions were put in the law, and they have been added to this measure on a bipartisan basis. The Committee on Energy and Commerce and, I think, the Committee on Banking, Finance and Urban Affairs are in full favor of these kinds of provisions. The controversy we have today did not apply to these kinds of regulations. Perhaps some of them might have wanted to go further. But this is a clear pronunciation that it is going to be against the law to try to squeeze the market. We have one of the biggest financial houses in the United States which violated the law in purchasing billions of dollars in bonds and obligations which they had no market for, and which they were just cornering to sell them at a higher price. That is admitted; that is a fact. This corrects it.

Therefore, this bill should be advanced. Whether you want to put something more into it is another proposition. But the fact is this is very important. I think this bill should be advanced.

Mr. Speaker, I rise today in strong support of the amendments to S. 1699, the Government Securities Reform Act of 1992. This legislation represents an important and appropriate legislative response to the misconduct which occurred last year in the primary market for Federal Government securities.

Just over 1 year ago the Congress and the public were shocked to learn that employees at the highest levels of Salomon Brothers, one of our country's largest brokerage houses, had violated Treasury Department rules governing the issuance of Government securities. These repeated violations involved the sale of tens of billions in Government securities in an attempt to corner and squeeze the market in certain issues of Treasury debt. Such actions, left unpunished, would undermine the integrity of the entire Government securities market and threaten the issuance of the bonded debt of the United States.

After hearing these shocking allegations of misconduct in the Government securities market, the Oversight Subcommittee of the Committee on Ways and Means has worked diligently to ensure that the Government securities market continues to operate fairly and efficiently. The subcommittee held hearings on September 26, 1991, to receive testimony from Salomon Brothers, the administration, and other concerned market participants. The subcommittee's investigation revealed significant shortcomings in the manner in which Treasury securities were marketed.

Acceding to the requests of the administration, the subcommittee withheld taking legislative action at that time. On February 3, 1992, the subcommittee held additional hearings to review the administrative and legislative recommendations of the administration. On March 12, 1992, on a bipartisan basis, the subcommittee issued a report to the full Committee on Ways and Means containing several recommendations for reforming the Government securities market.

After earlier voting to approve this report, the committee marked up and approved the legislative provisions that are contained in title II of the amendments now before the House of Representatives.

Title II of the amendments to S. 1699 would make it an explicit violation of Federal law to knowingly or willfully make any false or misleading written statement in connection with the issuance of any public debt obligation. Such violations would be subject to criminal and civil penalties. This provision reflects the intent of the committee that such violations in the Government securities market should be subject to the same standard that is now applied to other securities under the antifraud and antimanipulation provisions of the Securities and Exchange Act.

Title II of these amendments would also require the Secretary of the Treasury to make an annual report to the Committee on Ways and Means and the Senate Finance Committee on the Treasury's public debt activities and the operations of the Federal Financing Bank.

In addition, the Secretary of the Treasury would be required to study and report to Congress on reforms to the current system for issuing public debt obligations, and the impact of recent legislative and administrative changes on the primary market for such obligations. This report would be due on January 1, 1993.

Mr. Speaker, these reforms which have been developed on a bipartisan basis, and which have been supported by the administration, represent a measured and meaningful response to the market manipulations uncovered last year. This legislation reflects the work and concerns not only of the members of the Committee on Ways and Means, but of those who serve on the Committee on Energy and Commerce and the Committee on Banking and Urban Affairs. I know that some Members would favor enacting additional reforms now. I understand their concerns, but I think it is best to act without further delay on those primary market reforms for which a consensus has already been reached over the course of the past year. Further, I believe that the information provided to the Congress in the two studies required by these amendments will provide the basis for future consideration of additional reforms to the Government securities market. I look forward to continuing to work cooperatively with all my colleagues in our mutual efforts to ensure the fair and efficient operation of all aspects of the Government securities market.

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

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Texas [Mr. PICKLE] has consumed 4 minutes.

Mr. GONZALEZ. Mr. Speaker, I yield 5 minutes to the distinguished minority ranking member of the Committee on Banking, Finance and Urban Affairs, the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Speaker, I rise in opposition to the bill before us. While I can and do support many of the substantive issues of this bill, this is my way of registering my opposition to the procedure which brought this bill to the House floor today. I will speak to some of the substantive issues a little later today and why I object to them, but putting S. 1699 on the suspension calendar without at least consulting the Banking Committee is an obvious attempt to circumvent the jurisdiction of the Banking Committee and denies those of us interested in this legislation the opportunity to offer perfecting amendments to the bill. This is not a good precedent.

The Dingell substitute is essentially H.R. 3927, legislation that was sequentially referred to the Banking Committee. Acting within our referral, the Committee on Banking, at the behest of Chairman GONZALEZ, promptly marked up H.R. 3927 and reported it to the House. In the course of the Banking Committee markup, amendments within the Banking Committee's jurisdiction were offered and agreed to. One of the amendments adopted by the committee was an amendment which I offered which gives Federal banking regulators rulemaking authority over banks engaged in the sale of Government securities. My amendment requires banking regulators to enact substantially similar regulations to those formulated by the SEC for brokers and dealers. My amendment stays within the spirit of the Energy and Commerce bill, but recognizes the important differences between banks and securities firms. These regulatory differences have long been recognized in statute. My amendment is clearly germane to the bill and clearly within the jurisdiction of the Banking Committee.

In contrast, the Dingell substitute grants rulemaking authority over banks to the SEC. This violates years of legislative precedent and represents a huge jurisdictional grab by the SEC and the Energy and Commerce Committee.

Frankly, I am at a loss to understand why, after weeks of apparent cooperation among the relevant committees, the Democratic leadership has now seen fit or felt it necessary to participate in this end run around jurisdiction of the Banking Committee. After being given a sequential referral and acting within the allotted time, why is the Banking Committee being denied the opportunity to offer amendments on which the House should work its will?

This precedent, in my judgment, makes a mockery of the committee process. This is not a noncontroversial bill. The question before the House today is: Will we vote this bill down and uphold the legitimate committee process, a process that protects us all?

Now, besides the jurisdictional problem and the method by which this bill is brought to the floor, there are some problems with the Dingell substitute itself. The Treasury, the Fed, and the securities industry are concerned that some of the changes that this legislation proposes are unnecessary in light of recent Treasury reforms and that others are unduly burdensome.

I have just received a statement of administration policy on the Dingell substitute. The administration says it strongly objects to Energy and Commerce's transparency provisions and the new recordkeeping authority granted to the SEC. OMB fears that the Dingell transparency provisions may impede the development of market-based initiatives. The market is already the most efficient in the world, trading on spreads of less than one thirty-second of a basis point. The bill also raises the question whether the Government can better determine what information is best for the investors than the market itself.

Furthermore, OMB fears that the new recordkeeping authority would largely duplicate the Treasury's existing authority under the Government Securities Act.

In addition, the statement of administration policy concludes that the Dingell substitute would: "grant unwarranted and potentially harmful new regulatory authority. It would risk impairing the efficiency and liquidity of Government securities markets and raising the taxpayers' cost of financing the public debt." Again, just a 1-basis-point increase in funding translates into an additional $300 million a year for the taxpayer. We should be very careful of tampering with a market that has worked. Regulators and industry have voiced serious concerns.

Now, much has been said about the Treasury auction scandal. However, it is important to note that regulators did uncover the problems, that they have begun prosecuting the wrongdoers, and that they have instituted important reforms.

Several of Salomon Brothers' top executives, including its CEO, have resigned. Mr. Speaker, I would suggest that if the system is not broken, do not try to fix it. I am worried that is what we are doing here.

But putting aside the substantive issues, we must protect the legitimate committee process. We must maintain the jurisdiction of the Banking Committee.

Mr. PICKLE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, there are still some unsettled questions in this whole controversy. I think all three committees recognize it.

On May 28 our committee wrote the Honorable James Powell, Assistant Secretary for Domestic Finance for the Treasury Department. We raised certain questions. I do not think it is inappropriate to point out some of the questions we raised in May and for which we have not received an answer.

These are some of the questions that are being asked. For instance, how was the $290 million settlement arrived at? Has anyone been put in jail because of these violations? Has anyone even been indicted for these violations? How much, if any, of the $290 million settlement will be tax deductible by the Salomon Brothers? Did the Federal investigators find any evidence that Salomon Brothers manipulated the Government securities market in order to benefit in the foreign exchange markets? And why did the Salomon Brothers, why were they suspended from doing business with the Federal Reserve Bank in New York for only 2 months?

These are serious questions. We have asked those of the Treasury and have not gotten that information. At the same time, what we have done in this bill is we have specifically made it against the law to make these violations in the securities market. We cannot leave that loop open—this legislation closes it. The other committee may want to do more, and I can understand that. But there is no controversy that this should be done. If we do not do it, then it seems to me like we are just giving a free ride to market violators because of our inaction.

I regret that there are jurisdictional differences here. At the same time, this bill does make specific corrections that are badly needed. Nobody disagrees with that. It just did not go as far as one committee did.

These questions should be answered, Mr. Speaker, and action taken now. If we do not act, then we leave the public confused and unprotected.

Mr. GONZALEZ. Mr. Speaker, may I inquire as to exactly how much time I have?

The SPEAKER pro tempore. (Mr. SKAGGS). The gentleman from Texas [Mr. GONZALEZ] has 8 minutes remaining.

Mr. GONZALEZ. Mr. Speaker, I wonder if I could ask the gentleman from Texas [Mr. PICKLE] to yield for a question with respect to time? Will I be recognized for that purpose?

The SPEAKER pro tempore. The Chair is uncertain as to what the gentleman is requesting.

Mr. GONZALEZ. Did the gentleman object?

Mr. PICKLE. I do not object to a question, Mr. Speaker.

Mr. GONZALEZ. What I was going to ask, since the gentleman raised the issue of the possibility of some very substantive reasons why, beyond the jurisdictional questions, we should do more, Mr. Speaker, I do not know how much time the gentleman has left, but would he yield 2 minutes to us because we have more speakers than we have time.

Mr. PICKLE. Mr. Speaker, I do not want to interrupt the gentleman, I am willing to try to respond, but I want the question to be on his time, not my time.

Mr. GONZALEZ. That was not my understanding. That is why I asked consent, whether it was on my time?

The SPEAKER pro tempore. The Chair is not charging any member with time at the moment.

The gentleman from Texas [Mr. PICKLE] has 4 minutes remaining, and the gentleman from Texas [Mr. GONZALEZ] has 8 minutes remaining.

□ 1620

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield us 2 minutes to accommodate other Members here?

Mr. PICKLE. I have already yielded time of mine to other members of the committee. If I take this time in colloquy with the gentleman from Texas, I will not have any time left.

Mr. GONZALEZ. Mr. Speaker, does the gentleman mean that he yielded to the Ways and Means Committee?

Mr. PICKLE. No, no.

Mr. GONZALEZ. The gentleman has taken time from the Ways and Means Committee.

Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Ohio [Ms. OAKAR], one of the top-flight committee members.

Ms. OAKAR. Mr. Speaker, I rise in opposition to the bill, because since the enactment of Glass-Steagall in 1933, the permissible activities of banks in the area of Government securities have been regulated by bank regulatory agencies, not by the SEC.

To bring this bill up under Suspension when you are in changing wholesale that regulation is wrong. It should be debated and we ought to have a full debate on it.

Another issue is the substantive issue. Under S. 1699 for the first time we would be adding the SEC as an additional regulator of banks. This would be the bank's most dramatic regulatory burden since the 1930's.

S. 1699 may also adversely affect the ability of the bank regulators to oversee what they should be doing, all—underline all—of the bank's activities.

So I hope we defeat the bill and go into what should be a fair and equal jurisdictional issue.

Mr. PICKLE. Mr. Speaker, I yield my remaining 4 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I reserve the balance of our time so that I can yield the time to our concluding speaker.

Mr. GONZALEZ. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO], a member of the Committee on Banking, Finance and Urban Affairs.

Mr. VENTO. Mr. Speaker, I rise in opposition to this amendment.

I realize a lot of work has been done on the part of oversight by the committees of the House. It is regrettable that we come here today to oppose the bill because I think that the bill is fundamentally flawed. It is flawed in the sense that it sets up a contradiction among the various regulators that we have that are responsible for banking, responsible for investment banking types of activities.

My colleagues argue for consistency, but frankly what we are asking for is holistic regulation of banks. We have insurance funds. We have serious problems in terms of the banks. We are asking that we not continue this pattern of cutting the bank regulatory system up into bits and pieces, as this bill proposes to do.

To give a separate function to the SEC with regard to Government securities is simply not necessary. It is not justified based on what is going on.

I mean, I hardly would hold the SEC up as an institution that has never had any problems with regard to regulation. When we look at the stocks and other activities they have been engaged in, there are plenty of problems there.

I hope that we defeat this bill and provide a holistic regulation so that we have the insurance fund and the other programs safeguarded from this type of multijurisdiction regulation that is put in place by this bill, S. 1699.

Mr. Speaker, I rise in opposition to S. 1699 the Government Securities Reform Act of 1992. The legislation attempts to make improvements in the regulation of Government securities, but is inadequate to the task.

Importantly, the legislation does not incorporate key elements, as adopted by the Committee on Banking, Housing, and Urban Affairs. Such amendments would have preserved, the separation of banking regulation and securities regulation and this measure before the House, S. 1699, undermines the authority of bank regulators without the necessary key Banking Committee amendments.

I urge my colleagues to reject the approach advocated in this bill. By superimposing the SEC into the regulation of banks, we will be blurring the lines of responsibility and accountability. There is nothing that will please the regulators more than laying the blame

at the doorstep of some other regulator, when there is a bank failure—passing the buck back and forth will not solve the problems with Government securities. And while this blame game goes on, we in Congress will no doubt be held responsible.

We should not be dispersing regulatory authority or accountability. Instead we should preserve what works today, the existing workable framework. The bank regulators are responsible for the safety and soundness of the banking system and the deposit insurance fund. That system should remain intact, rather than fractured between different regulators. Rather than regulate by activity or function, having two different regulators for financial institutions, the present system is holistic, examination of different activities by a single regulator who we can hold accountable. This Senate measure confuses the issue and the task. In the name of conformity and uniformity it cuts a financial institution into bits and pieces. The rule can be the same, even if the regulators—specialists dealing with the commercial or investment banking Government securities sales, are not the SEC.

This topic and reforms incorporated in this legislation are important and Government securities reform is much needed, but the problems affecting financial institutions cannot be dismissed or glossed over. This legislation takes a step backward from the hard-fought reforms that the Congress has written into law. There is no sound purpose served by the provisions of S. 1699 that could not and should not be addressed in the existing bank regulatory framework. Different accounting and reporting requirements, and confusion not conformity will prevail.

I urge the defeat of S. 1699 and recommend that we consider a bill that incorporates the safeguards adopted by the Banking Committee.

Mr. GONZALEZ. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I rise in strong opposition to this bill.

As was stated before by the gentleman from Ohio [Mr. WYLIE], the Treasury Department and the administration are opposed to this bill. When the Treasury Department is opposed and people like the gentleman from Texas [Mr. GONZALEZ], the gentleman from Massachusetts [Mr. FRANK], the gentleman from New York [Mr. SCHUMER], and the gentleman from Minnesota [Mr. VENTO] are opposed, you know something is the matter with it, and there is plenty the matter with this bill both from a jurisdictional basis and a substantive basis.

On a jurisdictional basis, we have had irregular order here. The Committee on Energy and Commerce marked up a bill. The Committee on Banking, Finance and Urban Affairs was given sequential referral. It made changes, and somehow because those changes were not to the liking of the other committee, we now have a bill on suspension that rolls over every other committee's jurisdiction.

I ask every one of you on your committees to think, if there were times when you did not like what was done by another committee and they just rolled over you and put a bill on the floor under suspension, how would you react?

My colleagues, this would set an awful precedent. We may as well get rid of the whole rule on sequential jurisdiction if we go ahead and pass this suspension.

But far more important than the jurisdictional fight is the substantive argument. For 50 years, we have regulated Government securities in a different way and for a good set of reasons. Government securities are not two-penny stocks or anything like that.

This was true in the act of 1993 and 1934 in Glass-Steagall and as late as 1986.

Are we going to change all of that now without even a major debate on the floor? That makes no sense.

I think this body should have learned its lesson during the S&L crisis. Where we make quick changes without debating, without exploring, trouble occurs.

So I say to my colleagues, yes, there must be changes made. The scandal was a bad one. Although I did not see the Committee on Energy and Commerce willing to relinquish jurisdiction after the Milken scandals because the SEC had not done the job, they instead went ahead and diligently worked to fix it. That is what we should be doing here, not rushing something through that does not make any sense from either a jurisdictional or a substantive point of view.

Mr. GONZALEZ. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I hope the bill is defeated at this point. It is simply inappropriate and not helpful for this process to proceed this way. There are other irreconcilable conflicts that will arise inevitably without our creating them when there is no necessity to have them created.

There was here a sequential referral. The committees had somewhat differing approaches. The committees have talked about different levels of regulation, different regulators being involved.

Unilaterally to break off those conversations in this way I think ill serves the process.

I think my friends on the Committee on Energy and Commerce are making a mistake. This is simply an unnecessary division they are introducing into the body. We will have enough differences where ideology, where partisanship, where region will inevitably divide us.

To respond in so unparliamentary a fashion to an area of sure jurisdiction is in error.

I believe it is the interests of the civility and good functioning of the House for the membership to say at this point, no; work this out. There is a better way to do it.

Mr. MARKEY. Mr. Speaker, if the gentleman from Texas will permit, another member of his committee has arrived who would like to be recognized before our concluding speaker, if that is acceptable to him.

Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I rise today to express my support for Senate bill 1699, the Government Securities Reform Act. The Government securities market is the mechanism that the Federal Government uses to finance our multitrillion dollar debt. The efficient operation of this market is essential to the economic well-being of this Nation.

The scandals at Salomon Brothers and in the GSE markets seriously undermined investors' confidence in the Government securities markets. Clearly, new reporting and enforcement procedures are warranted following the revelations of the systematic abuses of the present auction and bid methods.

Senate bill 1699 both renews the Treasury Department's authority to regulate this market as well as extending the oversight and enforcement authority of the Securities and Exchange Commission in this area.

Chairman DINGELL, Chairman MARKEY, Chairman ROSTENKOWSKI, Chairman PICKLE, Congressmen LENT, ARCHER, SCHULZE, and RINALDO, and their staffs should be commended for their efforts to uncover fraud and abuse, and for their diligent work to give the regulatory agencies the tools that they need to ensure the continued viability of the Government securities market.

I urge my colleagues to vote in favor of this Senate 1699.

□ 1630

Mr. GONZALEZ. Mr. Speaker, I yield 1½ minutes to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Speaker, the amendment in the nature of a substitute which the Committee on Energy and Commerce will offer to S. 1699 is an obvious attempt to transfer an enormous amount of the House Banking Committee's jurisdiction to the Committee on Energy and Commerce.

The regulation of banks' functions needs to be done by one regulator, a regulator with expertise. Today the bank regulators have full responsibility. Under the Energy and Commerce

amendments, the Securities and Exchange Commission [SEC] becomes an additional bank regulator. Confusion is certain; ineffective regulation almost as sure.

And why? So the Energy and Commerce Committee can have more jurisdiction? So the SEC can gain jurisdiction over banks?

It was entities under the SEC's jurisdiction that caused the Salomon Brothers scandal, not banks.

These amendments may be duplicative, the result may be confusing and inefficient, but one thing is for sure, this will not be functional.

This attempt to usurp the Banking Committee's jurisdiction has been orchestrated without my knowledge or that of any other member of the Banking Committee. Our committee staff was not invited to, and was kept unaware of, any meetings held between the Committees on Energy and Commerce and Ways and Means during the month of August.

Prior to the recess, our staff was continually meeting with those two committees to resolve our substantive and jurisdictional differences on H.R 3927. The Banking Committee staff was also led to believe that those discussions would continue after the recess.

Now, however, the questionable drive of the Energy and Commerce Committee for jurisdictional expansion has resulted in a situation which jeopardizes the passage of a good bill and is instead only an attempt to use S. 1699 to usurp the longstanding jurisdiction of the Banking Committee.

Our Banking Committee stands ready to work with the other committees of the House to enact meaningful Government securities reforms in light of recent scandals. However, under the circumstances I have described, I am compelled to urge my colleagues to vote "no" tomorrow on S. 1699.

Mr. GONZALEZ. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from South Carolina [Mrs. PATTERSON].

Mrs. PATTERSON. Mr. Speaker, I sat here today and listened to some important debate, debate I believe the taxpayers of America deserve to hear more about; 1699 is an important piece of legislation, a piece of legislation that we need to hear from all sides, because this legislation affects the safety and soundness of financial institutions in this great country of ours.

Mr. Speaker, I would urge my colleagues today to listen to this debate and realize that we need more discussion before voting. I regret that a bill of this magnitude and importance to the taxpayers of this country is being brought up under suspension. I will vote against this bill for that reason.

Please give us the opportunity for full debate in all committees of jurisdiction.

Mr. Speaker, the purpose of this legislation is to prevent fraud and manipulation of the securities market, and to promote confidence in our markets. The public needs to know that transactions in Government securities are on the up and up.

This bill, however, goes well beyond these purposes. S. 1699 grants the SEC new power over commercial banks.

Financial institution regulators, the bank regulators, are responsible for the safety and soundness of the deposit insurance funds. That is their paramount concern. When rules and regulations regarding these banks are handed out, those writing those rules and regulations need to keep that in mind: The safety and soundness of the deposit insurance funds. The banking regulators do that, not the SEC.

When the Banking Committee considered this bill, we added language to make sure that the banking regulators maintained that authority. That language has been omitted in this version.

For these reasons, I object to this bill being considered under suspension of the rules.

Mr. GONZALEZ. Mr. Speaker, I yield 1½ minutes, for the purpose of closing, to the gentleman from Idaho [Mr. LAROCCO], one of our real up and coming freshman Members of the Committee on Banking, Finance and Urban Affairs.

Mr. LAROCCO. Mr. Speaker, I rise in opposition to Senate bill 1699. This bill does not belong on suspension—at least not yet.

The Banking Committee has been working with the Ways and Means Committee and the Energy and Commerce Committee to reconcile differences between their version of a Government Securities Reform Act and ours. Instead of continuing this process, we are asked today to suspend the rules and pass H.R. 3927, the Energy and Commerce Committee version, as a substitute for Senate bill 1699.

Whether or not the SEC regulates bank activities is an important issue. It is controversial. The Bank Committee has held hearings and markups on this legislation. We met the 2-week deadline for sequential consideration of H.R. 2927. Banking staff has continued to meet with staffs of the other relevant committees.

I believe we may yet be able to reach a consensus. If there are issues where we cannot reach agreement, let the House decide them by bringing the Government Securities Reform Act up under regular procedure so it can be amended as needed.

Do not allow this backdoor procedure to succeed.

Mr. MARKEY. Mr. Speaker, I yield the remaining 4 minutes to the chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL]

Mr. DINGELL. Mr. Speaker, it is time for us to address the facts. There has been a great deal of misinformation presented to this body. The administration does not oppose this legislation. As a matter of fact, they have said:

> The Administration will work in conference to achieve an acceptable bill which ensures that the taxpayers get the most efficient and effective regulation and supervision of the government securities market.

Let me point out to my colleagues that it was requested that the Federal Reserve and other regulators take interest in this matter. Mr. Corrigan had this to say in testimony before us; he is the president of the Federal Reserve Bank of New York:

> I don't personally think it's necessary for us to get into the compliance and enforcement business. Nor do I even think it is desirable. That would be a different ball game.

The Salomon Bros. scandal happened 1 year ago. It happened on the watch of the Federal Reserve which is charged with supervision of the primary dealers in the Treasury auction. This is not bank regulatory legislation, despite what the Committee on Banking, Finance and Urban Affairs says. This is not a raid on banking jurisdiction. This is legislation which deals with securities.

Chairman GONZALEZ refers to the amendment in the nature of a substitute that the Committee on Ways and Means and Committee on Energy and Commerce offered to S. 1699, as an unprecedented attempt to transfer jurisdiction from one committee to another by making the SEC the direct regulator of insured depository institutions.

That statement is not accurate. Assignment of securities regulatory functions to the SEC is not unprecedented, does not undermine the authority of bank regulators, and is the only way to address comprehensively securities market abuses.

There are two statutory precedents now for SEC regulation. First in 1934, the Securities Exchange Act granted the SEC antifraud rulemaking authority applicable to all persons. Under that authority, the Commission has adopted rules applicable to banks.

Second, and more directly relevant, the Securities Acts Amendments of 1975, granted the SEC substantial authority over bank municipal securities dealers. For example, section 15B(a)(1) of the Exchange Act requires bank municipal securities dealers to register with the SEC. Banks have the option of registering the entire bank or a separately identifiable department or division. If registered as a separately identifiable department or division, the Commission's jurisdiction is limited to that registered department or division. Section 17 of the Exchange Act authorizes the Commission to establish recordkeeping and reporting requirements for bank municipal securities dealers and to examine the books and records of bank securities dealers. Section

15B(c)(2) of the Exchange Act authorizes the Commission to bring disciplinary actions against bank municipal securities dealers. In addition, the 1975 amendments included amendments to sections 15(c)(1) and 15(c)(2) extending those provisions to municipal securities transactions by all such municipal securities dealers, including banks. Those amendments parallel amendments contained in section 104 of the amendment to S. 1699.

And if my colleagues want another scandal, and another scandal, and another scandal in this area, support the position of the Committee on Banking, Finance and Urban Affairs because they are expert in scandals in the banking industry, and I would say to my colleagues, "Certainly, if you want a repetition of some of the things you saw with the savings and loans and on banks, then you have a splendid opportunity to encourage a repetition of those events by rejecting this legislation."

The Committee on Banking, Finance and Urban Affairs had some interesting comments on the legislation before the House today. Here is what they said:

> The substantive provisions of H.R. 3927, as reported by the Committee on Energy and Commerce, were recommended by one or more of the agencies which produced the Joint Report on the Government Securities Market. The [Banking] Committee also believes that those provisions represent sound public policy and supports their passage. Therefore, the [Banking] Committee elected to exercise its jurisdiction by retaining the substance of all provisions of the bill.

Now they wake in a remarkable ill humor. They want the House to reject the one opportunity we have during this session to clean up the Government securities market and to prevent a set of circumstances which created an intolerable situation.

What happened in the Salomon Bros. scandal? Quite honestly, the banking regulators did not do what they should. They did not regulate. It was, interestingly enough, an event which cost the Government a lot of money. It resulted in a fine of $290 million, but the events which occasioned this fine were as follows: false bids in the Treasury auction, fictitious tax trades, and numerous violations involving false books and records.

What does the bill do? It requires intelligent regulation by the SEC of all securities dealers. Some banks are securities dealers, and banks, when they sell securities, should be treated like any other security dealer, not given special privilege of the kind they got when the savings and loans all failed because the regulators did not require proper accounting, proper bookkeeping, proper recordkeeping, did not bother auditing and did not do other things.

This Congress is going to adjourn shortly. I would urge my colleagues to recognize that people are wondering about what we are going to do in the Congress to protect the American people against the kind of abuses which we saw bring on the Salomon scandal, which we saw in the savings and loan industry, which have cost this Nation $500 billion, one-half of our annual budget. We have here a chance to do something. The Committee on Banking, Finance and Urban Affairs has been consulted extensively. Long negotiations went on with that committee. They chose not to come to agreement. They chose not to do what should be done in terms of presenting legislation to the floor.

I urge my colleagues not to view this as a jurisdictional question. View it as an opportunity to correct an evil. View it as an opportunity to see to it that wrongdoers cannot and do not thrive in the Government securities market.

□ 1640

Support the bill, support the amendment, and let us get on with the Nation's business.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today in support of the amendments to S. 1699, the Government Securities Reform Act of 1992. The Committee on Ways and Means has spent a significant amount of time holding public hearings and investigating problems in the primary market for Federal Government securities. On April 1 of this year the committee approved a report of the Subcommittee on Oversight recommending reforms to prevent violations in the marketing of Government securities.

Further, on June 24 the committee held a markup and approved legislative provisions that constitute title II of the amendments now before the House. Mr. Speaker, the Committee on Ways and Means amendments to S. 1699, embodied in title II of the amendments before the House, represent the committee's efforts to ensure a lawful, efficient primary market for Federal Government securities and to enhance congressional oversight of that important market.

Title II of the pending amendments would make it an explicit violation of Federal law knowingly to make false or misleading written statements in connection with the primary issuance of any public debt obligation. Such violations would be subject to criminal and civil penalties.

In addition, title II of the amendments would require an annual report by the Secretary of the Treasury to the Committee on Ways and Means and the Committee on Finance of the Senate to assist the committees in their oversight of the Nation's debt management. This study would include data on the Treasury's public debt activities and the operations of the Federal financing bank, information on current and historical levels of public debt, holders of public debt, maturities of obligations constituting the debt, and costs associated with repaying the existing Federal debt. The first annual report would be due on June 1, 1993.

Further, title II of the amendments would require the Secretary of the Treasury to study potential improvements to the current system for offering bonded debt securities, and the impact on the primary market of recent administrative and legislative changes with respect to public debt markets. The report would be due on January 1, 1993.

Mr. Speaker, I want to thank Mr. ARCHER, the ranking member of the Committee on Ways and Means, who helped in a bipartisan manner to craft the Ways and Means amendments contained in title II of this legislation. Further, I wish to especially credit JAKE PICKLE, chairman of the oversight subcommittee, for his tireless efforts in bringing the management of the Federal debt to the attention of us all.

Mr. Speaker, S. 1699 will vastly increase the fairness and efficiency, and investor confidence in the Nation's system of selling and reselling Government securities. I urge support for this important measure.

Mr. ANNUNZIO. Mr. Speaker, I rise in opposition to S. 1699, as amended by the Energy and Commerce Committee. Not only is this bad legislation, but it should not be on the suspension calendar.

The amendment to the bill would, for the first time, authorize the Securities and Exchange Commission to regulate the Government securities activities of banks. This is a reversal of current law, in which the banking agencies regulate the securities activities of banks. Congress enacted that regulatory scheme to assure comprehensive regulation of banks. Fragmented regulation, with one agency in charge of some bank activities and another agency in charge of other activities, will weaken bank regulation. It increases the chances that banks could hide or disguise problems by dividing them up among different regulators. Keeping a single experienced bank regulator responsible for all of a bank's activities assures comprehensive and complete bank regulation. The House should not enact a reduction in effective bank regulation.

The Securities and Exchange Commission has no expertise in regulating banks. To make it a bank regulator would actually lessen effective bank regulation while it tries to gain the necessary expertise in an area in which it has no experience.

The House is forced to vote on this bad bill because it is being brought up under suspension rather than regular order. Had it come up under regular order, the Banking Committee, which has also reported out legislation regulating the Government securities activities of banks, could have its proposal considered by the House. That proposal contained important, but noncontroversial, provisions relating to the Government securities auction process. It was that process which was the subject of manipulation and scandal in 1990. Since the Banking Committee is not before the House today, those important reforms are not contained in the bill, and the House will not have an opportunity to consider them.

This bill damages the committee structure of the House. By having the Energy and Commerce Committee version of this bill on the suspension calendar, the House is denied the opportunity to consider the work of the Banking Committee, and precludes the Ways and Means Committee, to whom the bill was also referred, from considering it. The House is being denied the expertise of the these two major committees on this legislation.

Mr. Speaker, I urge the House to vote no on the motion to suspend the rules so this bill can be brought up under regular order.

Mr. LENT. Mr. Speaker, I rise in support of this legislation.

In response to the failures of a number of unregulated Government securities dealers between 1975 and 1985, Congress passed the Government Securities Act of 1986. That act established, for the first time, a Federal system for the regulation of the entire Government securities market, including previously unregulated brokers and dealers, in order to protect investors and to ensure the maintenance of fair, honest, and liquid markets.

At that time, the Department of the Treasury was instructed to adopt rules to prevent fraudulent and manipulative acts and practices. They did and their efforts have been successful. The rules have improved and strengthened investor safety in the market. The rules were timely and fairly implemented, and they have not imposed excessive and overly burdensome requirements. Most importantly they have not impaired the liquidity, efficiency, and the integrity of the Government securities market. The appreciation of the Congress for the disciplined and cautious manner in which Treasury enacted rules that overlay the market with a new regulatory structure is why the bill we consider today reauthorizes Treasury as the principal regulatory authority over the Government securities market.

In 1987, Treasury, the Federal Reserve, and the GAO agreed that interdealer brokers should make more information available because such information would make financial markets more efficient without any risk to market safety. Since that time, the firms in the communications industry have been building their own computerized systems to display this information. No Government mandates were necessary to get them started or to keep them competing. In light of the existence of these free-market-generated systems, is it necessary for Congress to mandate more disclosure of pricing and other information in the Government securities market? The answer is no, and the legislation before us today does not.

Personally I believe the time to debate the need for sales practice regulation has passed. The 1986 act did not give Treasury authority to enact sales practice rules, and it restricted the National Association of Securities Dealers from applying its already existing sales practice rules to its member Government securities dealers. Since securities exchanges and bank regulators are allowed to apply their rules, the NASD's inability to enforce sales practice rules against over 1,300 dealers creates a major gap in investor protection. Our committee has crafted legislation that eliminates the restriction and closes the gap.

Today, as in 1986, the legislative issue that is before Congress is not how we respond to any inadequacy of regulation that has been highlighted by a scandal. Instead we have examined the regulation of the Government securities market and attempted to fine tune it, determining where it can be improved.

As important as what this bill does, is what it does not do. It does not create a new standard of fraud under the Federal securities laws to be applied to Government securities transactions or dealers. It does not interfere with the stock exchanges enforcing their self-regulations on their members. It does not realign the relationships between the regulators of banks, the regulators of brokers and dealers, and the regulator of the auction of Treasury securities. Most importantly, this bill does not remove the incentives for private firms, both as traders and as the reporters of trading information, to continue to place their capital at risk and develop, expand, and innovate.

I urge all of my colleagues to vote in favor of the bill.

The SPEAKER pro tempore (Mr. SKAGGS). All time has expired.

The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the Senate bill, S. 1699, as amended.

The question was taken.

Mr. MARKEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

PIPELINE SAFETY IMPROVEMENT ACT OF 1992

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1489) to increase the safety to humans and the environment from the transportation by pipeline of natural gas and hazardous liquids, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1489

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 "Pipeline Safety Act of 1992".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—NATURAL GAS PIPELINE SAFETY

Sec. 101. Environmental protection.
Sec. 102. High-density population areas.
Sec. 103. Increased inspection requirements.
Sec. 104. Excess flow valves.
Sec. 105. Technical pipeline safety standards committee.
Sec. 106. Operator testing.
Sec. 107. Replacement of cast iron pipelines.
Sec. 108. Pipeline facility inspection amendments.
Sec. 109. Gathering lines.
Sec. 110. Revised reporting requirements.
Sec. 111. Authority of Secretary.
Sec. 112. Enforcement.
Sec. 113. Participation in agreement proceedings.
Sec. 114. Authorization of appropriations.
Sec. 115. Customer-owned service lines.
Sec. 116. Additional State standards.
Sec. 117. Underwater abandoned pipeline facilities.
Sec. 118. Natural Gas Pipeline Safety Act of 1968 table of contents.

TITLE II—HAZARDOUS LIQUID PIPELINE SAFETY

Sec. 201. Environmental protection.
Sec. 202. Environmentally sensitive and high-density population areas.
Sec. 203. Increased inspection requirements.
Sec. 204. Technical Pipeline Safety Standards Committee.
Sec. 205. Operator testing.
Sec. 206. Low internal stress hazardous liquid pipeline facilities.
Sec. 207. Pipeline facility inspection amendments.
Sec. 208. Gathering lines.
Sec. 209. Revised reporting requirements.
Sec. 210. Authority of Secretary.
Sec. 211. Enforcement.
Sec. 212. Emergency flow restricting devices.
Sec. 213. Participation in agreement proceedings.
Sec. 214. Authorization of appropriations.
Sec. 215. Additional State standards.
Sec. 216. Underwater abandoned pipeline facilities.

TITLE III—GENERALLY APPLICABLE PIPELINE SAFETY PROVISIONS

Sec. 301. Grants-in-aid authorization.
Sec. 302. Underground storage tanks.
Sec. 303. Pipeline accident investigations.
Sec. 304. One-call enforcement.
Sec. 305. Additional inspectors.
Sec. 306. Development of underground utility location technologies.
Sec. 307. Study of underwater abandoned pipeline facilities.

TITLE IV—RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

Sec. 401. Research and Special Programs Administration.

TITLE V—HAZARDOUS MATERIALS TRANSPORTATION ACT TECHNICAL AMENDMENTS

Sec. 501. Correction to reference to Indian Self-Determination and Education Assistance Act.
Sec. 502. Definitions of HAZMAT employee and employer.
Sec. 503. Technical corrections to section 106.
Sec. 504. Technical correction to section 115.
Sec. 505. Technical corrections to section 116.
Sec. 506. Technical correction to section 118.
Sec. 507. Uniformity of State motor carrier permitting forms and procedures.
Sec. 508. Exemption for certain rail-motor carrier mergers.

TITLE I—NATURAL GAS PIPELINE SAFETY

SEC. 101. ENVIRONMENTAL PROTECTION.

(a) FEDERAL SAFETY STANDARDS AND REPORTS.—Section 3(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(a)) is amended—

(1) in paragraph (1) by inserting "and the protection of the environment" after "need for pipeline safety";

(2) in paragraph (1)(D) by inserting "and the protection of the environment" after "contribute to public safety"; and

(3) in paragraph (3)(A) by striking "or property" and inserting ", property, or the environment".

(b) CORRECTIVE ACTION.—Section 12(b) of such Act (49 U.S.C. App. 1679b(b)) is amended—

(1) in paragraph (1) by striking "or property," and inserting ", property, or the environment,";

(2) in paragraph (2)(A) by striking "or property," and inserting ", property, or the environment,";

(3) in paragraph (2)(B)—

(A) by striking "or property," and inserting ", property, or the environment,"; and

(B) by striking "or property." and inserting ", property, or the environment."; and

(4) in paragraph (5) by striking "or property." and inserting ", property, or the environment.".

SEC. 102. HIGH-DENSITY POPULATION AREAS.

(a) PIPELINE INVENTORY.—Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672) is amended—

(1) in subsection (f)—

(A) by inserting "(and, to the extent the Secretary considers necessary, operators of gathering lines that are not regulated gathering lines as such term is defined pursuant to section 21(b))" after "subject to this Act"; and

(B) by inserting after the first sentence the following new sentence: "Such inventory shall also include an identification of each of the pipeline facilities of such operator which pass through an area described in regulations issued under subsection (i)(1)."; and

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

"(i) HIGH-DENSITY POPULATION AREAS.—

"(1) IDENTIFICATION OF FACILITIES.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall issue regulations establishing criteria for the identification, by operators of pipeline facilities, of all pipeline facilities that are located in high-density population areas. Such regulations shall provide for such identification to be carried out through the inventory required under subsection (f).

"(2) EXCLUSION OF NATURAL GAS DISTRIBUTION LINES.—Natural gas distribution lines shall not be included among pipeline facilities required to be identified pursuant to paragraph (1).".

(b) MAPS.—Section 3(e)(2) of such Act is amended by inserting "including an identification of areas described in regulations issued under subsection (i)(1)," after "supplementary geographic description,".

(c) INSPECTION AND MAINTENANCE PLANS.—Section 13(a)(4) of such Act (49 U.S.C. App. 1680(a)(4)) is amended by inserting "and the protection of the environment" after "public safety".

SEC. 103. INCREASED INSPECTION REQUIREMENTS.

Section 3(g) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(g)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1) FEDERAL SAFETY STANDARDS.—" after "INSPECTION DEVICES.—";

(3) by indenting paragraph (1), as designated by paragraph (2) of this subsection, and moving such paragraph (1) (including subparagraphs (A) and (B), as designated by paragraph (1) of this subsection) 2 ems to the right;

(4) by adding at the end of paragraph (1), as designated by paragraph (2) of this subsection, the following new sentence: "The Secretary may extend such regulation to require existing transmission facilities, whose basic construction would accommodate an instrumented internal inspection device, to be modified to permit the inspection of such facilities with instrumented internal inspection devices."; and

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

"(2) PERIODIC INSPECTIONS.—Not later than 3 years after the date of the enactment of this paragraph, the Secretary shall issue regulations requiring the periodic inspection of each pipeline identified pursuant to subsection (i) by the operator of the pipeline. In issuing the regulations, the Secretary shall prescribe the circumstances, if any, under which such inspections shall be conducted with an instrumented internal inspection device. In those circumstances under which an instrumented internal inspection device is not required, the Secretary shall require the use of an inspection method that is at least as effective as the use of such a device in providing for the safety of the pipeline.".

SEC. 104. EXCESS FLOW VALVES.

Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672) is further amended by adding at the end the following new subsection:

"(j) EXCESS FLOW VALVES.—

"(1) REGULATIONS PRESCRIBING INSTALLATION CIRCUMSTANCES.—Not later than 18 months after the date of the enactment of this subsection, the Secretary shall issue regulations prescribing the circumstances, if any, under which operators of natural gas distribution systems must install excess flow valves in such systems. In prescribing such circumstances, the Secretary shall consider—

"(A) the system design pressure and the system operating pressure;

"(B) the types of customers to which the distribution system supplies natural gas, including hospitals, schools, and commercial enterprises;

"(C) the technical feasibility and cost of the installation of such valves;

"(D) the public safety benefits of the installation of such valves;

"(E) the location of customer meters; and

"(F) such other factors as the Secretary determines to be relevant.

"(2) REGULATIONS PRESCRIBING NOTIFICATION TO CUSTOMERS OF AVAILABILITY.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall issue regulations requiring operators of natural gas distribution systems to notify, in writing, their customers with lines in which excess flow valves are not required by law, but can be installed in accordance with the performance standards developed under paragraph (4)—

"(A) of the availability of excess flow valves for installation in such systems,

"(B) of any safety benefits to be derived from the installation, and

"(C) of any costs associated with the installation.

Such regulations shall provide that, except in circumstances under which the installation is required under paragraph (1), excess flow valves shall be installed at the request of a customer if the customer will pay all costs associated with the installation.

"(3) REPORT.—If the Secretary determines under paragraph (1) that there are no circumstances under which operators must install excess flow valves, the Secretary shall transmit to Congress, not later than 30 days after the date of such determination, a report on the reasons for such determination.

"(4) PERFORMANCE STANDARDS.—Not later than 18 months after the date of the enactment of this paragraph, the Secretary shall develop standards for the performance of excess flow valves used to protect lines in natural gas distribution systems. Such standards shall be incorporated into any regulations issued by the Secretary under this subsection. All installations of excess flow valves shall be made in accordance with such standards.

"(5) APPLICABILITY OF REGULATIONS AND STANDARDS.—Regulations and standards issued under paragraphs (1), (2), and (4) shall only apply to—

"(A) natural gas distribution systems installed after the effective date of such regulations; and

"(B) other natural gas distribution systems where repairs to such system require the replacement of parts in a manner to accommodate the installation of excess flow valves.".

SEC. 105. TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE.

Section 4 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1673) is amended—

(1) in subsection (a)(3) by striking the period and inserting ", including 2 members who have education, background, or experience in environmental protection or public safety. At least 1 of the members selected under this paragraph shall have no financial interests in the pipeline, petroleum, or natural gas industries."; and

(2) in subsection (b) by inserting after the sixth sentence the following new sentence: "The Committee, if requested by the Secretary, shall make recommendations to the Secretary concerning policy development.".

SEC. 106. OPERATOR TESTING.

Section 3(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(a)(1)) is further amended—

(1) in the third sentence by striking "may" and inserting "shall"; and

(2) by inserting after the third sentence the following new sentence: "Such certification may, as the Secretary considers appropriate, be performed by the operator. Such testing and certification shall address the ability to recognize and appropriately react to abnormal operating conditions which may indicate a dangerous situation or a condition exceeding design limits.".

SEC. 107. REPLACEMENT OF CAST IRON PIPELINES.

Section 13 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1680) is amended by adding at the end the following new subsection:

"(c) REPLACEMENT OF CAST IRON PIPELINES.—The Secretary shall publish a notice as to the availability of the industry guidelines, developed by the Gas Piping Technology Committee, for the replacement of cast iron pipelines. Within 2 years after the industry guidelines become available, the Secretary shall conduct a survey of operators with cast iron pipe in their systems to determine the extent to which each operator has adopted a plan for the safe management and replacement of cast iron, the elements of the plan, including anticipated rate of replacement, and the progress that has been made. Chapter 35 of title 44, United States Code (relating to coordination of Federal information policy), shall not apply to the conduct of such survey. Nothing in this section shall preclude the Secretary from developing such Federal guidelines or regulations with respect to cast iron pipelines as the Secretary deems appropriate.".

SEC. 108. PIPELINE FACILITY INSPECTION AMENDMENTS.

Section 3(h) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(h)) is amended—

(1) in paragraph (2)(A) by striking "pipeline facility operators described in paragraph (1)(A)" and inserting "operators of pipeline facilities described in paragraph (3)";

(2) in paragraph (2)(B) by striking "paragraph (1)(A)" and inserting "paragraph (3)";

(3) in paragraph (3) by striking "periodic inspection program" and all that follows through "and its inlets" and inserting the following:

"periodic inspection program of—

"(A) all offshore pipeline facilities; and

"(B) any other pipeline facilities which cross under, over, or through navigable waters, as such term is defined by the Secretary, if the location of such pipeline facilities in such navigable waters could pose a hazard to navigation or public safety, as determined by the Secretary";

(4) in paragraph (4) by striking "offshore pipeline facility" and inserting "pipeline facility described in paragraph (3)"; and

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

"(5) SUPPLEMENTARY INITIAL INSPECTION.—

"(A) REQUIREMENT.—Not later than—

"(i) 3 years after the date of the enactment of this paragraph; or

"(ii) 6 months after the establishment of standards under subparagraph (D),

whichever occurs first, the operator of each offshore pipeline facility not described in paragraph (1)(A) shall inspect such pipeline facility and report to the Secretary on any portion of the pipeline facility which is exposed or is a hazard to navigation. This subparagraph shall apply only to pipeline facilities between the high water mark and the point where the subsurface is under 15 feet of water, as measured from mean low water.

"(B) EXTENSION.—The Secretary may extend the time period for compliance under subparagraph (A) with respect to a pipeline facility for an additional period of up to 6 months if the operator of the pipeline facility demonstrates to the satisfaction of the Secretary that a good faith effort, with due diligence and care, has failed to enable compliance with the deadline under subparagraph (A).

"(C) PRIOR INSPECTION RECOGNITION.—Any inspection of a pipeline facility which has occurred after October 3, 1989, may be used for compliance with subparagraph (A) if the inspection conforms to the requirements of that subparagraph.

"(D) ESTABLISHMENT OF STANDARDS.—The Secretary shall, within 2 years after the date of the enactment of this paragraph, establish, for the purposes of this paragraph, standards—

"(i) for what constitutes an exposed pipeline facility; and

"(ii) for what constitutes a hazard to navigation.".

SEC. 109. GATHERING LINES.

(a) DEFINITION OF TRANSPORTATION OF GAS.—

(1) AMENDMENTS.—Section 2(3) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671(3)) is amended—

(A) by inserting ", other than gathering through regulated gathering lines," after "include the gathering of gas"; and

(B) by inserting ", but such term shall include the movement of gas through regulated gathering lines" after "a nonrural area".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the effective date of the regulations required under section 21 of the Natural Gas Pipeline Safety Act of 1968, as added by subsection (b) of this section.

(b) REGULATIONS DEFINING GATHERING LINES.—Such Act is further amended by adding at the end the following new section:

"SEC. 21. GATHERING LINES.

"(a) GATHERING LINES DEFINED.—The Secretary shall, within 2 years after the date of the enactment of this section, define by regulation the term 'gathering line'. In defining such term, the Secretary shall consider functional and operational characteristics of the lines to be included in the definition and shall not be bound by any classifications established by the Federal Energy Regulatory Commission under the Natural Gas Act.

"(b) REGULATED GATHERING LINES DEFINED.—The Secretary shall, within 3 years after the date of the enactment of this section, define by regulation the term 'regulated gathering line'. In defining such term, the Secretary shall consider such factors as location, length of line from the well site, operating pressure, throughput, and the composition of the transported gas in determining the types of lines which are functionally gathering but which, due to specific physical characteristics, warrant regulation under this Act.".

SEC. 110. REVISED REPORTING REQUIREMENTS.

(a) PROPERTY DAMAGE THRESHOLD.—Section 5(a)(ii) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1674(a)(ii)) is amended by striking "$5,000" and inserting "an amount established by the Secretary".

(b) DATE OF ANNUAL REPORT TO CONGRESS.—Section 16(a) of such Act (49 U.S.C. App. 1683(a)) is amended by striking "April 15" and inserting "August 15".

SEC. 111. AUTHORITY OF SECRETARY.

The first sentence of section 5(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1674(a)) is amended by striking "when" and inserting "to the extent that".

SEC. 112. ENFORCEMENT.

(a) MAXIMUM CIVIL PENALTY.—Section 11(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1679a(a)(1)) is amended by striking "$10,000" and inserting "$25,000".

(b) ENFORCEMENT ORDERS.—Section 14 of such Act (49 U.S.C. App. 1681) is amended by adding at the end the following new subsection:

"(f) ENFORCEMENT ORDERS.—In case of contumacy or refusal to obey a subpoena, or refusal to allow officers, employees, or agents authorized by the Secretary to enter, conduct inspections, or examine records and properties for purposes of determining compliance with this Act, by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such district court shall, upon the request of the Attorney General, acting at the request of the Secretary, have jurisdiction to issue to such person an order requiring such person to comply forthwith. Failure to obey such an order is punishable by that court as a contempt of court.".

SEC. 113. PARTICIPATION IN AGREEMENT PROCEEDINGS.

(a) IN GENERAL.—Section 12(b) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1679b(b)) is amended by adding at the end the following new paragraph:

"(6) OPPORTUNITY FOR STATE COMMENT.—The Secretary shall provide, to appropriate State officials responsible for pipeline safety in any State in which a pipeline facility is located, notice and an opportunity to comment on any agreement proposed to be entered into by the Secretary to resolve a proceeding initiated under this section with respect to such pipeline facility. Comment submitted under this paragraph shall incorporate comments of affected local officials.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the 180th day following the date of the enactment of this Act.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

Section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(3) by inserting after paragraph (9) the following new paragraphs:

"(10) $6,405,000 for the fiscal year ending September 30, 1992;

"(11) $6,857,000 for the fiscal year ending September 30, 1993;

"(12) $7,000,000 for the fiscal year ending September 30, 1994; and

"(13) $7,500,000 for the fiscal year ending September 30, 1995.".

SEC. 115. CUSTOMER-OWNED SERVICE LINES.

(a) SERVICE LINE MAINTENANCE INFORMATION.—Section 18 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1685) is amended—

(1) by inserting "(a) PUBLIC EDUCATION PROGRAM.—" before "Each person"; and

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

"(b) SERVICE LINE MAINTENANCE INFORMATION.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall issue regulations requiring operators of natural gas distribution pipelines which do not maintain customer-owned service lines up to building walls to advise their customers of the requirements for maintenance of those lines, any resources known to the operator that could aid customers in doing such maintenance, any information that the operator has concerning the operation and maintenance of its lines that could aid customers, and the potential hazards of not maintaining service lines.".

(b) MAINTENANCE OF CUSTOMER-OWNED SERVICE LINES.—

(1) DOT SAFETY REVIEW.—Within 18 months after the date of the enactment of this Act, the Secretary of Transportation shall conduct a review of Department of Transportation and State rules, policies, procedures, and other measures with respect to the safety of customer-owned natural gas service lines, including the effectiveness of such rules, policies, procedures, and other measures. The Secretary of Transportation shall include in the review an evaluation of the extent to which lack of maintenance of customer-owned natural gas service lines raises safety concerns and shall make recommendations regarding maintenance of such lines, including the need for any legislative changes or regulatory action. In conducting the review and developing the recommendations, the Secretary of Transportation shall consider the following factors: State and local law, including law governing private property and rights, and including State pipeline safety regulation of distribution operators; the views of State and local regulatory authorities; the extent of operator compliance with the program for advising customers regarding maintenance of such lines required under section 18(b) of the Natural Gas Pipeline Safety Act of 1968; available accident information; the recommendations of the National Transportation Safety Board; costs; the civil liability implications of distribution operators taking responsibility for customer-owned service lines; and whether the service line maintenance information program required under such section 18(b) sufficiently addresses safety risks and concerns involving customer-owned service lines.

(2) OPERATION AND MAINTENANCE RESPONSIBILITY.—Within 18 months after the date of the enactment of this Act, the Secretary of Transportation shall conduct, with the participation of the operators of natural gas dis-

tribution facilities, a survey of owners of customer-owned service lines to determine the views of such owners regarding whether distribution companies should assume responsibility for the operation and maintenance of customer-owned service lines. In conducting the survey, the Secretary of Transportation shall ensure that such customers are aware of any potential safety benefits, any potential implementation issues (including any property rights or cost issues), the recommendations of the National Transportation Safety Board, and accidents that have occurred, related to customer-owned service lines.

(3) APPLICABILITY.—Chapter 35 of title 44, United States Code (relating to coordination of Federal information policy) shall not apply to the conduct of the review or survey under this subsection.

(4) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on the results of the review and survey conducted under this subsection, together with any recommendations (including legislative recommendations) regarding maintenance of customer-owned natural gas service lines.

(c) SAFETY MEASURES.—Section 3 of the Natural Gas Pipeline Safety Act of 1968 (14 U.S.C. App. 1672) is further amended by adding at the end the following new subsection:

"(k) SAFETY MEASURES.—The Secretary shall, within 1 year after transmitting the report required by section 115(b) of the Pipeline Safety Act of 1992, taking into consideration such report, and in cooperation and coordination with appropriate State and local authorities, take action, as appropriate, to promote the adoption of measures that would improve the safety of customer-owned service lines.".

SEC. 116. ADDITIONAL STATE STANDARDS.

Section 3(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(a)(1)) is further amended by inserting "that has submitted a current certification under section 5(a)" after "Any State agency".

SEC. 117. UNDERWATER ABANDONED PIPELINE FACILITIES.

Section 3(h) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1672(h)) is further amended by adding at the end the following new paragraph:

"(6) ABANDONED PIPELINE FACILITIES.—

"(A) TREATMENT.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

"(B) REGULATIONS.—

"(i) IDENTIFICATION OF HAZARDS.—In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

"(ii) OTHER REQUIREMENTS.—In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of the enactment of this paragraph, the Secretary shall—

"(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

"(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

"(C) REPORTING REQUIREMENTS.—

"(i) FORM.—The operator of a pipeline facility abandoned after the date of the enactment of this paragraph shall report such abandonment to the Secretary in a manner specifying whether the facility has been properly abandoned according to applicable Federal and State requirements.

"(ii) PRE-ENACTMENT ABANDONED PIPELINES.—Within 3 years after the date of the enactment of this paragraph, the operator of a pipeline facility abandoned before the date of the enactment of this paragraph shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly abandoned pursuant to applicable law, and such other relevant information as the Secretary may require. The Secretary shall, within 18 months after the date of the enactment of this subsection, specify the manner in which such information shall be reported.

"(iii) MAINTENANCE OF RECORDS BY UNITED STATES.—The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

"(iv) COLLISIONS.—The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

"(D) ABANDONED DEFINED.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.".

SEC. 118. NATURAL GAS PIPELINE SAFETY ACT OF 1968 TABLE OF CONTENTS.

The first section of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 note) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Natural Gas Pipeline Safety Act of 1968'.

"(b) TABLE OF CONTENTS.—

"Sec. 1. Short title; table of contents.
"Sec. 2. Definitions.
"Sec. 3. Standards established.
"Sec. 4. Technical Pipeline Safety Standards Committee.
"Sec. 5. State certifications and agreements.
"Sec. 6. Standards for LNG facilities.
"Sec. 7. Financial responsibility for certain LNG activities; studies.
"Sec. 8. Judicial review.
"Sec. 9. Cooperation with Federal Energy Regulatory Commission and State commissions.
"Sec. 10. Compliance.
"Sec. 11. Penalties.
"Sec. 12. Specific relief.
"Sec. 13. Inspection and maintenance plans.
"Sec. 14. Powers and duties of the Secretary.
"Sec. 15. Natural gas safety cooperation and coordination.
"Sec. 16. Annual report.
"Sec. 17. Appropriations authorized.
"Sec. 18. Consumer education.
"Sec. 19. Citizen's civil action.
"Sec. 20. Minimum requirements for one-call notification systems.
"Sec. 21. Gathering lines.".

TITLE II—HAZARDOUS LIQUID PIPELINE SAFETY

SEC. 201. ENVIRONMENTAL PROTECTION.

(a) FEDERAL SAFETY STANDARDS AND REPORTS.—Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002) is amended—

(1) in subsection (a)(1) by inserting "and the protection of the environment" after "safe transportation of hazardous liquids";

(2) in subsection (a)(2)(A) by striking "or property" and inserting ", property, or the environment"; and

(3) in subsection (b)(4) by inserting "and the protection of the environment" after "contribute to public safety".

(b) CORRECTIVE ACTION.—Section 209(b) of such Act (49 U.S.C. App. 2008(b)) is amended—

(1) in paragraph (1) by striking "or property," and inserting ", property, or the environment,";

(2) in paragraph (2)(A) by striking "or property," and inserting ", property, or the environment,";

(3) in paragraph (2)(B)—

(A) by striking "or property," and inserting ", property, or the environment,"; and

(B) by striking "or property." and inserting ", property, or the environment.";

(4) in paragraph (3)(C) by inserting "proximity of such areas to environmentally sensitive areas," after "associated with such areas,"; and

(5) in paragraph (5) by striking "or property." and inserting ", property, or the environment.".

SEC. 202. ENVIRONMENTALLY SENSITIVE AND HIGH-DENSITY POPULATION AREAS.

(a) PIPELINE INVENTORY.—Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002) is amended—

(1) in subsection (j)—

(A) by inserting "(and, to the extent the Secretary considers necessary, operators of gathering lines that are not regulated gathering lines as such term is defined pursuant to section 220(b))" after "subject to this title"; and

(B) by inserting after the first sentence the following new sentence: "Such inventory shall also include an identification of each of the pipeline facilities and gathering lines of such operator which pass through an area described in regulations issued under subsection (m), whether or not such pipeline facility or gathering line is otherwise subject to regulation under this Act."; and

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

"(m) ENVIRONMENTALLY SENSITIVE AND HIGH-DENSITY POPULATION AREAS.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall issue regulations establishing criteria for the identification, by operators of pipeline facilities and operators of gathering lines, of—

"(1) all pipeline facilities and gathering lines, whether otherwise subject to regulation under this Act or not, that are located in areas that are described, by the Secretary in consultation with the Administrator of the Environmental Protection Agency, as unusually sensitive to environmental damage in the event of a pipeline accident; and

"(2) all pipeline facilities, whether otherwise subject to regulation under this Act or not, that—

"(A) cross a navigable waterway, as such term is defined by the Secretary by regulation; or

"(B) are located in areas that are described in such criteria as high-density population areas.

Such regulations shall provide for such identification to be carried out through the inventory required under subsection (j). In describing areas that are unusually sensitive to environmental damage, the Secretary shall consider including earthquake zones and areas subject to substantial ground movements such as landslides; areas where ground water contamination would be likely in the event of the rupture of a pipeline facility; freshwater lakes, rivers, and waterways; and river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined.".

(b) MAPS.—Section 203(i)(2) of such Act (49 U.S.C. App. 2002(i)(2)) is amended by inserting "including an identification of areas described in regulations issued under subsection (m)," after "supplementary geographic description,".

(c) INSPECTION AND MAINTENANCE PLANS.—Section 210 of such Act (49 U.S.C. App. 2009) is amended—

(1) in subsection (b)(4) by inserting "and the protection of the environment" after "public safety"; and

(2) in each of subsections (c)(2)(D) and (d)(2)(D) by inserting "the proximity of such areas to areas that are unusually sensitive to environmental damage," after "pipeline facilities are located,".

SEC. 203. INCREASED INSPECTION REQUIREMENTS.

Section 203(k) of the Hazardous Liquids Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(k)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1) FEDERAL SAFETY STANDARDS.—" after "INSPECTION DEVICES.—";

(3) by indenting paragraph (1), as designated by paragraph (2) of this subsection, and moving such paragraph (1) (including subparagraphs (A) and (B), as designated by paragraph (1) of this subsection) 2 ems to the right;

(4) by adding at the end of paragraph (1), as designated by paragraph (2) of this subsection, the following new sentence: "The Secretary may extend such regulation to require existing transmission facilities whose basic construction would accommodate an instrumented internal inspection device to be modified to permit the inspection of such facilities with instrumented internal inspection devices."; and

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

"(2) PERIODIC INSPECTIONS.—Not later than 3 years after the date of the enactment of this paragraph, the Secretary shall issue regulations requiring the periodic inspection of each pipeline identified pursuant to subsection (m) by the operator of the pipeline. In issuing the regulations, the Secretary shall prescribe the circumstances, if any, under which such inspections shall be conducted with an instrumented internal inspection device. In those circumstances under which an instrumented internal inspection device is not required, the Secretary shall require the use of an inspection method that is at least as effective as the use of such a device in providing for the safety of the pipeline.".

SEC. 204. TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE.

Section 204 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2003) is amended—

(1) in subsection (a)(3) by striking the period and inserting ", including 2 members who have education, background, or experience in environmental protection or public safety. At least 1 of the members selected under this paragraph shall have no financial interests in the pipeline, petroleum, or natural gas industries."; and

(2) in subsection (b) by inserting after the sixth sentence the following new sentence: "The Committee, if requested by the Secretary, shall make recommendations to the Secretary concerning policy development.".

SEC. 205. OPERATOR TESTING.

Section 203(c) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(c)) is amended—

(1) in the second sentence by striking "may" and inserting "shall"; and

(2) by inserting after the second sentence the following new sentence: "Such certification may, as the Secretary considers appropriate, be performed by the operator. Such testing and certification shall address the ability to recognize and appropriately react to abnormal operating conditions which may indicate a dangerous situation or a condition exceeding design limits.".

SEC. 206. LOW INTERNAL STRESS HAZARDOUS LIQUID PIPELINE FACILITIES.

Section 203(b) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(b)) is further amended by inserting after paragraph (4) the following new sentence:

"In exercising any discretion under this Act, the Secretary shall not provide an exception to regulation under this Act for any pipeline facility solely on the basis of the fact that such pipeline facility operates at low internal stress.".

SEC. 207. PIPELINE FACILITY INSPECTION AMENDMENTS.

Section 203(l) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(l)) is amended—

(1) in paragraph (2)(A) by striking "pipeline facility operators described in paragraph (1)(A)" and inserting "operators of pipeline facilities described in paragraph (3)";

(2) in paragraph (2)(B) by striking "paragraph (1)(A)" and inserting "paragraph (3)";

(3) in paragraph (3) by striking "periodic inspection program" and all that follows through "and its inlets" and inserting the following:

"periodic inspection program of—

"(A) all offshore pipeline facilities; and

"(B) any other pipeline facilities which cross under, over, or through navigable waters, as such term is defined by the Secretary, if the location of such pipeline facilities in such navigable waters could pose a hazard to navigation or public safety, as determined by the Secretary";

(4) in paragraph (4) by striking "offshore pipeline facility" and inserting "pipeline facility described in paragraph (3)"; and

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

"(5) TRANSFER PIPELINE FACILITIES.—The Secretary shall not exempt from regulation under this Act any offshore pipeline facility solely on the basis of the fact that such pipeline facility serves to transfer hazardous liquids in underwater pipelines between vessels and onshore facilities.

"(6) SUPPLEMENTARY INITIAL INSPECTION.—

"(A) REQUIREMENT.—Not later than—

"(i) 3 years after the date of the enactment of this paragraph; or

"(ii) 6 months after the establishment of standards under subparagraph (D),

whichever occurs first, the operator of each offshore pipeline facility not described in paragraph (1)(A) shall inspect such pipeline facility and report to the Secretary on any portion of the pipeline facility which is exposed or is a hazard to navigation. This subparagraph shall apply only to pipeline facilities between the high water mark and the point where the subsurface is under 15 feet of water, as measured from mean low water.

"(B) EXTENSION.—The Secretary may extend the time period for compliance under subparagraph (A) with respect to a pipeline facility for an additional period of up to 6 months if the operator of the pipeline facility demonstrates to the satisfaction of the Secretary that a good faith effort, with due diligence and care, has failed to enable compliance with the deadline under subparagraph (A).

"(C) PRIOR INSPECTION RECOGNITION.—Any inspection of a pipeline facility which has occurred after October 3, 1989, may be used for compliance with subparagraph (A) if the inspection conforms to the requirements of that subparagraph.

"(D) ESTABLISHMENT OF STANDARDS.—The Secretary shall, within 2 years after the date of the enactment of this paragraph, establish, for the purposes of this paragraph, standards—

"(i) for what constitutes an exposed pipeline facility; and

"(ii) for what constitutes a hazard to navigation.".

SEC. 208. GATHERING LINES.

(a) DEFINITION OF TRANSPORTATION OF HAZARDOUS LIQUIDS.—

(1) AMENDMENTS.—Section 202(3) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001(3)) is amended—

(A) by striking "any such";

(B) by inserting ", other than regulated gathering lines," after "through gathering lines"; and

(C) by inserting ", but such term shall include the movement of hazardous liquids through regulated gathering lines" after "any of such facilities".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the effective date of the regulations required under section 220 of the Hazardous Liquid Pipeline Safety Act of 1979, as added by subsection (b) of this section.

(b) REGULATIONS DEFINING GATHERING LINES.—Such Act is further amended by adding at the end the following new section:

"SEC. 220. GATHERING LINES.

"(a) GATHERING LINES DEFINED.—The Secretary shall, within 2 years after the date of the enactment of this section, define by regulation the term 'gathering lines'.

"(b) REGULATED GATHERING LINES DEFINED.—The Secretary shall, within 3 years after the date of the enactment of this section, define by regulation the term 'regulated gathering lines'. In defining such term, the Secretary shall consider such factors as location, length of line from the well site, operating pressure, throughput, diameter, and the composition of the transported hazardous liquid in determining the types of lines which are functionally gathering but which, due to specific physical characteristics, warrant regulation under this Act. Such definition shall not include crude oil gathering lines that are of a nominal diameter of 6 inches or less, are operated at low pressure, and are located in rural areas that are not unusually sensitive to environmental damage.".

(c) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Hazardous Liquid Pipeline Safety Act of 1979 is amended by adding at the end the following new item:

"Sec. 220. Gathering lines.".

SEC. 209. REVISED REPORTING REQUIREMENTS.

(a) PROPERTY DAMAGE THRESHOLD.—Section 205(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2004(a)) is amended by striking "$5,000" and inserting "an amount established by the Secretary".

(b) DATE OF ANNUAL REPORT TO CONGRESS.—Section 213(a) of such Act (49 U.S.C. App. 2012(a)) is amended by striking "April 15" and inserting "August 15".

SEC. 210. AUTHORITY OF SECRETARY.

The first sentence of section 205(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2004(a)) is amended by striking "when" and inserting "to the extent that".

SEC. 211. ENFORCEMENT.

(a) MAXIMUM CIVIL PENALTY.—Section 208(a)(1) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2007(a)(1)) is amended by striking "$10,000" and inserting "$25,000".

(b) ENFORCEMENT ORDERS.—Section 211 of such Act (49 U.S.C. App. 2010) is amended by adding at the end the following new subsection:

"(f) ENFORCEMENT ORDERS.—In case of contumacy or refusal to obey a subpoena, or refusal to allow officers, employees, or agents authorized by the Secretary to enter, conduct inspections, or examine records and properties for purposes of determining compliance with this Act, by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such district court shall, upon the request of the Attorney General, acting at the request of the Secretary, have jurisdiction to issue to such person an order requiring such person to comply forthwith. Failure to obey such an order is punishable by that court as a contempt of court.".

SEC. 212. EMERGENCY FLOW RESTRICTING DEVICES.

Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002) is further amended by adding at the end the following new subsection:

"(n) EMERGENCY FLOW RESTRICTING DEVICES.—

"(1) SURVEY AND ASSESSMENT.—The Secretary shall, within 2 years after the date of the enactment of this subsection, survey and assess the effectiveness of emergency flow restricting devices (including remotely controlled valves and check valves) and other procedures, systems, and equipment used to detect and locate pipeline ruptures and minimize product releases from pipeline facilities.

"(2) REGULATIONS.—Not later than 2 years after the completion of the survey and assessment required by paragraph (1), the Secretary shall issue regulations prescribing the circumstances under which operators of hazardous liquid pipeline facilities must use emergency flow restricting devices and other procedures, systems, and equipment described in paragraph (1) on such facilities.".

SEC. 213. PARTICIPATION IN AGREEMENT PROCEEDINGS.

(a) IN GENERAL.—Section 209(b) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2008(b)) is amended by adding at the end the following new paragraph:

"(6) OPPORTUNITY FOR STATE COMMENT.—The Secretary shall provide, to appropriate State officials responsible for pipeline safety in any State in which a pipeline facility is located, notice and an opportunity to comment on any agreement proposed to be entered into by the Secretary to resolve a proceeding initiated under this section with respect to such pipeline facility. Comment submitted under this paragraph shall incorporate comments of affected local officials.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the 180th day following the date of the enactment of this Act.

SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2013(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(3) by inserting after paragraph (9) the following new paragraphs:

"(10) $1,600,500 for the fiscal year ending September 30, 1992;

"(11) $1,728,500 for the fiscal year ending September 30, 1993;

"(12) $1,866,800 for the fiscal year ending September 30, 1994; and

"(13) $2,000,000 for the fiscal year ending September 30, 1995.".

SEC. 215. ADDITIONAL STATE STANDARDS.

Section 203(d) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(d)) is further amended by inserting "that has submitted a current certification under section 205(a)" after "Any State agency".

SEC. 216. UNDERWATER ABANDONED PIPELINE FACILITIES.

Section 203(l) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2002(l)) is further amended by adding at the end the following new paragraph:

"(7) ABANDONED PIPELINE FACILITIES.—

"(A) TREATMENT.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

"(B) REGULATIONS.—

"(i) IDENTIFICATION OF HAZARDS.—In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

"(ii) OTHER REQUIREMENTS.—In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of the enactment of this paragraph, the Secretary shall—

"(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

"(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

"(C) REPORTING REQUIREMENTS.—

"(i) FORM.—The operator of a pipeline facility abandoned after the date of the enactment of this paragraph shall report such abandonment to the Secretary in a manner specifying whether the facility has been properly abandoned according to applicable Federal and State requirements.

"(ii) PRE-ENACTMENT ABANDONED PIPELINES.—Within 3 years after the date of the enactment of this paragraph, the operator of a pipeline facility abandoned before the date of the enactment of this paragraph shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly abandoned pursuant to applicable law, and such other relevant information as the Secretary may require. Within 18 months after the date of the enactment of this paragraph, the Secretary shall specify the manner in which such information shall be reported.

"(iii) MAINTENANCE OF RECORDS BY UNITED STATES.—The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

"(iv) COLLISIONS.—The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

"(D) ABANDONED DEFINED.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.".

TITLE III—GENERALLY APPLICABLE PIPELINE SAFETY PROVISIONS

SEC. 301. GRANTS-IN-AID AUTHORIZATION.

Section 17(c) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1684(c)) is amended by striking "and $5,500,000 for the fiscal year ending September 30, 1991" and inserting "$5,500,000 for the fiscal year ending September 30, 1991, $7,750,000 for the fiscal year ending September 30, 1992, $7,750,000 for the fiscal year ending September 30, 1993, $9,000,000 for the fiscal year ending September 30, 1994, and $10,000,000 for the fiscal year ending September 30, 1995".

SEC. 302. UNDERGROUND STORAGE TANKS.

Section 9001(1)(D) of the Solid Waste Disposal Act (42 U.S.C. 6991(1)(D)) is amended to read as follows:

"(D) pipeline facility (including gathering lines)—

"(i) which is regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 et seq.),

"(ii) which is regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.), or

"(iii) which is an intrastate pipeline facility regulated under State laws as provided in the provisions of law referred to in clause (i) or (ii) of this subparagraph,

and which is determined by the Secretary to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline,".

SEC. 303. PIPELINE ACCIDENT INVESTIGATIONS.

Section 304(a)(1)(D) of the Independent Safety Board Act of 1974 (49 U.S.C. App. 1903(a)(1)(D)) is amended by inserting "or significant injury to the environment" after "substantial property damage".

SEC. 304. ONE-CALL ENFORCEMENT.

(a) ONE-CALL ENFORCEMENT.—Section 20 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1687) is amended by adding at the end the following new subsections:

"(g) VIOLATIONS.—Any person who knowingly and willfully—

"(1) engages in excavation activities—

"(A) without first using an available one-call notification system to determine the location of underground facilities in the area being excavated; or

"(B) without heeding appropriate location information or markings established by an

operator of a natural gas or hazardous liquid pipeline facility; and

"(2) subsequently damages—

"(A) a natural gas pipeline facility resulting in death, serious bodily harm, or actual damage to property exceeding $50,000; or

"(B) a hazardous liquid pipeline facility resulting in death, serious bodily harm, actual damage to property exceeding $50,000, or release of more than 50 barrels of product,

shall, upon conviction, be subject, for each offense, to a fine under title 18, United States Code, imprisonment for a term not to exceed 5 years, or both.

"(h) MARKING OF FACILITIES.—Upon notification by an operator of a damage prevention program or by a contractor, excavator, or other person planning to carry out demolition, excavation, tunneling, or construction in the vicinity of a natural gas or hazardous liquid pipeline facility, the operator of the pipeline facility shall accurately mark, in a reasonable and timely manner, the location of the pipeline facilities in the vicinity of such demolition, excavation, tunneling, or construction.".

(b) TECHNICAL AMENDMENTS.—Subsections (a)(1) and (c)(1) of section 11 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1678) are each amended by inserting "or section 20(h)" after "section 10(a)".

(c) NOTIFICATION OF OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.—The Secretary of Transportation shall, in consultation with the Occupational Safety and Health Administration, establish procedures to notify such Administration of any pipeline accident in which an excavator, causing damage to a pipeline, may have violated Occupational Safety and Health Administration regulations.

SEC. 305. ADDITIONAL INSPECTORS.

To the extent and in such amounts as are provided in advance in appropriations Acts, the Secretary of Transportation, in fiscal year 1993, shall employ and retain thereafter an additional 12 employees for regional or field pipeline safety offices above the number of such employees authorized for fiscal year 1992. The primary functions of such additional employees shall be—

(1) to provide technical assistance and training to State pipeline inspectors and to assist in the review and management of pipeline safety grants;

(2) to inspect pipeline facilities, including interstate and intrastate hazardous liquid pipeline facilities in those States that do not have a hazardous liquid pipeline safety program that meets the requirements of section 205(a) or (b) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2004(a) or (b));

(3) to assist the States identified in paragraph (2) in developing hazardous liquid pipeline safety programs that meet such requirements; and

(4) to inspect interstate hazardous liquid pipeline facilities constructed before 1971.

SEC. 306. DEVELOPMENT OF UNDERGROUND UTILITY LOCATION TECHNOLOGIES.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a research and development program on underground utility location technologies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.

SEC. 307. STUDY OF UNDERWATER ABANDONED PIPELINE FACILITIES.

(a) STUDY.—The Secretary of Transportation, in consultation with State and other Federal agencies having authority over underwater natural gas and hazardous liquid pipeline facilities and with pipeline owners and operators, the fishing and maritime industries, and other affected groups, shall undertake a study of the abandonment of such pipeline facilities. Such study shall include—

(1) a survey of Federal policies and authorities with respect to abandonment of such pipeline facilities;

(2) an analysis of the extent and nature of the problems currently caused by such pipeline facilities;

(3) an analysis of alternative methods and requirements for abandonment as well as the relevant costs and other factors associated with those alternative methods and requirements;

(4) an analysis of the navigational, safety, and environmental impacts and economic costs associated with the disposition of pipeline facilities permanently removed from service;

(5) an analysis of various factors associated with retroactively imposing requirements on previously abandoned pipeline facilities; and

(6) other matters as may contribute to the development of a recommendation for Federal action.

(b) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the results of the study undertaken under this section, together with a recommendation for Federal action.

(c) ADDITIONAL AUTHORITY.—Based on the findings of the study undertaken under this section, the Secretary may require, by regulations issued under the Natural Gas Pipeline Safety Act of 1968 or the Hazardous Liquid Pipeline Safety Act of 1979, operators of facilities abandoned before the date of the enactment of this Act to take any additional appropriate actions to prevent hazards to navigation in connection with such facilities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000 for fiscal years beginning after September 30, 1992. Such funds shall remain available until expended.

TITLE IV—RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

SEC. 401. RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION.

(a) ESTABLISHMENT.—Chapter 1, title 49, United States Code, is amended by adding at the end the following new section:

"§ 112. Research and Special Programs Administration

"(a) ESTABLISHMENT.—There is established in the Department of Transportation a Research and Special Programs Administration.

"(b) ADMINISTRATOR.—

"(1) APPOINTMENT.—The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) REPORTING.—The Administrator shall report directly to the Secretary.

"(c) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator who shall be appointed by the Secretary of Transportation. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

"(d) RESPONSIBILITIES OF ADMINISTRATOR.—The Administrator of the Administration shall be responsible for carrying out the following:

"(1) HAZMAT TRANSPORTATION SAFETY.—Duties and powers vested in the Secretary of Transportation with respect to hazardous materials transportation safety, except as otherwise delegated by the Secretary.

"(2) PIPELINE SAFETY.—Duties and powers vested in the Secretary with respect to pipeline safety.

"(3) ACTIVITIES OF VOLPE NATIONAL TRANSPORTATION SYSTEMS CENTER.—Duties and powers vested in the Secretary with respect to activities of the Volpe National Transportation Systems Center.

"(4) OTHER.—Such other duties and powers as the Secretary shall prescribe, including such multimodal and intermodal duties as are appropriate.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall affect any delegation of authority, regulation, order, approval, exemption, waiver, contract, or other administrative act of the Secretary with respect to laws administered through the Research and Special Programs Administration of the Department of Transportation on the date of the enactment of this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following new item:

"112. Research and Special Programs Administration.".

(c) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Administrator, Research and Special Programs Administration.".

TITLE V—HAZARDOUS MATERIALS TRANSPORTATION ACT TECHNICAL AMENDMENTS

SEC. 501. CORRECTION TO REFERENCE TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

Section 103(8) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1802(8)) is amended by inserting after "Education" the following: "Assistance".

SEC. 502. DEFINITIONS OF HAZMAT EMPLOYEE AND EMPLOYER.

Section 103 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1802) is amended in each of paragraphs (5)(B) and (6)(A)(iii)—

(1) by striking "reconditions" and inserting "manufactures, reconditions,"; and

(2) by inserting "as qualified" after "represented".

SEC. 503. TECHNICAL CORRECTIONS TO SECTION 106.

(a) IN GENERAL.—Section 106 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1805) is amended—

(1) in subsection (c)(1)(C) by inserting "(in other than a bulk packaging)" after "5,000 pounds or more";

(2) in subsection (c)(8) by inserting ", or carries out an activity at more than one location," after "one activity";

(3) in subsection (c)(12) by striking "117(h)" and inserting "117A(h)";

(4) in subsection (d)(5) by striking "this section" and inserting "this subsection"; and

(5) in subsection (d)(5) by inserting ", in quantities established by the Secretary," after "motor carrier".

(b) SUBSECTION DESIGNATION AND HEADING.—Section 8 of the Hazardous Materials Transportation Uniform Safety Act of 1990 is amended by inserting before "Section 106" the first place it appears the following: "(a) IN GENERAL.—".

SEC. 504. TECHNICAL CORRECTION TO SECTION 115.

Section 115(a) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1812(a)) is

amended by inserting ", 117A, 118," after "117".

SEC. 505. TECHNICAL CORRECTIONS TO SECTION 116.

Section 116 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1813) is amended—

(1) in subsection (c) by inserting "and" after "alternative routes,"; and

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

"(e) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) HIGH-LEVEL RADIOACTIVE WASTE.—The term 'high-level radioactive waste' has the meaning given such term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)).

"(2) SPENT NUCLEAR FUEL.—The term 'spent nuclear fuel' has the meaning given such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).".

SEC. 506. TECHNICAL CORRECTION TO SECTION 118.

Section 118(d) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1816(d)) is amended by striking "117(h)" and inserting "117A(h)".

SEC. 507. UNIFORMITY OF STATE MOTOR CARRIER PERMITTING FORMS AND PROCEDURES.

(a) WORKING GROUP.—Section 121(a) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1819(a)) is amended—

(1) in paragraph (1) by striking "States that" and inserting "a State to";

(2) in paragraph (1) by striking ", by motor vehicle" and inserting "by motor vehicle in such State and for a State to permit the transportation of hazardous materials in such State"; and

(3) in paragraph (2) by inserting "and permit" before "forms and".

(b) CONSULTATION REQUIREMENT.—Section 121(b) of such Act is amended by inserting "and permit" before "requirements".

SEC. 508. EXEMPTION FOR CERTAIN RAIL-MOTOR CARRIER MERGERS.

Any transaction in which a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of title 49, United States Code (or a person controlled by or affiliated with such a rail carrier) seeks to acquire control of a motor carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of such title shall be exempt from the fourth sentence of section 11344(c) of such title (1) if, during the period between November 30, 1987, and May 1, 1992, such rail carrier or person acquired a minority stock interest in the motor carrier, and (2) if such rail carrier or person (or a person controlled by or affiliated with such rail carrier or person) was authorized by the Commission to provide transportation as a motor carrier before the acquisition of such minority stock interest.

The SPEAKER. pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. SHARP] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. MINETA] be yielded 10 minutes of my 20 minutes. This is a joint effort by the Committee on Energy and Commerce and the Committee on Public Works and Transportation.

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

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SHUSTER] be given 10 minutes of my time.

The SPEAKER pro tempore. Is these objection to the request of the gentleman from California?

There was no objection.

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

Mr. Speaker, the Energy and Commerce Committee is pleased to join with the Public Works Committee in recommending that the House pass H.R. 1489, the Pipeline Safety Act of 1992. I also would like to thank Chairman DINGELL and ROE of the two committees; my colleagues on the two committees involved, particularly the comanager of the bill, Chairman MINETA; and Mr. LENT, Mr. MOORHEAD, Mr. BREWSTER, Mr. VENTO, and Mr. TAUZIN.

The Public Works Committee and the Energy and Commerce Committee this year have continued the spirit of cooperation on pipeline safety that has enabled us to continually improve this program over the past decade. In this spirit, we are jointly offering a substitute amendment. The substitute amendment draws from the best of the wisdom embodied in the Energy and Commerce Committee version, the Public Works version, and the Senate version.

This legislation is important because between 1971 and 1986, pipeline failures caused an average of 11 deaths and 48 injuries annually and incurred an average annual cost of $25 million in property damage, product loss, and cleanup charges. This includes an estimated 309,000 barrels of oil lost. This legislation will reduce those risks.

Among the highlights of the legislation are, first, a new emphasis on environmental protection, including several specific near-term actions that the Department of Transportation [DOT] must take, as well as new authority which DOT can use to protect the environment;

Second, the bill improves damage prevention, by means of increased inspection requirements, a national program to inspect underwater pipelines to ensure they are properly buried and do not impose a hazard to navigation—in 1990, Congress required such a program for the Gulf of Mexico—better operator training, penalties for pipeline operators and excavators who fail to participate in State and local damage prevention programs, and analysis and corrective action regarding abandoned underwater pipelines;

Third, it expands the universe of pipelines covered by the safety acts, including elimination of the blanket exemption for low internal stress pipelines, and creating a program to require some DOT regulation of some gathering lines;

Fourth, it establishes requirements to improve safety by using state of the art technology, including excess flow valves, smart pigs, and emergency flow restricting devices;

Fifth, the bill authorizes the full 50 percent funding of State pipeline safety programs allowed under the existing pipeline safety statutes, which is financed by a user fee;

Sixth, it requires that States be given notice and an opportunity to comment on consent agreements between DOT and pipeline operators; and

Seventh, it establishes requirements for improving the safety of customer-owned natural gas service lines.

The requirements for improving the safety of customer-owned pipe merit some discussion. Mr. MINETA and I are pleased that we were able to reach a reasonable compromise on this matter. We want everyone to know that the controversy over these provisions has led us to take a deep personal interest in the safety of customer-owned pipe. Next Congress, we intend to actively oversee DOT's and the natural gas industry's compliance with the law. We plan to ensure that the safety review is completed in the time and manner specified in the legislation; that the public is aggressively brought into the regulatory process through the survey; and that the public safety is protected. We are optimistic that no additional legislation on this matter will be necessary, but if we learn that it is, we will take the lead in ensuring that it is enacted, if necessary, before the next reauthorization cycle.

The customer-owned pipe issue merits some further discussion. The three organizations responsible for ensuring pipeline safety have identified customer-owned natural gas service lines as a major cause for concern: the National Transportation Safety Board, the Department of Transportation, and the National Association of State Pipeline Safety Representatives. I support and agree with the views of all of these organizations on this matter.

The National Transportation Safety Board addressed this issue in its report entitled "Kansas Power and Light Company Natural Gas Accidents September 16, 1988 to March 29, 1989" (NTSB/PAR-90/01). The report says,

> The actions of both the KCC, Kansas Corporation Commission and of RSPA, the Research and Special Programs Administration of DOT, the Federal organization responsible for pipeline safety, recognized that to attain reasonable public safety, specific tests must be performed on buried gas pipelines without regard to ownership and that gas customers generally cannot be expected to recognize or to perform these tests.

In a January 24 letter to me and to several members of the Public Works Committee, the NTSB said,

According to testimony given at the Safety Board's public hearing on the KPL accidents, local plumbers would not be adversely affected by requiring gas operators to periodically survey for gas leaks and for corrosion in all buried customer-owned pipe between the gas main and the building being served. Plumbers and other local contractors generally do not perform or offer to perform such services; rather they respond to customers' repair requests after the customers or others have detected the odor of leaking gas. Furthermore, a plumber in the Kansas City area testified that residents who owned a segment of the buried pipe generally refused to protect their lines from corrosion because they did not understand why such protection was needed and because other plumbers told them that corrosion protection was not required. Whether or not it is the supplying gas company that repairs or replaces the customer's pipe, the Safety Board believes the gas company should be required to perform the leak and corrosion tests on buried customer-owned piping that transports gas to buildings. Usually only the gas company has the equipment and qualified people needed to perform such tests. When hazards are detected, the gas company should be required to discontinue gas service until the hazards have been eliminated.

As the Secretary of Transportation said in his May 14, 1991, letter to the Speaker of the House transmitting DOT's proposed pipeline safety legislation,

Within the last several years, gas explosions have destroyed homes and killed and injured residents in Kansas and Missouri. The explosions were due to deteriorated gas lines located in the homeowners' yards. These accidents might have been averted had the distribution company provided necessary maintenance for the lines.

I completely agree with the Secretary's assessment.

The Secretary has repeated in numerous letters to the many parties who have expressed interest in the customer-owned pipe provisions, "We at RSPA [DOT] are concerned about the safety of customer-owned gas piping and are examining ways of assuring greater oversight of these pipelines." I support these efforts, and I expect them to accelerate after this bill passes.

Subsection (c) of section 115 does not expand, limit, or change the definition of "transportation of gas" in section 2(3) of the Natural Gas Pipeline Safety Act. Rather, it requires that the Department of Transportation, the States, the pipeline operators, and the customers will take whatever action is necessary to address this important safety issue.

The smart pig provisions also merit some elaboration. The Secretary must require periodic inspection by a smart pig or by an equally effective method. In determining whether alternatives provide an equivalent degree of safety to that provided by smart pigs, the Secretary should place the greatest weight on the comparative predictive capability.

In sum, the bill continues the steady congressional effort to improve the safety of our pipelines, and I urge the House to pass it.

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

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

Mr. Speaker, I rise in strong support of H.R. 1489, the Pipeline Safety Act of 1992. This bill, which I was pleased to cosponsor with Subcommittee Chairman SHARP, reauthorizes the natural gas and hazardous liquids pipeline safety programs through 1995. The bill also makes significant substantive changes in existing law which will improve our pipeline safety programs.

I believe this is a good bill because it requires the Department of Transportation to undertake new pipeline safety measures only where safety considerations warrant them. Thus, H.R. 1489 includes provisions for expanded jurisdiction to protect the environment, increased inspection requirements, operator certification, customer notifications, penalties for failure to use an available one-call system, and use of new technology designed to improve pipeline safety.

H.R. 1489 matches new safety initiatives with demonstrated safety needs. Importantly, this bill does not require pipelines or local distribution companies to make expensive modifications to existing facilities except where necessary.

I believe the changes embodied in H.R. 1489 are constructive and will further enhance the safety of natural gas and hazardous materials pipelines.

Thus, I urge my colleagues to support this bill.

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

Mr. SHARP. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. VENTO], who has brought to the subcommittee's attention on several occasions some of the serious problems which must be addressed.

Mr. VENTO. Mr. Speaker, I commend the gentleman from Indiana [Mr. SHARP], as well as the members of the committees of jurisdiction who have worked on this matter.

Mr. Speaker, this has long been an interest of mine. In the early 1980's, along with other Members, such as the gentleman from Indiana [Mr. SHARP], we asked for GAO studies. I introduced legislation because I was concerned about the environmental impact of natural gas and hazardous liquid pipelines. We had problems, frankly, in my district, and I found that the law was very inadequate at that time to deal with them.

Subsequent to that, in July 1986, there was a loss of life in my district in Mounds View, MN, when a pipeline erupted and there was no way to shut it off, and those fuels and liquid gasoline ignited, killing a mother and child as they walked out the front door of their suburban home. I think that served notice to me and the Nation to try to improve the laws that deal with pipeline safety.

I am pleased to say in 1988, and again now in 1992, we are improving that, both in terms of enhanced inspection and in terms of mapping.

This specific legislation deals with one of the primary goals that we have had in terms of providing for automatic flow control devices to shut off those pipelines when they do have a leakage or break in the security of that system so that we will not have the continued accumulation of literally hundreds of thousands of gallons of fuel that leak into the environment, down the sewers, creating really a nightmare in some urban or suburban or rural communities.

Mr. Speaker, this legislation, of course, goes beyond that, adding to the number of inspectors dealing with environmentally sensitive areas, dealing with fines for noncompliance in terms of the on-call or one-call systems. I think it picks up on many of the studies and work we have been engaged in over the last 10 years.

Mr. Speaker, I commend the chairman, the ranking member, and others that have taken an active interest on both the Committee on Energy and Commerce and the Committee on Public Works and Transportation, and hope that this will be guided to enactment during this session. I look forward to working with these Members.

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

Mr. Speaker, I rise in support of H.R. 1489 as amended, the Pipeline Safety Act of 1992, which authorizes funds to carry out the safety programs established under the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act. These pipeline safety programs were last authorized by the Pipeline Safety Reauthorization Act of 1988.

Pipeline transportation is, by far, the safest form of transportation in our Nation and yet every pipeline accident that does occur can lead to tragedy and devastation. In 1990, pipeline accidents caused 8 deaths and 74 injuries. Third party damage is the most frequent cause of pipeline accidents. H.R. 1489 was introduced in the House to address concerns regarding these accidents. In the Senate, S. 1583 was introduced for similar purposes.

H.R. 1489 was referred jointly to the Committee on Energy and Commerce and the Committee on Public Works and Transportation. The Committee on Energy and Commerce reported the bill on October 8, 1991. The Committee on Public Works and Transportation reported an amendment in the nature of a substitute to the bill on July 27, 1992. The Senate Committee on Commerce, Science, and Transportation reported S. 1583 on September 16, 1991, and the full Senate passed the bill on October 7, 1991. The Senate bill and the two House

versions of H.R. 1489 shared many of the same goals and objectives. The three bills also differed in certain respects.

I am proud to report that, through a strong cooperative and bipartisan effort, a compromise package has been developed that incorporates the strengths of all three bills. Mr. SHARP and I offer to the full body this package, which we understand the Senate is willing to take.

At this time, I would like to thank my esteemed colleagues for their efforts on this legislation. First, my thanks go to the leadership of our committee who have worked on this bill; namely, Chairman ROBERT A. ROE, Congressman JOHN PAUL HAMMERSCHMIDT, Congressman BUD SHUSTER, and Congressman BILL BREWSTER. I also wish to thank the leadership of the House Committee on Energy and Commerce; namely, Chairman JOHN DINGELL, Chairman SHARP, and the ranking minority members of the full committee and subcommittee, Congressman NORMAN LENT and Congressman CARLOS MOORHEAD. Finally, I would like to thank Senators HOLLINGS and DANFORTH, chairman and ranking minority member of the Senate Commerce, Science, and Transportation Committee.

The bill, as amended, which is before you, provides for: A new emphasis on environmental protection; improved identification of pipelines in environmentally sensitive and high-density population areas through the use of inventory and mapping; penalties for pipeline operators and excavators who fail to participate in one-call systems; analysis and corrective action regarding abandoned underwater pipelines; and increased use of state-of-the-art technology, including excess flow valves for natural gas pipelines and excess flow restricting devices for hazardous liquid pipelines.'

In addition, the amendment provides for: Increased inspection requirements, including use of instrumental internal inspection devices—often referred to as smart pigs; a program to improve the operation and maintenance of customer-owned service lines; improved operator testing; a national program to inspect underwater pipelines to ensure they are properly buried and do not impose a hazard to navigation; elimination of the blanket exemption for low internal stress pipelines; safety coverage of some gathering lines; guidelines for replacement of cast iron pipelines; and authorizations for carrying out both Pipeline Safety Acts through fiscal year 1995. The amendment also establishes the Research and Special Programs Administration [RSPA] as a statutory administration within the Department of Transportation. Finally, the amendment makes various technical amendments to the Hazardous Materials Transportation Act.

A more detailed description of the compromise provisions is attached.

I strongly urge my colleagues to support this legislation.

COMPROMISE PROVISIONS

The major differences between the amendment in the nature of a substitute to H.R. 1489 and H.R. 1489, as reported by the Public Works and Transportation Committee, are as follows:

SMART PIGS

The amendment provides that the Secretary, in issuing regulations requiring the periodic inspection of pipelines, is required to prescribe the circumstances, if any, under which such inspections shall be conducted with an instrumented internal inspection device, commonly called a smart pig. The amendment also provides that, in those circumstances under which a smart pig is not required, the Secretary shall require the use of an inspection method that is at least as effective as the use of such a device.

This requirement is not intended to provide a back door for requiring the use of smart pigs. It is intended only to ensure that, if a method other than a smart pig is selected, that method must provide for an equivalent level of safety.

EXCESS FLOW VALVES

The amendment clarifies that the Secretary is required to issue a regulation prescribing the circumstances, if any, under which operators of natural gas distribution systems must install excess flow valves. It also requires the issuance of a regulation prescribing notification requirements to customers of the availability of excess flow valves which provides that, in circumstances under which installation is not required, customers have the right to request installation of excess flow valves provided the customer pays all costs associated with the installation. If installation is required by regulation, the operator must pay all costs.

The amendment also extends from 18 months to 2 years the date by which the Secretary is required to issue regulations prescribing notification to customers and clarifies that all installations, whether requested by the customer or required by regulation, must be made in accordance with performance standards established by the Secretary.

USER FEES

The amendment strikes the provision on user fees which was contained in sections 107 and 207 of H.R. 1489, as reported by the Public Works and Transportation Committee.

REPLACEMENT OF CAST IRON PIPELINES

The amendment includes a provision that requires the Secretary to publish a notice as to the availability of the industry guidelines, developed by the Gas Piping Technology Committee, for the replacement of cast iron pipelines.

PIPELINE FACILITY INSPECTION AMENDMENTS

The amendment extends from 2 to 3 years after enactment, or 6 months after establishment of standards, whichever occurs first, the date by which operators of certain offshore pipeline facilities are required to inspect such facilities and report to the Secretary on portions which are exposed or are a hazard to navigation. It also extends from 6 to 18 months after enactment the date by which the Secretary is required to establish standards for what constitutes an exposed pipeline facility and for what constitutes a hazard to navigation.

GATHERING LINES

The amendment extends from 1 to 2 years after enactment the date by which the Secretary is required to define by regulation a natural gas "gathering line" and "regulated gathering line."

AUTHORIZATION OF APPROPRIATIONS

The amendment reduces the authorization levels for fiscal year 1993 to provide for reasonable increases in the programs that are consistent with the figures in the 1993 appropriations bills. It further reduces the authorization levels for subsequent years as follows: The Natural Gas Pipeline Safety Act of 1968 is reduced from $7,400,000 and $7,770,000 to $7,000,000 and $7,500,000 for fiscal years 1994 and 1995; the Hazardous Liquid Pipeline Safety Act of 1979 is reduced from $2,015,000 and $2,116,000 to $1,866,800 and $2,000,000 for fiscal years 1994 and 1995.

The amendment no longer includes in the authorizations under either act for fiscal year 1994 a specific reference to the availability of funds for employing additional employees under section 305 for regional or field pipeline safety officers.

The amendment also reduces the grants-in-aid authorizations from $9,500,000, $9,500,000, and $10,500,000 to $7,750,000, $9,000,000 and $10,000,000 for fiscal years 1993, 1994, and 1995.

CUSTOMER-OWNED SERVICE LINES

The amendment extends from 6 months to 1 year after date of enactment the date by which the Secretary must issue regulations requiring operators that do not maintain customer-owned service lines up to building walls to educate their customers about maintenance of those lines.

It further requires the Secretary, within 18 months after enactment, to conduct a review of DOT and State rules, policies, and procedures with respect to the safety to customer-owned natural gas service lines, including the effectiveness of such rules policies and procedures, and make recommendations regarding maintenance of such lines, including the need for any legislative action.

Within 18 months after date of enactment, the Secretary must conduct a survery of owners of customer-owned service lines, with the participation of operators of natural gas distribution facilities, to determine the views of such owners regarding whether distribution companies should assume responsibility for the operation and maintenance of customer-owned service lines.

The Secretary must transmit to Congress a report on the results of the study and review, with any recommendations for legislation within 2 years after date of enactment; and within 1 year after transmitting the report take appropriate action to promote adoption of measures to improve the safety of customer-owned service lines.

Subsection (c) of section 115 does not expand, limit, or change the definition of "transportation of gas" in section 2(3) of the Natural Gas Pipeline Safety Act.

ONE CALL ENFORCEMENT

The amendment clarifies that any person who knowingly and willfully engages in excavation activities without first using an available one-call system to determine the location of underground facilities in the area being excavated; or without heeding the appropriate location information or markings established by an operator of a natural gas or hazardous liquid pipeline facility; and subsequently damages: (A) a natural gas pipeline facility resulting in death, serious bodily harm, or actual damage to property exceeding $50,000; or (B) a hazardous liquid pipeline facility resulting in death, serious bodily harm, actual damage to property exceeding $50,000 or release of more than 50 barrels of product, shall upon conviction, be

subject to a fine under title 18, United States Code, imprisonment for up to 5 years, or both, for each offense.

EMERGENCY FLOW RESTRICTING DEVICES

The amendment divides the provision on emergency flow restricting devices into two parts. First, it provides that within 2 years after date of enactment, the Secretary must conduct a survey and assessment of the effectiveness of emergency flow restricting devices (including remotely controlled valves and check valves) and other procedures, systems, and equipment used to detect and locate pipeline ruptures and minimize product releases from pipeline facilities.

Second, the amendment further provides that not later than 2 years after completion of the survey and assessment, the Secretary shall issue regulations prescribing the circumstances under which operators of hazardous liquid pipeline facilities must use emergency flow restricting devices and other procedures, systems, and equipment to detect and locate pipeline ruptures and minimize product release from pipeline facilities.

EXEMPTION FOR CERTAIN RAIL-MOTOR CARRIERS MERGERS

The bill provides for an exemption from certain requirements under subchapter 1 of chapter 105 of title 49, United States Code, for rail-motor carrier mergers that took place between November 30, 1987, and May 1, 1992.

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

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

Mr. Speaker, I am pleased we are able to bring this important piece of legislation to the floor today. I would like to commend my colleagues on the Public Works and Transportation Committee—Chairman BOB ROE, subcommittee Chair NORM MINETA, and ranking Republican JOHN PAUL HAMMERSCHMIDT for their leadership in putting this bill together. My thanks is also extended to our colleagues on the Energy and Commerce Committee—Chairman JOHN DINGELL, subcommittee Chair PHIL SHARP, Congressman NORMAN LENT, and Congressman CARLOS MOORHEAD for their cooperation in resolving the minor differences between the two committees' bills so that we could come to the floor in agreement today.

The safety of our natural gas and hazardous liquid pipeline systems is of utmost importance. The Department of Transportation has authority over approximately 1.6 million miles of natural gas pipeline and 151,000 miles of hazardous liquid pipeline. These pipelines transport precious energy and heat to our Nation's homes and industries everyday.

The fact that the safety record of these pipelines is already excellent is a tribute to the industry itself, the Office of Pipeline Safety at the Department of Transportation, and the Congress for its diligent oversight of this safety program. Of the over 43,000 transportation fatalities in the United States last year, only 14 were attributed to pipelines. The bill before us will continue the industry's strong record and give direction to DOT to proceed with safety initiatives in some new areas to ensure that record improves.

I speak in full support of this legislation and urge my colleagues to do the same.

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

Mr. MINETA. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Speaker, I rise today in support of H.R. 1489, the Pipeline Safety Act of 1992. I would also like to take this opportunity to thank NORM MINETA and PHIL SHARP for their efforts on this legislation. I have appreciated the time they spent working to address some of the concerns I have about the legislation. The amendment before us today represents a balanced approach to improving pipeline safety without placing an undue financial burden on natural gas customers.

The natural gas industry has an outstanding safety record that should be the model for other industries. However, there is always room for improvement. Additionally, many of the safety initiatives undertaken by the industry have been voluntary with little technical assistance or regulatory directions from the Department of Transportation. H.R. 1489 will establish industry-wide safety guidelines on smart pigs, excess flow valves, and customer-owned lines. The Department of Transportation will be required to identify pipelines that can be easily modified to accommodate the use of instrumented internal inspection devices. DOT will also issue regulations to specify the circumstances, if any, under which natural gas pipeline operators must install excess flow valves. The legislation will also require minimum operator training requirements and mandate additional pipeline safety inspectors at DOT. H.R. 1489 will also improve the one-call utility locator systems, perhaps the most important natural gas pipeline safety programs. Overall, the legislation vastly improves the inspection role of DOT and will enhance safety for gas customers.

Again, Mr. Speaker I would like to thank NORM MINETA and PHIL SHARP, as well as the staff who have produced not only a good piece of legislation, but sound public policy, as well

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today to express my support for H.R. 1489, the Pipeline Safety Act. This bill serves the important purpose of ensuring this safety through increased public education and use of modern technologies for early detection and prevention of problems associated with pipelines.

In light of the recent proposed pipeline construction in Newtown, CT, in the Fifth District, I have become acutely aware of the very valid concerns of the Newtown residents, regarding the safety of their community.

Among the provisions in this bill are those which require that pipeline customers be educated as to the maintenance of non-customer-owned lines. Such education will serve to advise consumers of potential hazards, and allow them to maintain lines in a way that will reduce the risk of accidents. It is important to note that these accidents have, in the past, resulted in death, injury and property damage, therefore, measures must be taken to reduce the risks in the future.

Inspection of existing pipelines through the use of advanced technology, as provided for in H.R. 1489, will also help to ensure that the pipelines are in the best possible condition, and to quickly identify problem situations. This bill also increases the instances for which a pipeline accident must be investigated by the National Transportation Safety Board. These investigations can provide important information for other pipeline areas as to the prevention of similar accidents.

As we move forward in meeting our energy needs through the use of increasingly advanced technology, we must also take care to examine the consequences of this progress, and ensure that its liabilities do not outweigh its advantages. In this regard, it is important that we carefully examine proposals for pipeline construction and involve the public to the greatest possible extent. The most important way to prevent pipeline accidents is to keep the public informed of the responsibilities it has in keeping the pipelines safe and productive to the communities they serve. I again wish to state my support for this legislation, as I feel that it will arm our citizens with the information and protection they need and deserve.

Mr. LENT. Mr. Speaker, I rise in support of H.R. 1489, the Pipeline Safety Act of 1992.

This bill extends the authorization of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979.

This bill makes some important substantive changes in the existing laws. Among other things, it provides for environmental protection; enhanced accident prevention, through increased inspection requirements, operator training, and customer notifications; and rulemakings to deal with the use of new technology such as excess flow valves, instrumented internal inspection devices, and emergency flow restricting devices.

It does not change the law in one important respect: The Department of Transportation is given no additional authority to regulate customer-owned service lines where the local distribution company currently does not maintain such lines.

However, to assure the safety of these lines, the Department of Transportation is specifically directed to require customer notification of proper pipeline maintenance, conduct a safety review of current State and Federal regulations in this area, and work with the appropriate State and local authorities to promote the adoption of measures to improve the safety of such lines.

Overall, I believe this is a good bill because it puts our resources to their best use. It focuses on specific safety needs and directs the Department of Transportation to give them priority. It does not mandate excessive regulation where there is not a need for change.

For these reasons, I urge my colleagues to support this bill.

Mr. ROE. Mr. Speaker, I rise in support of H.R. 1489 as amended, the Pipeline Safety Act of 1992. This legislation represents a compromise worked out with our colleagues on the House Energy and Commerce Committee and the Senate Committee on Commerce, Science, and Transportation. I want to thank my colleagues and the leadership of those committees for their cooperation and hard work. I also wish to thank NORM MINETA, chairman of the Subcommittee on Surface Transportation, and BUD SHUSTER, the ranking Republican on that subcommittee and Congressman JOHN PAUL HAMMERSCHMIDT, ranking Republican on the full Committee on Public Works and Transportation, for their leadership on this legislation.

The legislation provides for new initiatives in the pipeline safety programs, with additional emphasis on environmental concerns and technology designed to enhance safety. For example, the new technology is designed to shut down pipelines automatically when a leak occurs. This will be accomplished by the use of excess flow valves in gas pipelines and emergency flow restricting devices in hazardous liquid pipelines.

Section 206 of the bill, as amended, will prohibit any exception from hazardous liquid pipeline safety regulations based solely on the fact that the facility operates at low internal stress. Enactment of this provision will go a long way to prevent incidents such as the oil spill that occurred 150 yards off the New Jersey coast in January 1990, which leaked approximately 567,000 gallons of No. 2 heating oil into the Arthur Kill waterway.

The amendment imposes increased inspection requirements for pipelines that traverse high density areas and environmentally sensitive areas. In addition, customer-owned pipelines are scheduled for a safety review in order to determine the future course of Government responsibility for the safety of those pipelines. The amendment awards no new authority to the Department for the regulation of these pipelines, and it, in no way is meant to limit any authority now held by the Department.

Finally, the amendment makes adjustments in the pipeline safety laws: First, to clarify State enforcement agreements with the Federal Government; second, to amend some procedures at the Department of Transportation; and third, to authorize funds for carrying out the pipeline safety programs.

Title IV of the amendment establishes the Research and Special Programs Administration [RSPA], which currently exists by administrative delegation within the Department of Transportation [DOT], as a statutory administration within the Department on a par with the other statutory administrations such as the Federal Highway Administration.

Title V contains some technical amendments relating to the Hazardous Materials Transportation Act. I would like to make specific comments about section 507. That section is amended to include permitting within its scope. Permitting was inadvertently omitted from section 22 of the Hazardous Materials Transportation Uniform Safety Act of 1990.

The addition of the word "permitting" clarifies the original intent of section 22. Moreover, it allows the committee to reaffirm its strong interest in eliminating duplicative and conflicting State administrative burdens on shippers and motor carriers of hazardous materials, including hazardous substances and hazardous wastes.

The amendment, I believe goes a long way toward the continued enhancement of safety in pipeline transportation, which is, by far, the safest form of transportation in our Nation.

I, therefore, ask my colleagues to join with me in support of this legislation.

Mr. VENTO. Mr. Speaker, I rise in strong support of H.R. 1489, the Pipeline Safety Authorization Act, which amends the Hazardous Liquid and Natural Gas Pipeline Safety Acts to protect public safety.

I want to commend the gentleman from Indiana [Mr. SHARP], as well as the members of both the Energy and Commerce and Public Works and Transportation Committees for their diligent work in bringing this important legislation to the floor today.

Mr. Speaker, in July 1986, the people of Mounds View, MN, in the congressional district which I represent, learned all too well how important pipeline safety is when an underground liquid pipeline carrying gasoline ruptured and exploded. The subsequent fire killed a young mother and her daughter and severely injured another woman.

The National Transportation Safety Board [NTSB] investigation following this tragedy revealed that a significant amount of gasoline had flowed back past the point of the pipeline failure and fed the ensuing fire. That fire could have been limited had this pipeline been equipped with rapid shutoff valves. Instead, a Williams Pipeline Co. employee had to drive 10 miles away to the nearest valve and manually shut down the flow of gasoline in the damaged pipeline.

In the last pipeline safety reauthorization bill that finally passed in 1988, the House included a provision which called upon the Department of Transportation [DOT] to assess the feasibility of requiring the installation of automatic or rapid shutoff valve technology on certain hazardous liquid and natural gas pipelines. The results of that study, which was released by DOT in 1991, found that such technology is available and would also be cost effective.

I am especially pleased that the bill before the House today retains a provision from legislation which I sponsored that calls upon DOT to move forward on requiring the installation of rapid shutoff valves on certain pipelines. Additionally, the bill requires DOD to identify, inventory, and map all natural gas and hazardous liquid pipelines that pass through densely populated areas and hazardous liquid lines that pass through environmentally sensitive areas, such as rivers, lakes, and wetlands. The bill also requires new minimum training standards for pipeline system operators.

H.R. 1489 increases from $10,000 to $25,000 the maximum civil penalty for violations of pipeline requirements. Environmental protection is also designated for the first time as one of the key purposes of the act.

The measure before the House provides additional environmental protection to sensitive areas, streams, rivers, and lakes, as well as special problems in the Gulf of Mexico. The bill authorizes a total of $80.5 million through fiscal year 1995 for pipeline safety activities and assistance, including $28 million over 4 years for DOT activities under the Natural Gas Pipeline Safety Act and $7 million over 4 years for activities under the Hazardous Liquid Pipeline Safety Act. Finally, $45.5 million over 6 years is provided for grants to help cover the costs of State pipeline safety activities—increasing from $5.5 million in fiscal year 1991 to $10 million in fiscal year 1995.

Mr. Speaker, my interest in pipeline safety studies and legislation began in 1982, when environmental problems were experienced by homeowners in Maplewood, MN, and never did I expect the catastrophic events in the 1986 Mounds View, MN, loss of life. I hope that no one else will ever experience what the people of Mounds View, MN, experienced in 1986. This legislation moves in the direction of improving pipeline safety in a cost-effective manner. Our Nation's infrastructure, including its underground pipelines and utilities, are aging and will require significant capital investments for repairs and replacement over coming years. But until that time, we must closely monitor these systems to insure public safety and the protection of the environment and our natural resources. I strongly urge my colleagues to support this vital measure.

Mr. WELDON. Mr. Speaker, I rise today in strong support of H.R. 1489, the Pipeline Safety Act of 1991. First, I would like to commend PHIL SHARP, NORM LENT, JOHN DINGELL, NORM MINETA, BUD SHUSTER, JOHN PAUL HAMMERSCHMIDT, ROBERT ROE, and the many others who worked so hard on this important legislation. Because of their key roles in the development of H.R. 1489, they all deserve special recognition for their devotion to public safety.

As chairman of the congressional fire and emergency services caucus, I know that our natural gas delivery systems, while safe generally, pose potential safety risks for the public. For this reason, I introduced H.R. 977, which would mandate the installation of excess flow valves [EFV] on new or renewed natural gas pipelines that service certain medium and high pressure systems. Although a flexible version of my proposal was incorporated into H.R. 1489 by the Committee on Energy and Commerce, the Committee on Public Works and Transportation further amended this provision.

As you know, an EFV is a safety shutoff device installed by some local natural gas utilities at the time service is first installed or subsequently replaced. These valves are placed underground at the point where the service line connects to the main gas supply, which is located in the street or curb. When set in position, an EFV responds like an electrical circuit breaker. The valve, which is designed to sense a greater than normal flow of gas should the service line leak or rupture, automatically shuts off the gas.

Since 1971, the National Transportation Safety Board [NTSB] has advocated the use of excess flow values to eliminate or minimize damage, injuries, and fatalities caused by natural gas explosions. The NTSB, after some extensive investigations of gas accidents, has determined that a number of explosions could have been prevented by the installation of an EFV. The device costs about the same as a

good home smoke detector, which is about $20. Like electrical fuses or circuit breakers, they are considered to be essential safety devices by the NTSB.

Despite the NTSB's vocal support, EFV's have been widely ignored by both Government and industry. While a few utilities reported some difficulty with EFV's following their introduction many years ago, the problems often resulted from improper installation. Today, those using this technology have had very positive results.

Although H.R. 1489 contains a watered-down version of my legislation, I support this provision, which requires the Department of Transportation [DOT] to issue regulations outlining the circumstances in which excess flow valves must be used. Obviously, I would be surprised and suspicious if the DOT does not find any circumstances at all. Needless to say, I plan to closely follow this process and to take any necessary action.

As a Republican, I am wary of imposing a mandate on any entity. But, because the cost of EFV's is so low, our priority should be consumer safety.

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

Mr. Speaker, first I want to thank the chairman, the gentleman from Massachusetts [Mr. FRANK]. He, along with the gentleman from California [Mr. WAXMAN], have been extraordinarily supportive of this legislation with their staffs for many, many months, and we simply would not be out here if it were not for their commitment to low income people and the advocacy of this cause.

I think the gentlewoman from Connecticut [Mrs. JOHNSON] put it very well, that this legislation is truly bipartisan legislation. The gentlewoman from Connecticut and I have been pursuing this for several years now on a bipartisan basis in discussions with the Justice Department and in discussions with the minority on the Committee on Energy and Commerce, in conjunction with the ranking minority member, the gentleman from California [Mr. DANNEMEYER]. This is truly a bipartisan bill.

I would offer up first to my colleagues that I think this legislation is potentially the bill in this session of Congress to provide for a significant expansion of access to health care for low-income people in this country.

H.R. 3591 will provide malpractice coverage under the Federal Torts Claims Act—the FTCA—to the centers, their officers, and the health care providers they employ. Part-time contractors employed by the centers who provide obstetric services would also be eligible for coverage under the bill.

Under the bill, the centers will pay their anticipated claims costs up front into the federal judgment fund from their annual federal grants. This will be in lieu of paying for private malpractice insurance. Malpractice suits against the centers will be defended by the Justice Department, and the FTCA will be the exclusive remedy for malpractice claims arising from care provided by these centers whether it is the centers, their officers, members of their boards of directors, or their health care providers being sued.

We know that, dollar-for-dollar, the community health clinics are perhaps our best buy for health services in our country. They put a focus on preventive health care with a special emphasis on prenatal care, on obstetrical services, on care for young women, on care for low-income persons who fall between the cracks.

Each year these clinics get over $500 million. Last year it was about $530 million. They paid out about $58 million for malpractice insurance.

What we have found again and again is that these clinics are paying very few, if any, claims. For example, last year in a visit that I made to the Salud Medical Clinic, a short distance from my congressional district, we found that their malpractice insurance rose from $28,000 to about $160,000 in just 1 fiscal year.

What is important about this is not only that they have this dramatic increase in their malpractice insurance, but they had never paid one single claim. They had never had to pay out a claim for malpractice.

So what you have is a situation where the Salud Medical Clinic, the kind of excellent program that the gentlewoman from Connecticut [Mrs. JOHNSON], just mentioned in her district, they are being chewed up in insurance and legal costs, care that could go for low-income persons.

What we believe is that this legislation, as a result of the stipulation that claims would be made against the Government rather than these clinics having to purchase malpractice insurance, will free up about $100 million over the next 3 years that could go to serving patients, and accordingly to the community health clinics. They believe that they will be able to serve with that sum of money about 500,000 additional persons at these clinics each year. So what that means is over the life of this authorization 1,500,000 of our neediest citizens, poor children, poor women, those who are falling between the cracks of our health system would be able to get access to life-line health services, preventive health services, which as the gentlewoman from Connecticut pointed out would be done without any additional cost to the Federal deficit.

There are about 2,000 of these sites nationwide. They serve about 6 million of our neediest citizens. And the evidence is that in addition to being about to serve 500,000 patients more each year, what we believe will happen is that more retired physicians, physicians who want to volunteer and help out in these programs will be able to because they will be covered under this legislation. These clinics will not be jeopardized any further, even though they have a better track record in terms of claims payouts than do private programs. I think this is an example, as the gentlewoman from Connecticut [Mrs. JOHNSON] has indicated, of what can happen when people on both sides of the aisle come together and stop some of the bickering about health care, and actually talk about concrete solutions.

I mentioned a number of the heroes of this legislation, Congressman FRANK, Chairman WAXMAN, NANCY JOHNSON, GEORGE GEKAS, HENRY HYDE at a key point in the Judiciary Committee was invaluable.

Also, I want to thank the staffers who have put many months of effort into this bill: Molly Frantz of Congresswoman JOHNSON's office, David Naimon from Congressman FRANK's subcommittee staff, and Grady Forrer and Josh Kardon of my staff. These guys put a lot of thought, sweat, and hours into this bill, and we would not be here today if not for their heroic efforts.

I think what persons who come to these clinics are ultimately going to say is that this is what health policy is all about. Instead of seeing scarce resources chewed up in unnecessary insurance payments and legal costs, we are going to get this help to people and serving people is what these clinics see their charge is all about, and I want again to thank Chairman FRANK.

Mr. SHARP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

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

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

The SPEAKER pro tempore (Mr. SKAGGS). The question is on the motion offered by the gentleman from Indiana [Mr. SHARP] that the House suspend the rules and pass the bill, H.R. 1489, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. SHARP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1583) to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations and to improve pipeline safety, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The clerk read the Senate bill, as se follows:

S. 1583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Pipeline Safety Improvement Act of 1991".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) NATURAL GAS PIPELINE SAFETY.—Section 17(a) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1684(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by inserting immediately after paragraph (9) the following new paragraphs:

"(10) $5,562,000 for the fiscal year ending September 30, 1992;

"(11) $5,807,000 for the fiscal year ending September 30, 1993; and

"(12) $6,062,000 for the fiscal year ending September 30, 1994.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 214(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2013(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by inserting immediately after paragraph (9) the following new paragraphs:

"(10) $1,391,000 for the fiscal year ending September 30, 1992;

"(11) $1,452,000 for the fiscal year ending September 30, 1993; and

"(12) $1,516,000 for the fiscal year ending September 30, 1994.".

(c) GRANTS-IN-AID.—Section 17(c) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1684(c)) is amended—

(1) by striking "and" immediately after "1990,"; and

(2) by inserting ", $7,000,000 for the fiscal year ending September 30, 1992, $7,280,000 for the fiscal year ending September 30, 1993, and $7,557,000 for the fiscal year ending September 30, 1994" after "1991".

DEFINITIONS

SEC. 3. (a) NATURAL GAS PIPELINE SAFETY.—Section 2 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1671) is amended—

(1) by striking "and" at the end of paragraph (16);

(2) by striking the period at the end of paragraph (17) and inserting in lieu thereof "; and"; and

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

"(18) 'Environmentally sensitive areas' shall be as defined by the Secretary and shall include, at a minimum—

"(A) earthquake zones and areas subject to substantial ground movements such as landslides;

"(B) areas where ground water contamination would be likely in the event of the rupture of a pipeline facility;

"(C) freshwater lakes, rivers, and waterways; and

"(D) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined, except to the extent that the Secretary finds that such inclusion will not contribute substantially to public safety or to the protection of the environment.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 202 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2001) 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 in lieu thereof "; and"; and

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

"(12) 'environmentally sensitive areas' shall be as defined by the Secretary and shall include, at a minimum—

"(A) earthquake zones and areas subject to substantial ground movements such as landslides;

"(B) areas where ground water contamination would be likely in the event of the rupture of a pipeline facility;

"(C) freshwater lakes, rivers, and waterways; and

"(D) river deltas and other areas subject to soil erosion or subsidence from flooding or other water action, where pipeline facilities are likely to become exposed or undermined.".

ENVIRONMENTAL PROTECTION

SEC. 4. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(a) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(a)) is amended—

(1) in paragraph (1), by inserting "and the protection of the environment" immediately after "need for pipeline safety";

(2) in paragraph (1)(D), by inserting "and the protection of the environment" immediately after "contribute to public safety"; and

(3) in paragraph (3)(A), by inserting ", or that could have a significant adverse impact on the natural environment" immediately after "life or property".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002) is amended—

(1) in subsection (a)(1), by inserting "and the protection of the environment" immediately after "safe transportation of hazardous liquids";

(2) in subsection (a)(2)(A), by inserting ", or that could have a significant adverse impact on the natural environment" immediately after "life or property"; and

(3) in subsection (b)(4), by inserting "and the protection of the environment" immediately after "contribute to public safety".

IDENTIFICATION OF CERTAIN PIPELINES

SEC. 5. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(e)(2) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(e)(2)) is amended by adding at the end the following: "Such map or maps shall, not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 1991, identify—

"(A) all pipeline facilities located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages; and

"(B) all pipelines constructed before calendar year 1971.".

(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203(i)(2) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002(i)(2)) is amended by adding at the end the following new sentence: "Such map or maps shall, not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 1991, identify—

"(A) all pipeline facilities located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages; and

"(B) all pipelines constructed before calendar year 1971.".

RAPID SHUTDOWN OF PIPELINE FACILITIES

SEC. 6. Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002) is amended by adding at the end the following new subsection:

"(m) RAPID SHUTDOWN OF PIPELINE FACILITIES.—The Secretary shall, within 24 hours after the date of enactment of this subsection, survey and assess the effectiveness of procedures, systems, and equipment used to detect and locate pipeline ruptures and minimize product releases from pipeline facilities. The Secretary shall, within 12 months after the completion of such survey and assessment, issue regulations to establish standards for, and to require to the maximum extent practicable, procedures, systems, and equipment for as rapidly as possible—

"(1) detecting and locating ruptures of pipelines; and

"(2) shutting down those pipeline facilities, located in or immediately adjacent to environmentally sensitive areas, or in or immediately adjacent to incorporated or unincorporated cities, towns, or villages, posing an imminent risk to such areas or such cities, towns, or villages.".

EXCESS FLOW VALVES

SEC. 7. (a) REGULATIONS AND STANDARDS.—Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672) is amended by adding at the end the following new subsection:

"(i) EXCESS FLOW VALVES.—

"(1) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall issue regulations to require operators of natural gas distribution systems to install, where it would be technically feasible and would enhance public safety, excess flow valves in new or renewed gas service lines. Such regulations shall be effective upon issuance.

"(2) PERFORMANCE STANDARDS.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall develop standards for the performance of excess flow valves used to protect service lines in natural gas distribution systems. Such standards shall be incorporated into any regulations issued by the Secretary to require the use of excess flow valves. For cases where excess flow valves are in use but are not required to be used under such regulations, the Secretary shall publish such standards as guidance for State agencies which have filed certifications in accordance with section 5(a), and for operators of natural gas distribution systems.".

(b) STUDY.—The Secretary of Transportation shall undertake a study to evaluate the use of excess flow valves to improve safety in natural gas distribution systems. The study shall at a minimum include an assessment of the findings of the Gas Research Institute on the issue. The results of the study shall be used by the Secretary in the development of the performance standards for the use of excess flow valves under subsection (i) of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672), as added by subsection (a) of this section.

REPLACEMENT OF CAST IRON PIPELINES

SEC. 8. Section 13 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1680) is

amended by adding at the end the following new subsection:

"(c) REPLACEMENT OF CAST IRON PIPELINES.—The Secretary shall publish a notice as to the availability of the industry guidelines, developed by the Gas Piping Technology Committee, for the replacement of cast iron pipelines. Within 2 years after the industry guidelines become available, the Secretary shall conduct a survey of operators with cast iron pipe in their systems to determine the extent to which each operator has adopted a plan for the safe management and replacement of cast iron, the elements of the plan, including anticipated rate of replacement, and the progress that has been made. Chapter 35 of title 44, United States Code (relating to coordination of Federal information policy), shall not apply to the conduct of such survey. Nothing in this section shall preclude the Secretary from developing such Federal guidelines or regulations with respect to cast iron pipelines as the Secretary deems appropriate.".

SAFETY OF PIPE NOT OWNED BY PIPELINE OPERATORS

SEC. 9. Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672), as amended by section 7 of this Act, is further amended by adding at the end the following new section:

"(j) PIPE NOT OWNED BY OPERATORS.—The Secretary shall conduct a rulemaking to ensure the safety of pipe owned by residential and small commercial non-operators of pipelines, including, as appropriate, requirements that the distribution companies serving such customers assume responsibility for the operation and maintenance of such lines up to the outlet of the meter or the building wall, whichever is further downstream.".

ONE-CALL NOTIFICATION SYSTEMS

SEC. 10. (a) CIVIL PENALTY.—(1) Section 20 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1687) is amended by adding at the end the following new subsection:

"(g) VIOLATION.—It shall be a violation of this Act for any person, prior to excavating with power operated equipment (other than for routine agricultural purposes)—

"(1) to knowingly fail to use an appropriate one-call notification system to determine the location of underground pipeline facilities in the area being excavated; and

"(2) thereafter in the course of such excavation to damage a natural gas or hazardous liquid pipeline facility with the result that there is a pipeline incident required to be reported to the Secretary under this Act or the Hazardous Liquid Pipeline Safety Act.".

(2) Section 11(a)(1) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1679a(a)(1)) is amended by inserting "or section 20(g)," immediately after "section 10(a)".

(b) NOTIFICATION OF OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.—(1) Section 15 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1682) is amended by adding at the end the following new subsection:

"(e) The Secretary shall, in consultation with the Occupational Safety and Health Administration, establish procedures to notify such Administration of any pipeline accidents in which excavators causing damage to the pipeline may have violated such Administration's regulations.".

(2) Section 212 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2011) is amended by adding at the end the following new subsection:

"(e) The Secretary shall, in consultation with the Occupational Safety and Health Administration, establish procedures to notify such Administration of any pipeline accidents in which excavators causing damage to the pipeline may have violated such Administration's regulations.".

UNDERWATER ABANDONED PIPELINE FACILITIES

SEC. 11. (a) NATURAL GAS PIPELINE SAFETY.—Section 3(h) of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1672(h)) is amended by adding at the end the following new paragraph:

"(5) ABANDONED PIPELINE FACILITIES.—

"(A) GENERAL RULE.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

"(B) REGULATIONS.—(i) In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

"(ii) In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of enactment of this subsection, the Secretary shall—

"(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

"(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

"(C) REPORTING REQUIREMENTS.—(i) The operator of a pipeline facility abandoned after the date of enactment of this subsection shall report such abandonment to the Secretary in a manner specifying that the facility has been properly abandoned according to applicable Federal and State requirements.

"(ii) Within 30 months after the date of enactment of this subsection, the operator of a pipeline facility abandoned before the date of enactment of this subsection shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly purged and sealed when abandoned, and such other relevant information as the Secretary may require. The Secretary shall, within 1 year after the date of enactment of this subsection, specify the manner in which such information shall be reported.

"(iii) The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

"(iv) The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

"(D) DEFINITION.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.".

"(b) HAZARDOUS LIQUID PIPELINE SAFETY.—Section 203(l) of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2002(l)) is amended by adding at the end the following new paragraph:

"(5) ABANDONED PIPELINE FACILITIES.—

"(A) GENERAL RULE.—For the purposes of this subsection, except with respect to the initial inspection required under paragraph (1), the term 'pipeline facilities' includes underwater abandoned pipeline facilities. For the purposes of this subsection, in a case where such a pipeline facility has no current operator, the most recent operator of such pipeline facility shall be deemed to be the operator of such pipeline facility.

"(B) REGULATIONS.—(i) In issuing regulations under paragraph (3), the Secretary shall identify what constitutes a hazard to navigation with respect to underwater abandoned pipeline facilities.

"(ii) In issuing regulations under paragraphs (3) and (4) regarding underwater pipeline facilities abandoned after the date of enactment of this subsection, the Secretary shall—

"(I) include such requirements as will lessen the potential that such pipeline facilities will pose a hazard to navigation; and

"(II) take into consideration the relationship between water depth and navigational safety and factors relevant to the local marine environment.

"(C) REPORTING REQUIREMENTS.—(i) The operator of a pipeline facility abandoned after the date of enactment of this subsection shall report such abandonment to the Secretary in a manner specifying that the facility has been properly abandoned according to applicable Federal and State requirements.

"(ii) Within 30 months after the date of enactment of this subsection, the operator of a pipeline facility abandoned before the date of enactment of this subsection shall report to the Secretary reasonably available information, including information in the possession of third parties, relating to the abandoned pipeline facility. Such information shall include the location, size, date, and method of abandonment, whether the pipeline had been properly purged and sealed when abandoned, and such other relevant information as the Secretary may require. The Secretary shall, within 1 year after the date of enactment of this subsection, specify the manner in which such information shall be reported.

"(iii) The Secretary shall ensure that the information reported under clause (ii) is maintained by the Federal Government in a manner accessible to the appropriate Federal and State agencies.

"(iv) The Secretary shall request that State agencies which have information on collisions between vessels and underwater pipeline facilities report such information to the Secretary in a timely manner and make a reasonable effort to specify the location, date, and severity of such collisions. Chapter 35 of title 44, United States Code, relating to coordination of Federal information policies, shall not apply to the collection of information under this clause.

"(D) DEFINITION.—For purposes of this paragraph, the term 'abandoned' means permanently removed from service.".

STUDY OF UNDERWATER ABANDONED PIPELINE FACILITIES

SEC. 12. (a) STUDY.—The Secretary of Transportation, in consultation with State and other Federal agencies having authority over underwater natural gas and hazardous liquid pipeline facilities, with pipeline owners and operators, with the fishing and maritime industries, and with other affected groups, shall undertake a study of the aban-

donment of such pipeline facilities. Such study shall include—

(1) a survey of Federal policies and authorities with respect to abandonment of such pipeline facilities;

(2) an analysis of whether abandonment in place should be discontinued;

(3) an analysis of the extent and nature of the problems currently caused by such pipeline facilities;

(4) an analysis of alternative methods and requirements for abandonment, as well as the relevant costs and other factors associated with those alternative methods and requirements;

(5) an analysis of the navigational safety, environmental impacts, and economic costs associated with the disposition of pipeline facilities permanently removed from service;

(6) an analysis of various factors associated with retroactively imposing requirements on previously abandoned pipeline facilities; and

(7) other matters as may contribute to the development of a recommendation for Federal action.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall submit a report to Congress on the results of such study, together with a recommendation for Federal action.

(c) ADDITIONAL AUTHORITY.—Based on the findings of such study, the Secretary of Transportation may by regulation require operators of pipeline facilities abandoned before November 16, 1990, to take any additional appropriate actions to prevent hazards to navigation in connection with such facilities.

TECHNICAL CORRECTION

SEC. 13. Section 106(c)(1)(C) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1805(c)(1)(C)) is amended by inserting ", in other than bulk packaging," immediately after "commerce".

EXEMPTION FROM HOURS OF SERVICE REQUIREMENTS

SEC. 14. The Secretary of Transportation shall exempt farmers and retail farm suppliers from the hours of service requirements contained in section 395.3 of title 49, Code of Federal Regulations, when such farmers and retail farm suppliers are transporting farm supplies for agricultural purposes within a 50-mile radius of their distribution point during the crop-planting season.

MOTION OFFERED BY MR. SHARP

Mr. SHARP. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SHARP moves that the House strike all after the enacting clause of the Senate bill S. 1583, and insert in lieu thereof the provisions of H.R. 1489, as passed by the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana Mr. [SHARP].

The motion was agreed to.

The Senate bill was ordered to be read a third time, as read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to increase the safety to humans and the environment from the transportation by pipeline of natural gas and hazardous liquids, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1489) was laid on the table.

□ 1700

FEDERALLY SUPPORTED HEALTH CENTERS ASSISTANCE ACT OF 1992

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3591) to amend the Public Health Service Act to provide protections from legal liability for certain health care professionals providing services pursuant to such act, as amended.

The Clerk read as follows:

H.R. 3591

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 "Federally Supported Health Centers Assistance Act of 1992".

SEC. 2. LIABILITY PROTECTIONS FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) IN GENERAL.—Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended by adding at the end the following new subsection:

"(g)(1) For purposes of this section, an entity described in paragraph (4) and any officer, employee, or contractor (subject to paragraph (5)) of such an entity who is a physician or other licensed or certified health care practitioner shall be deemed to be an employee of the Public Health Service for a calendar year that begins during a fiscal year for which a transfer was made under subsection (k)(3) (subject to paragraph (3)).

"(2) If, with respect to an entity or person deemed to be an employee for purposes of paragraph (1), a cause of action is instituted against the United States pursuant to this section, any claim of the entity or person for benefits under an insurance policy with respect to medical malpractice relating to such cause of action shall be subrogated to the United States.

"(3) This subsection shall apply with respect to a cause of action arising from an act or omission which occurs on or after January 1, 1993. This subsection shall not apply with respect to a cause of action arising from an act or omission which occurs on or after January 1, 1996.

"(4) An entity described in this paragraph is a public or non-profit private entity receiving Federal funds under any of the following grant programs:

"(A) Section 329 (relating to grants for migrant health centers).

"(B) Section 330 (relating to grants for community health centers).

"(C) Section 340 (relating to grants for health services for the homeless).

"(D) Section 340A (relating to grants for health services for residents of public housing).

"(5) For purposes of paragraph (1), an individual may be considered a contractor of an entity described in paragraph (4) only if—

"(A) the individual normally performs on average at least 32 1/2 hours of service per week for the entity for the period of the contract; or

"(B) in the case of an individual who normally performs on average less than 32 1/2 hours of services per week for the entity for the period of the contract and is a licensed or certified provider of obstetrical services—

"(i) the individual's medical malpractice liability insurance coverage does not extend to services performed by the individual for the entity under the contract, or

"(ii) the Secretary finds that patients to whom the entity furnishes services will be deprived of obstetrical services if such individual is not considered a contractor of the entity for purposes of paragraph (1).".

(b) REQUIREMENT OF APPROPRIATE POLICIES AND PROCEDURES REGARDING HEALTH CARE PROFESSIONALS.—Section 224 of the Public Health Service Act, as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(h) The Secretary may not make a grant under this Act to an entity described in subsection (g)(4) unless the entity—

"(1) has implemented appropriate policies and procedures to reduce the risk of malpractice and the risk of lawsuits arising out of any health or health-related functions performed by the entity;

"(2) has reviewed and verified the professional credentials, references, claims history, fitness, professional review organization findings, and license status of its physicians and other licensed or certified health care practitioners, and, where necessary, has obtained the permission from these individuals to gain access to this information;

"(3) has no history of claims having been filed against it or against its officers, employees, or contractors as provided for under this section, or, if such a history exists, has fully cooperated with the Attorney General in defending against any such claims and either has taken, or will take, any necessary corrective steps to assure against such claims in the future; and

"(4) has fully cooperated with the Attorney General in providing information relating to an estimate described under subsection (k).".

(c) AUTHORIZATION FOR THE ATTORNEY GENERAL TO EXCLUDE CERTAIN HEALTH CARE PROFESSIONALS FROM COVERAGE.—Section 224 of the Public Health Service Act, as amended by subsections (a) and (b), is further amended by adding at the end the following new subsection:

"(i)(1) Notwithstanding subsection (g)(1), the Attorney General, in consultation with the Secretary, may determine, after notice and opportunity for a hearing, that an individual physician or other licensed or certified health care practitioner who is an officer, employee, or contractor of an entity described in subsection (g)(4) shall not be deemed to be an employee of the Public Health Service for purposes of this section, if treating such individual as such an employee would expose the Government to an unreasonably high degree of risk of loss because such individual—

"(A) does not comply with the policies and procedures that the entity has implemented pursuant to subsection (h)(1);

"(B) has a history of claims filed against him or her as provided for under this section that is outside the norm for licensed or certified health care practitioners within the same specialty;

"(C) refused to reasonably cooperate with the Attorney General in defending against any such claim;

"(D) provided false information relevant to the individual's performance of his or her duties to the Secretary, the Attorney General, or an applicant for or recipient of funds under this Act; or

"(E) was the subject of disciplinary action taken by a State medical licensing authority or a State or national professional society.

"(2) A final determination by the Attorney General under this subsection that an indi-

vidual physician or other licensed or certified health care professional shall not be deemed to be an employee of the Public Health Service shall be effective upon receipt by the entity employing such individual of notice of such determination, and shall apply only to acts or omissions occurring after the date such notice is received.".

SEC. 3. HOSPITAL ADMITTING PRIVILEGES FOR CERTAIN HEALTH CARE PROVIDERS.

Section 224 of the Public Health Service Act, as amended by section 2, is further amended by adding at the end the following new subsection:

"(j) In the case of a health care provider who is an officer, employee, or contractor of an entity described in subsection (g)(4), section 335(e) shall apply with respect to the provider to the same extent and in the same manner as such section applies to any member of the National Health Service Corps.".

SEC. 4. PAYMENT OF JUDGMENTS.

Section 224 of the Public Health Service Act, as amended by sections 2 and 3, is further amended by adding at the end the following new subsection:

"(k)(1)(A) For each of the fiscal years 1993, 1994, and 1995, the Attorney General, in consultation with the Secretary, shall estimate by the beginning of the year (except that an estimate shall be made for fiscal year 1993 by December 31, 1992, subject to an adjustment within 90 days thereafter) the amount of all claims which are expected to arise under this section (together with related fees and expenses of witnesses) from the acts or omissions, during the calendar year that begins during that fiscal year, of entities described in subsection (g)(4) and of officers, employees, or contractors (subject to subsection (g)(5)) of such entities.

"(B) The estimate under subparagraph (A) shall take into account—

"(i) all claims for damage for personal injury, including death, resulting from the performance of medical, surgical, dental, or related functions by entities described in subsection (g)(4) or by officers, employees, or contractors (subject to subsection (g)(5)) of such entities who are deemed to be employees of the Public Health Service under subsection (g)(1) that, during the preceding 5-year period, are filed under this section or, with respect to years occurring before this subsection takes effect, are filed against persons other than the United States, and

"(ii) the amounts paid during that 5-year period on all claims described in clause (i), regardless of when such claims were filed.

"(2) For each of the fiscal years 1993, 1994, and 1995, the Secretary shall withhold from the total amount appropriated for the fiscal year for each of the grant programs described in paragraph (4) of subsection (g) an amount equal to the amount estimated under paragraph (1) that is attributable to entities receiving funds under such grant program.

"(3) The total amount withheld under paragraph (2) for a fiscal year shall be transferred not later than the December 31 that occurs during the fiscal year to the appropriate accounts in the Treasury in order for payments to be made for judgments against the United States (together with related fees and expenses of witnesses) pursuant to this section arising from the acts or omissions of entities described in subsection (g)(4) and of officers, employees, or contractors (subject to subsection (g)(5)) of such entities.".

SEC. 5. REPORT ON RISK EXPOSURE OF COVERED ENTITIES.

(a) IN GENERAL.—Not later than April 1, 1995, the Attorney General, in consultation with the Secretary of Health and Human Services (hereafter referred to as the "Secretary"), shall submit a report to Congress on the medical malpractice liability claims experience of entities subject to section 224(g) of the Public Health Service Act (as added by section 2(a)) and the risk exposure associated with such entities.

(b) EFFECT OF LIABILITY PROTECTIONS ON COSTS INCURRED BY COVERED ENTITIES.—The Attorney General's report under subsection (a) shall include an analysis by the Secretary comparing—

(1) the Secretary's estimate of the aggregate amounts that such entities (together with the officers, employees, and contractors of such entities who are subject to section 224(g) of such Act) would have directly or indirectly paid to obtain medical malpractice liability insurance coverage had section 224(g) of the Public Health Service Act not been enacted into law, with

(2) the aggregate amounts by which the grants received by such entities under the Public Health Service Act were reduced as a result of the enactment of section 224(k)(2) of such Act.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. SKAGGS). Pursuant to the rule, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes, and the gentleman from California [Mr. DANNEMEYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would think that Members would look at the two Members in charge of this bill and they would very likely figure that they are going to fit somewhere in the middle and before it, so I do not anticipate a great deal of disagreement.

Mr. Speaker, I would point out that this came to my attention through the efforts of the gentleman from Oregon [Mr. WYDEN], to whom I will yield 10 minutes on behalf of the Committee on Energy and Commerce, which in this bill is in one of its more cooperative moods.

What the gentleman from Oregon pointed out was that the neighborhood health centers were paying a large amount of money compared to their total budget for malpractice insurance. There has been a great deal of discussion about how we can reduce legal costs in this society. I think that the Committee on the Judiciary and the Committee on Energy and Commerce, with the gentleman from Pennsylvania [Mr. GEKAS], the ranking Republican member of the Committee on the Judiciary, and myself and the people in the Committee on Energy and Commerce, aided by the work of the gentleman from Oregon [Mr. WYDEN] and the gentlewoman from Connecticut [Mrs. JOHNSON], have come up with a way that will substantially reduce legal costs without in any way depriving anyone of his or her rights.

The neighborhood health centers have doctors who are not full-time Federal employees. They have been forced to pay very high premiums for malpractice insurance. We decided after conversations that the best way to deal with this was to extend to these people coverage under the Federal Tort Claims Act. Under the Federal Tort Claims Act, malpractice suits can be brought and they are brought under the law of the State in which the allegation is made, but there are no punitive damages and no jury trials, and the Federal Government is a self-insurer.

As a consequence of all this, we believe that the national program of neighborhood health centers will save a very significant amount of money. I believe it is something like $11 million will probably be available. That is what we are doing here. We are paying the cost of the Federal charges out of their budget but saving them thereby the need to pay for private malpractice insurance. It is, I think, a very good example of how we can creatively reduce legal costs.

I am grateful to, among others, the gentleman from Oregon [Mr. WYDEN] and the gentlewoman from Connecticut [Mrs. JOHNSON] for bringing this to our attention and for working with us, and I appreciate the cooperation we have received, after some skepticism, from the Civil Division of the Department of Justice, because they also worked with us, and we were able to come up with, I think, a very good consensus bill.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, the gentleman in his last statement said what I want to bring out, a recognition of the Department of Justice and the Secretary of Health and Human Services, who believe, with us, that this is very workable.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the gentleman's comments, but I did not want to mention the Secretary of Health and Human Services because I did not want to trample upon the jurisdiction of the Committee on Energy and Commerce.

Mr. GEKAS. Mr. Speaker, if the gentleman would continue to yield, I would ask the gentleman what he is doing there and I am doing here. I would ask him what happened with this legislation. It is now cross-questioned with the Committee on Energy and Commerce, is that correct?

Mr. FRANK of Massachusetts. Mr. Speaker, I would respond to the gentleman that yes, it is, because it was jointly referred to the Committee on Energy and Commerce, and I think Members just thought that the natural way to present this was with myself

and the gentleman from California [Mr. DANNEMEYER], that being the obvious way they would want to present this.

Mr. GEKAS. If the gentleman would continue to yield, Mr. Speaker, I have no objection. I thank the gentleman for his comments, and I will ask for additional time to speak further on this subject from the gentleman on this side.

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

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

Mr. Speaker, I rise in support of this legislation. It will, I think, do a sensible thing in the sense that taxpayers' dollars will be more available for services to persons who come into health care centers, rather than paying premiums on the medical malpractice insurance. For once Government, I think, is doing the correct thing.

We have some members of the House who have been very instrumental in developing this legislation. One of them is here.

Mr. Speaker, I yield 3 minutes to my colleague, the gentlewoman from Connecticut [Mrs. JOHNSON]. If she needs additional time, I think we can arrange that.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. DANNEMEYER] for yielding time to me.

Mr. Speaker, it is really a pleasure to be here on the floor with so many who have worked so long and so hard for, in a sense, a very small bill to come to the attention of the House and I think be passed and ultimately signed by the President.

This may be the only real health care reform bill we pass this year, and if it is, it at least is exactly the kind of bill that ought to receive our first attention. First of all, it better uses existing resources. Instead of wasting money on millions and millions of dollars of malpractice premiums for our community health centers, it frees those dollars to provide direct care for thousands, hundreds of thousands of women and children who have no other access to health care, so we not only are going to expand access to care, but for those who most need it.

In Connecticut our community health centers are doing an admirable job of providing health care for those who have been unemployed, and particularly for those who have been unemployed so long that they have lost any other access to health care.

We need as a Congress to improve the funding for the publicly funded infrastructure that provides that back-up for all of us, that is able to provide care on an income-related basis, on a sliding scale fee basis, so that in fact it can serve, really, the great body of Americans in those areas where it needs to.

This is the right kind of legislation, and it has come to life in the right way. I want to thank my colleagues from the Committee on the Judiciary, the gentleman from Massachusetts [Mr. FRANK], the gentleman from Pennsylvania [Mr. GEKAS], the gentleman from Illinois [Mr. HYDE], and many other members of the Committee on the Judiciary who have worked hard to help us deal with some of the implications of the Federal Government taking on tort liability for non-Federal employees.

I particularly want to thank my colleague, the gentleman from Oregon [Mr. WYDEN], without whose constant care and attention this bill certainly would not be here today, for his endless advocacy and deep concern, and for the help of the gentleman from California [Mr. DANNEMEYER] and the other gentleman from California [Mr. WAXMAN] from the Committee on Energy and Commerce, and the good will of so many on both of these committees.

We do have a chance here today to act on legislation that is going to make a very real, concrete, palpable difference in access to health care for thousands and thousands of Americans.

I also want to recognize the hard work of Stuart Gerson, Assistant Attorney General of the Department of Justice, because many times when others perhaps on his side were not excited about this bill, he was willing to work through ideas, possibilities, alternatives, and in fact the bill is a better bill because of his concern for quality assurance programs that would minimize the possibility of malpractice among the physicians that so nobly and ably serve in our community health centers.

I also want to thank many staffers associated with all of us: Grady Forrer and Josh Karden, and Molly Franz, Ray Smietanka, and David Naimon. We certainly could not have carried through the long discussions and negotiations that brought this bill to life without their help.

I thank my colleagues, and I ask the support of the body.

Mr. DANNEMEYER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding the time. I simply want to add to the list of congratulations that have already been offered.

When NANCY JOHNSON, our colleague, first came to me on this issue, when they knew that we in the Judiciary Committee had the responsibility of trying to find a solution to a rather vexing problem, we began to wrestle around with physicians' fees, if you will recall, and some other methodologies to try to clamp down on the cost of insurance, et cetera. When we finally came up with the idea that now has formed a part of the bill, we looked to the staff of the gentleman from Massachusetts [Mr. FRANK] and my own with Ray Smietanka, the gentleman from Oregon [Mr. WYDEN], and the gentlewoman from Connecticut [Mrs. JOHNSON]. And as the gentleman from California said in his opening remarks, we made government work through our committee staff in trying to solve this particular problem.

What has happened now is that health centers with which we have checked are very happy about the prospect of having additional funds for their various purposes without having to worry about money that goes down the black hole that is insurance premiums. So we have done a service not just to the committee process in trying to find innovative ways in which to solve a problem, but actually have caused a result which health centers themselves can use for further benefit for their charges.

I too am very happy about the result here, and will hope for a unanimous adoption of this bill.

Mr. GOSS. Mr. Speaker, we all know that health care costs are skyrocketing, effectively outpricing millions of Americans who need basic medical care, but Congress has stood by, watching the costs bankrupt families and individuals across the country. However, yesterday, we scored a victory over waste and mismanagement by passing legislation (H.R. 3591) which would protect health care professionals working in community or migrant health centers from legal liability. The legislation we sent to the Senate would cover health care professionals in the centers under the Federal Tort Claims Act. As a proud cosponsor of this bill, I know the amazing work community health care centers accomplish every day. Malpractice costs are tying their hands and forcing these community-based, sliding-fee clinics to cut back on services. Malpractice premium costs are rising 30 and 40 percent every year. The costs are the same in the private sector, but community health care centers cannot pass on the added costs to patients, because these patients are receiving services on an ability-to-pay basis already. Low-income patients have been perceived as high risk even though the community health centers pay malpractice premiums almost 15 times more than the amount paid out by insurers on claims against the clinics.

In my own district, family health centers provide services in three locations. Even though not one lawsuit had been filed in over the past 4 years these health centers paid over $685,000 in malpractice premiums. These centers expect to pay another $229,000 this year. These are wasted dollars which are going down a black hole when they could be providing desperately needed primary health care services to medically underserved populations. I applaud our legislative initiative, for if this bill passes the Senate and is signed by the President, the $58 million currently being spent on malpractice premiums in community and migrant health centers across the country, could be used to serve an additional 500,000 patients. This is a prime example of waste and mismanagement in our current system, but

covering these health care workers under the Federal Tort Claims Act will halt this drain on a vital health care delivery system. Because family health centers know the community best, they are able to serve the community best. I am gratified that we have taken steps to allow them to do their job, for it takes real leadership to find a cure to a problem as complex as our health care crisis. I only wish the community and migrant health centers could write a prescription for the rest of the country.

Mr. DANNEMEYER. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SKAGGS). The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill, H.R. 3591, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK of Massachusetts. 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. 3591, the bill just passed.

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

There was no objection.

COOPERATIVE AGREEMENT WITH WILLIAM O. DOUGLAS OUTDOOR CLASSROOM

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5534) to authorize the Secretary of the Interior to enter into a cooperative agreement with the William O. Douglas Outdoor Classroom as amended.

The Clerk read as follows:

H.R. 5534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—(1) The Secretary of the Interior, acting through the Director of the National Park Service, is hereby authorized to enter into one or more cooperative agreements as specified in paragraph (2) that meet the requirements of subsection (b).

(2) The cooperative agreements authorized by this Act are:

(A)(i) with appropriate organizations or groups, on the basis of equal-dollar matching, in order to promote education concerning the natural and cultural resources of the Santa Monica Mountain National Recreation Area and lands adjacent thereto; and

(ii) with the William O. Douglas Outdoor Classroom whereby the Secretary agrees to maintain the facilities at 2600 Franklin Canyon Drive in Beverly Hills, California for nine years and to provide funding for programs of the William O. Douglas Outdoor Classroom that utilize such facilities for a maximum of nine years after the date of enactment of this Act, and whereby in return the William O. Douglas Outdoor Classroom agrees that at the end of the term of such agreement, all right, title, and interest in such facilities shall be donated to the United States for addition to and operation as a part of the Santa Monica Mountains National Recreation Area; and

(B) with the Santa Monica Mountains and Seashore Foundation and the University of California at Los Angeles (jointly) for completion of an archaeological survey, vegetation mapping, historical context, and history of lands within the Santa Monica Mountains National Recreation Area.

(3) Federal funds may be expended on non-Federal property located within the Santa Monica Mountains National Recreation Area pursuant to any cooperative agreement described in paragraph (2) that meets the requirements of subsection (b) of this section.

(b) REQUIREMENTS.—(1) The provisions of clause (i) of subsection (a)(1)(A) shall apply only to a cooperative agreement under which there will be visits by students or other beneficiaries to Federally-owned lands within the Santa Monica Mountains National Recreation Area and under which the responsibility of the Secretary will be limited to the providing of interpretation services concerning the natural and cultural resources of the Santa Monica Mountain National Recreation Area, while the other party or parties will be responsible for all other costs.

(2) The Secretary may enter into the agreement specified in clause (ii) of subsection (a)(1)(A) only if the Secretary determines that acquisition of the facilities described therein would further the purposes of the Santa Monica Mountain National Recreation Area. The provisions of such clause shall not be construed as authorizing an agreement by the Secretary for reimbursement of expenses incurred by such organization that are not directly related to use of the facilities specified in such clause (ii) for environmental education and interpretation of the resources and values of the Santa Monica Mountain National Recreation Area and associated lands and resources.

(3) The provisions of subsection (a)(1)(B) shall apply only to a cooperative agreement under which work on non-Federal lands shall be done only with the consent of the owner thereof and under which all information obtained will be used by the Secretary to further public education and the interpretation and management of the resources and values of the Santa Monica Mountain National Recreation Area.

(c) AMENDMENT.—The first sentence of section 507(r) of the National Parks and Recreation Act of 1978 (16 U.S.C. 460kk(r)) is hereby amended to read as follows: "There are hereby authorized to be appropriated such sums as may be necessary for acquisition of lands and interests therein within the boundaries of the recreation area established under this section, to remain available until expended. At the time the President submits a budget request for fiscal 1995, the Secretary of the Interior shall submit to the Congress a detailed acquisition-priority list (developed with appropriate public involvement) and cost estimates for completion of acquisitions within the recreation area in accordance with the land-protection plan or revisions thereof."

SEC. 2. AUTHORIZATION.

There are hereby authorized to be appropriated not to exceed $2,100,000 to implement the provisions of section 1(a)(2)(A) and not to exceed $300,000 to implement the provisions of section 1(a)(2)(B).

The SPEAKER pro tempore (Mr. ROEMER). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5534.

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

There was no objection.

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

Mr. Speaker, H.R. 5534 is a bill by Representative BERMAN of California that would authorize a cooperative agreement between the National Park Service and the William O. Douglas Outdoor Classroom, a nonprofit organization in Los Angeles that is active in furthering environmental education in the Santa Monica Mountains National Recreation Area.

Earlier this year, the Appropriations Committee included in the Interior appropriations bill for fiscal year 1993 a provision authorizing expenditure of Federal funds on non-Federal property under such a cooperative agreement. This was one of the instances in which the bill as reported proposed an appropriation for an unauthorized purpose—and was one of the parts of the reported bill against which a point of order was raised and sustained during consideration in committee of the whole.

H.R. 5534 would authorize a cooperative agreement with the outdoor classroom organization. If it is enacted, and the National Park Service does enter a cooperative agreement, funds could be appropriated to implement the agreement.

As reported by the Interior Committee, the bill would authorize several different cooperative agreements. The National Park Service could enter into any, all, or none of them.

First, there could be one or more cooperative agreements with the National Park Service to provide interpretive services concerning the resources and values of the Santa Monica Mountains National Recreation Area, as part of a program involving field visits to the national recreation area. Such agreements could be with the William O. Douglas Outdoor Classroom or other appropriate organizations or groups.

Second, the bill, as amended, would authorize a specific cooperative agreement with the William O. Douglas Outdoor Classroom. This authorization would be dependent on a determination that it would further the purposes of the national recreation area for the National Park Service to acquire the outdoor classroom's existing facilities. These facilities are located on land owned by the city of Los Angeles within the boundaries of the Santa Monica Mountains National Recreation Area—but acquisition of these lands would not be part of the agreement.

If it was determined that acquisition of the facilities would further the purposes of the national recreation area, the National Park Service could enter into an agreement to maintain the facilities for up to 9 years, and to fund environmental education programs of the outdoor classroom organization using the facilities, in return for a commitment that the facilities would then be donated to the United States.

Expenditures under any of these cooperative agreements, with the outdoor classroom or with others, would be capped at $2.1 million.

The bill, as amended, would also authorize a cooperative agreement with a consortium involving a local foundation and the University of California at Los Angeles [UCLA], for a survey of archaeological, vegetative, and other resources of lands within the national recreation area.

If this agreement is completed, any work under it done on lands not owned by the United States would require the permission of the owner, and the authorization would be capped at $300,000.

Finally, the bill would lift the current ceiling on appropriations for land acquisition within the boundaries of the Santa Monica Mountains National Recreation Area. This provision is identical to one that passed the House in the last Congress, as part of a measure involving exchange of BLM-managed public lands in Nevada for lands within the Santa Monica Mountains National Recreation Area, on which the Senate did not complete action.

Mr. Speaker, H.R. 5534 is a worthwhile bill that would give the National Park Service options for ways to better manage the Santa Monica Mountains National Recreation Area and to advance environmental education. I urge its approval.

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

□ 1720

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consum

Mr. Speaker, I rise today in opposition to H.R. 5534, a bill which the National Park Service estimates will end up costing this Nation $500 million in land acquisition costs alone.

I certainly have no objection to the basic purpose of the original bill, which was limited to the William O. Douglas classroom bill. Educating people about the environment has always been one important goal of our National Park System.

However, with a national debt of over $4 trillion, I simply cannot believe that we would even consider this kind of spending. This is completely ridiculous. We are losing well over $1 billion every day at the Federal level, and unless we get our spending under control, I am convinced that we will do very serious damage to our economy. This bill might be acceptable if we had a surplus of cash, but we do not. In fact, we do not even have enough money, and we will run up the deficit, to cover emergency spending like the recent hurricane damage. This bill is certainly no emergency. In addition, I object to the authorization of $2.1 million over the next 9 years to purchase and maintain a building which has never been found necessary for park purposes. By the Park Service itself.

This is exactly the sort of wasteful, pork barrel spending that has brought this Nation to the verge of bankruptcy. We simply should not be proposing projects and studies that are not absolutely vital to the country. While I am sure that an outdoor classroom sounds like a wonderful thing, my personal feeling is that it ranks fairly low in priority compared to helping the sick and hungry and reducing our national debt.

H.R. 5534 also authorizes an additional 300,000 dollars' worth of studies to be performed by the Santa Monica Mountains and Seashore Foundation and UCLA.

During the Interior Committee hearing on this bill, no justification was presented why these institutions should be automatically favored over any others.

If any studies of this kind are called for, I think that they should be subject to regular contract procedures to make sure that the American taxpayer is getting his or her money's worth.

The main priority for Interior appropriations funds should be for the upkeep of current park lands. It should not be wasted on highly questionable projects like this one.

The Federal Government currently is, in one way or another, responsible for over 662 million acres of land—or about 29 percent of the entire area of this country.

The only way we stand a chance of maintaining our parks and public lands is to stop finding new ways to spend scarce funds and start taking care of what we have.

Above all, I am highly opposed to the open-ended land acquisition funding authorized in this bill. The National Park Service has testified before the Interior Committees in both Houses that the completion of the current acquisition plan for the Santa Monica Mountains Recreation Area would end up costing $500 million in current dollars.

The sum of $130 million has been spent on this boondoggle already, $10 million of which was spent on land not even in the acquisition plan.

I think that it is very sad that so much money has been poured into this project already, and that we are not even one-third of the way to completing this project.

At the rate of $15 million annually, which is the annual amount that the CBO expects to be spent on this project, our grandchildren will finish paying this park off in 2025, assuming that there is no inflation.

Finally, combining this with other legislation, the Interior Committee has passed over $2 billion in land acquisition authorization for California in this Congress alone.

In my opinion, this bill, as insignificant as it may seem at first glance, is a symptom of this Congress' total inability to control its spending habits.

For these reasons, I rise in opposition to this bill and I encourage all my colleagues to oppose it as well.

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

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BEILENSON], a supporter of the bill.

Mr. BEILENSON. Mr. Speaker, I rise in support H.R. 5534, which authorizes cooperative agreements between the National Park Service and nonprofit organizations for particular purposes associated with the Santa Monica Mountains National Recreation Area [NRA]. This legislation will enable the National Park Service to better fulfill its mission in the Santa Monicas by taking advantage of some of the resources in our community which serve the purposes of this park. The bill also removes the ambiguity in existing law about the authorization for appropriations for land acquisition in the park, clarifying that there is no ceiling on such appropriations.

Mr. Speaker, I would like to express my gratitude to the chairman of the Subcommittee on National Parks and Public Lands, Mr. VENTO, and to Mr. LAGOMARSINO, a member of the subcommittee who has had a longstanding interest in protecting the Santa Monicas, for their help with the bill before us today. Their assistance in formulating this legislation and in moving it forward is greatly appreciated by Mr. BERMAN and myself, as well as by the millions of Americans who live in or visit southern California, who benefit from having a national recreation area in the Santa Monicas.

The primary cooperative agreement authorized by this legislation concerns the William O. Douglas Outdoor Classroom, [WODOC] as it is known locally. WODOC is a nonprofit organization

which provides an extremely important service to our community by providing environmental education programs for about 100,000 people annually, many of whom are innercity schoolchildren whose only opportunity to learn about the environment in a natural setting is provided by WODOC.

Because WODOC has become an integral part of the Santa Monica Mountains National Recreation Area, officials at WODOC and at the National Park Service want to make a gradual transition to full National Park Service ownership and management of WODOC's facilities and programs. This legislation will enable the National Park Service and WODOC to enter into an agreement providing for the National Park Service to assume ownership of WODOC's facilities 9 years from now, while the Park Service provides $250,000 annually for educational programs during the next 9 years.

The second specific cooperative agreement authorized by this legislation concerns a $300,000 cultural resources study of lands within the boundaries of the Santa Monica Mountains National Recreation Area. This study would help identify the historic and natural resources in the mountains and thus provide a better foundation for decisions about acquiring and managing lands, as well as more information to use in educational programs.

The National Park Service would enter into an agreement with the Santa Monica Mountains and Seashore Foundation, a nonprofit organization which has done extensive research, planning, publications, workshops and mapping the Santa Monicas, and the University of California at Los Angeles [UCLA], to conduct this study, which would include an archeological survey, vegetation mapping, historical context, and history of lands. The project would cover Topanga Canyon, where a wealth of artifacts from the Chumash and Gabrielino Indians has already been discovered, as well as coastal and inland canyons near Malibu and other lands within the NRA, including private lands where the owners have given their consent to the study.

Mr. Speaker, when the Appropriations Subcommittee on Interior held hearings on National Park Service programs earlier this year, UCLA archeologist Lynn Gamble testified about the need for a cultural resources study of the Santa Monicas, urging that this study be done as soon as possible because of the rapid rate at which Native American heritage sites in southern California are being lost to development. Unfortunately, the subcommittee did not include the cultural resources study in the fiscal year 1993 Interior appropriations bill, but we hope that by authorizing the study this year, it will be included in the fiscal year 1994 bill.

At this point, I would like to include an excerpt from Ms. Gamble's testimony about what the study would cover:

TESTIMONY OF LYNN GAMBLE, PH.D.

This study would involve several phases of work. In the initial phase, the maps and records of the recorded sites housed at the Archaeological Information Center at UCLA would be consulted. A detailed map of the sites could then be produced using computerized geographical mapping systems. All pertinent information on the archaeological sites in the Santa Monica Mountains that is available in published and unpublished sources would be documented at this time. Archaeological field work in areas that have not been previously studied would constitute the second phase of work. In addition, background studies on the Santa Monica Mountains would be conducted in order to document the environmental context of the archaeological sites within the study area. These studies would include the collection of botanical and geological information that is relevant to the prehistoric Native Americans use of their environment. The final phase of work would be the synthesis of this information into a report that can be used to document the significance of the archaeolgical sites in the Santa Monica Mountains, and in particular the Summerhill property. This document can be used to help set land acquisition priorities and management practices in conjunction with other planning studies. It would also be useful in determining the National Register eligibility of sites on public and private lands in the Santa Monica Mountains.

Third, the bill contains a provision which clarifies that there is no authorization ceiling on appropriations for land acquisition in the Santa Monicas. The enabling legislation for the Santa Monica Mountains National Recreation Area, Public Law 95-625, limited the amount of funding that could be appropriated for Federal land acquisition in each of the 5 fiscal years that followed the 1978 authorizing legislation to a total of $125 million. While that law appears to provide for an unlimited amount of appropriations in the following years, we want it to be absolutely clear that that, in fact, is the case.

As the author of the original 1978 legislation establishing the Santa Monicas, I believe that the confusion over whether an authorization ceiling for appropriations for land acquisition exists stems from the fact that we planned for the land acquisition program to be completed in the five fiscal years that followed enactment. Unfortunately, budget constraints on land acquisition funding in the early 1980's, which have continued to the present time, made the 5-year timetable for completing the acquisition program an impossibility. As a result, we lost the opportunity to buy the land the Park Service needs when land was less expensive.

Nevertheless, significant progress has been made in the land acquisition program, and we anticipate that the Park Service will continue to add key properties to the park in the coming years. To help Members of Congress have a better understanding of the cost of acquiring the lands the Park Service needs in order to complete the Santa Monica Mountains NRA, this bill also calls on the Secretary of Interior to provide Congress with a cost estimate and list of priorities for completing land acquisition in the Santa Monicas at the time the administration submits its fiscal year 1995 budget. However, the information submitted to Congress will not be precise because estimates of land costs can vary significantly from one time period to another, and because priorities may change if particular properties are lost to development.

Mr. Speaker, I urge our colleagues to support H.R. 5534.

Mr. DUNCAN. Mr. Speaker, I yield 5 minutes to my distinguished colleague, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, you know, we have been talking about wasteful Government spending and pork-barrel projects here for the last 3 or 4 years. We get closer and closer each month, each year, to what I call the apocalypse as far as the economy is concerned.

We are heading toward, by the year 2000, a $13.5 trillion-plus national debt and interest on that debt that will be probably as much as all the income taxes coming into the Treasury. It means we are going to have a terrible time dealing with our problems across this country.

So what we have been trying to do is to convince our colleagues to cap entitlements and do what is necessary to bite the bullet so we do not have hyperinflation to deal with down the road that is really going to kill the people on fixed incomes, the people of Social Security, welfare, and so forth.

□ 1730

In addition to the entitlements we have talked about, we have also talked about specific pork-barrel projects, and the one before us now is a perfect example of how we waste money around this place.

Now, let us just take a look at this William O. Douglas Outdoor Classroom bill. It authorized the Federal Government to partially fund the operation of a privately owned outdoor classroom in Santa Monica, CA.

In the past, total funding for this program, about $350,000 a year, has been provided by private sources; however, evidently from these private sources dried up because they did not think it was a worthwhile project.

Last year then, $250,000 was included in the budget of the national parks to fund two-thirds of this program. This bill authorizes the National Park Service to give grants totaling $2.1 million over the next 9 years, but that is not all. In return, the Park Service receives a building which has never been identified as necessary for the park's purposes.

The bill also includes an open-ended future land acquisitions provision which is estimated to cost the Federal Government—now get this—$500 million.

The gentleman from Tennessee [Mr. DUNCAN] just talked about this.

To date, the Federal Government has already spent $130 million for land acquisition at this park. This includes $10 million for land last year which was not identified as a Park priority.

The bill also authorizes a $300,000 grant, as the gentleman from Tennessee [Mr. DUNCAN] said, to the Santa Monica Mountains and Seashore Foundation and UCLA to conduct studies. That is what we need, more studies funded by the taxpayer.

The administration states the administration of this bill "is duplicative of current law, unnecessary and detrimental to the long-term interests of the National Park Service."

This is not only typical pork barrel spending, this is "park barrel spending" at its worst.

If we had oodles and gobs of money, you would not see me and the gentleman from Tennessee [Mr. DUNCAN] and others down here fighting these projects; but we do not have oodles and gobs of money.

The fact of the matter is 10 years ago we reached the first $1 trillion of national debt in this country. It took us 200 years to get there. Now we are at $4 trillion. We have increased it 400 percent in just 10 years, and in the next 7½ years we are going to be at $13½ trillion. The interest alone on the debt is going to be almost as much as all the tax revenues coming in.

How are we going to pay for Social Security, welfare, food stamps, aid to dependent children, the health care problems of the Nation, the infrastructure and the defense of the Nation if we cannot even pay the interest on the debt with the taxes coming in?

We have to prioritize spending around here. It is absolutely essential that we make hard choices.

Now, this should not be a hard choice. This should be an easy choice. This is not a necessary project right now. It has open-ended funding for park acquisition and we should kill this thing before it gets out of the hole any further.

I think we will call for a vote and I am confident we will get at least more than the one-third necessary to kill this thing.

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

First of all, Mr. Speaker, I just want to take up the issue that has been made by the opponents apparently of the Santa Monica Mountains National Recreation Area, and that is that the clarification in this bill that clarifies or restates, in other words, as the testimony stated, that there is an authorization to continue purchase of land within the designated boundaries of the Santa Monica Mountains National Recreation Area.

While there were dollars spent in the first years and some $130 million has been spent in these areas to buy these lands, there have, of course, been donations and other types of acquisition that have occurred; but there is a considerable program.

This legislation really restates the fact that the Park Service can continue to do the obvious, and that is to purchase land within the designated area of the Santa Monica Mountains National Recreation Area. That was designated in 1978. At that time we decided to take the dollars as we expend resources in the Outer Continental Shelf, the money, the $7 billion that is credited to the land-water conservation fund that has accumulated over the year, has not been expended, and take some of those dollars and expend them on the purchase of national parks: in other words, depleting one resource and preserving or at least conserving another resource. That is what we are supposed to be about.

Every year there is $900 million that is authorized and that is earned from the Outer Continental Shelf gas and oil that is put into that fund.

Unfortunately, it is easy to get the money into Washington, but it is very hard to get it back out for the purposes of protecting our national resources and national parks, because at this particular juncture we have visited upon the parks, on the conservation and preservation of lands in this country every single fiscal problem that exists in Washington, that we cannot, and I think have demonstrated time and again, that the Congress and the administration apparently are not going to be trusted to take the dollars that they earned from these trust funds and to put them into what we said we are going to do. No, we are not going to do that. We are going to use them and spread them around to buy other objects of affection of some Members of this body with regard to how those dollars can be spent. So that is partly what this argument is about. If we could just take half that money, we could complete the purchase of the Santa Monica Mountains National Recreational Area in the given year. So that is redundant. That is in the legislation. Clearly, we meant what we said when we designated this park.

The truth of the matter is that we have in-holdings across this country in some of our parks and recreation areas that are not just 14 years old, but that are 100 years in reservation and in the Park System since its inception in 1916, because there is this effort to drag their feet, to frustrate the efforts of preservation and conservation of these lands that really represent all of America's heritage, and that is what this argument to some extent is about.

I think, yes, this is a priority, that the heritage of our children in terms of the parks and wild lands is important.

Now, second, with regard to the William O. Douglas Outdoor Classroom, I want to remind my colleagues where this is. This is adjacent to Los Angeles. There were some problems in Los Angeles this year. I guess I would equate it to be an epicenter of concern with regard to issues. These dollars that we are talking about here, the $300,000 or $350,000 of cooperative voluntary agreements that we are going to let the Park Service enter into if they choose to enter into it, these types of agreements were to serve the underserved individuals and kids in that particular community.

I personally think that when the welfare rate in Los Angeles County has gone from something less than 800,000 in 1988 to 1.3 million, a 500,000 increase in 3½ years, that we begin to understand that maybe these kids in this particular area, these children in this area, need some help, that these kids deserve an opportunity to get out and to enjoy and to utilize these recreational opportunities.

What this legislation attempts to do is to recognize that there are some kids that have problems. We know one in five kids in this country, in fact about 22 percent, live below the poverty level. They need some help. We need to reach out to them and give them some help.

We have got some ambitious packages moving through this body that are trying to do that; but here is a specific issue that we are trying to reach out and help those kids on a voluntary basis. That is what this is all about.

It only authorizes such cooperative agreements, which I think are reasonable. I think they are prudent. I think in an authorizing sense here we have looked at this and come to the conclusion that this is an appropriate thing to do.

The National Park Service has this mandate of interpretation, education, and in this particular context is part of the basic mission of the Park Service, especially in urban areas.

I know that many people think of national parks as being something that are thousands of miles away, but these national parks, these urban parks, like the Santa Monica Mountains National Recreation, is a national park and resource at the doorstep really of urban America. We need to reach out and provide the opportunity for kids who do not have that opportunity living in L.A. County and that area today. That is really what this particular purpose is about.

Now, the gentleman challenged us and said is this what we want as a priority. I would answer the gentleman, yes. This is what I want as a priority. I want to try and preserve and conserve some of the natural resources we have in an area of the country where there

is a significant population and a degradation of those resources and I want to reach out and deal with what I consider the human deficit in our society in terms of people who need help.

Yes, that is what I want to do. I want to see the Park Service engaged in that.

□ 1740

I want to put this Government back together so it starts to meet the needs of people in this country so that we do not have them unnecessarily feeling frustrated with a lack of connection and a lack of stake in our society today, as we have today, so that we can move to a different type of opportunity for these young people tomorrow, and this bill attempts to do that.

Mr. Speaker, I commend the gentleman from California [Mr. BEILENSON] and others that have worked on this, and I have worked on this, and the committee, the work they have done on it, and the gentleman from California [Mr. BERMAN], and we are not coming through the appropriation process without a hearing. We are out here in the light of day having votes on this particular issue, not attempting to bring it down.

I would note that I was the one in this particular process that struck some 25 to 30 different provisions from the appropriation bill or subjected them to appropriation. I note that very few Members rose to strike dollars from that bill that were in that bill while they complained about the individual authorization bill, that very few Members rose to strike dollars from the bill in the context of the complaints about the authorization legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I thank the gentleman from Minnesota [Mr. VENTO] for yielding this time to me, and I rise in strong support of H.R. 5534, and I would like to take just a moment to speak to my friends on the other side regarding the very specific authorization in this bill for the William O. Douglas Outdoor Classroom.

The Park Service is charged with a very difficult mission. It has to both preserve and protect our natural resources and at the same time provide for their use and enjoyment. I would suggest that the Santa Monica National Recreational Area, that nowhere is this better carried out than in the WODOC program, support for which is authorized by this legislation.

WODOC is a nonprofit organization. It is dedicated to providing low-income children an opportunity to learn about the environment through a public-private partnership with the Park Service. They have exposed several hundred thousand young people going through formal programs through the schools from all over the Los Angeles Basin to nature's wonders. It has instilled them with desirable environmental values and lessons.

I say to my colleagues, you have to understand Los Angeles to understand the nature of this program. This is a mountain range which bisects the middle of the City of Los Angeles. It provides within just a few minutes a totally different outdoor wilderness recreational experience for hundreds and hundreds of thousands of children who cannot get to that kind of experience in the other parks in the National Park System. Here is a program which has taken kids from all over the area, kids who cannot afford any other kind of experience.

This is the best example of the Park Service working nonprofit to maximize utilization. This is not a preserve for a few number of complicated environmentalists who want to enjoy the wilderness experience. This is something which has brought the wilderness and the outdoor experience to millions of people, and I would really hope that in the context of deciding how to vote in this that my colleagues might consider the track record of a program that has worked well that is simply being authorized. It gives the Park Service the full authority to decide what to do in terms of any cooperative agreement.

Support this measure.

Mr. DUNCAN. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Tennessee [Mr. DUNCAN] for yielding this time to me.

First of all, the gentleman from California [Mr. BERMAN] is a good friend of mine on the Committee on Foreign Affairs, and I regret that I have to oppose this legislation, as does the gentleman from Tennessee [Mr. DUNCAN].

The fact of the matter is that I know this legislation is well intentioned. I understand the comments that the gentleman from Minnesota [Mr. VENTO] just made about the inner-city students and children who might benefit from this. I am sure that is going to solve the social problems that we see in Los Angeles, but certainly anytime young people have the opportunity to visit the wilderness and get a chance to learn about the environment, it is going to be positive. But the fact remains that this has openended land acquisition in it totaling $500 million. This legislation is not requested by the parks department. There are a lot of places that young people from Los Angeles County and elsewhere in this country can go to learn about the environment through our Park System.

Mr. Speaker, this is legislation that should not and is not a high priority, and that is my concern. We have to prioritize spending now. The deficit is out of control and getting worse daily. If we do not make the hard choices, then this country is going to face economic chaos.

□ 1750

So for that reason all of us have to be very diligent in making sure that we cut out any kind of program that borders on wastefulness. I believe this one does. The Parks Department does not want it. It is openended land acquisition totaling $500 million.

Although it is well-intended, this legislation should be defeated, and I will urge so when we ask for a rollcall vote.

Mr. VENTO. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would read from page 6 of the report from the CBO. It says:

> The bill also includes an authorization for the appropriation of "such sums as be necessary for acquisition of lands and interest" in the SMMNRA. Current law already includes identical language, with specific authorization ceilings amounting to a total of $125 million for fiscal years 1979–1983. Thus, we have not included costs associated with this authorization in the above estimate. To date, the Congress has appropriated $129 million for this purpose and the President requested an additional $14 million for 1993.

Mr. Speaker, I am trying to point out to the gentleman and others that we are clarifying what is already there. The boundaries are there. It is obvious to anyone, or should be clearly, that there is already authorization that has been and is being utilized. So if the Park Service disagrees with the cooperative agreements, they do not have to enter into them. Last year they chose to do so when there were dollars available. They did not have to enter into an agreement.

Mr. Speaker, I think this is really an issue where I understand the sentiments of the gentleman from Indiana [Mr. BURTON] and have voted with him on a variety of efforts to try to eliminate problems, but I think in this case the committee has sufficient limitations in it that the measure should justify passage.

Mr. Speaker, this is only a clarification. I hope we can straighten it out before there is a vote on the measure.

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

Mr. Speaker, the gentleman from Minnesota [Mr. VENTO] has just read from a CBO letter, but the gentleman stopped reading at the sentence where the CBO says,

> Based on information from the National Park Service, CBO expects that continued appropriations of about $15 million annually would be necessary for many years in the future to complete the purchase of land in the SMMNRA.

As the gentleman from Indiana [Mr. BURTON] and I pointed out earlier, we have a national debt today of over $4 trillion. Almost every leading economist says that this country would be booming economically if we were not so far in the hole, if we were not so deeply in debt.

If that were not bad enough, we are losing $1 billion a day on top of that every day in this fiscal year and probably in the next. We are hurting the working men and women of this country right where it hurts the most, in the pocketbook, by continually daily passing legislation that we cannot afford and by continuing to spend money that we do not have.

Mr. Speaker, every bill that has been introduced in the history of this Congress has a wonderful apple pie and motherhood title to it. Every bill sounds good on the surface.

That is true of this bill, the William O. Douglas Outdoor Classroom bill. Who can be against that? But I would say again and point out to my colleagues that that is just the surface of the bill. The first part of this bill authorizes $2.1 million for the outdoor classroom. The second part of this bill authorizes $300,000 for another study. As the gentleman from Indiana [Mr. BURTON] said, we certainly do not need another study in the Federal Government, but this is for a study by the Santa Monica Seashore Foundation, whatever that is.

But the most dangerous part of this bill is the third part, which is the open-ended authorization of land acquisition. This bill authorizes land acquisition which the National Park Service says will cost $500 million over the next several years.

This is a bill that we cannot afford. It is a bill that we do not need.

Mr. Speaker, I would like to also point out that even if we do not vote for this bill here, it will not do away with the Santa Monica Park. The 15,000-acre park that is already there will stay there. The Park Service says that it has a multi-million-dollar shortfall in taking care of the needs of the present park at this time. Yet what we are going to do is going to add additional costs to what the Park Service has when it cannot even take care of what it already has.

In addition to that, the gentleman from Minnesota [Mr. VENTO] talked about the children. The Topanga-Las Virgenes Soil Conservation District had over twice as many children for their programs in the same park as did the William O. Douglas Outdoor Classroom. Yet we provide no money for that district in this bill. We provide money only for the classroom.

There are other examples that I could give of that same nature. This is a bad bill. It is a bill that should be defeated. I would urge all of my colleagues to vote against this bill in order to have some type of secure economic future for the children of this Nation.

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

Mr. Speaker, I would say the gentleman from Tennessee [Mr. DUNCAN] has read correctly that the CBO expects that continued appropriation of $15 million annually would be necessary for many years in the future to complete the purchase of land in the Santa Monica Mountains National Recreational Area.

But whether this bill passes or not, that is their view of what the need is. It is my point and I think the point we have repeatedly made that we are just clarifying what already is the law with regard to authorization for appropriation. So that was really a technical amendment. I do not think the bill should be judged on that particular basis.

Mr. DUNCAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ROEMER). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 5534, as amended.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

MAKING IN ORDER ON WEDNESDAY, SEPTEMBER 16, 1992, CONSIDERATION OF MOTIONS TO SUSPEND THE RULES ON S. 3175 AND H.R. 5925

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order tomorrow, Wednesday, September 16, 1992, for the Speaker to entertain motions to suspend the rules with respect to S. 3175, National and Community Services Act Technical Corrections, and H.R. 5925, EEOC Technical Revolving Fund Act.

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

Mr. MICHEL. Reserving the right to object, Mr. Speaker, and I really do not intend to object because the distinguished majority leader and I have had a conversation relative to the schedule for tomorrow, but I do want to make a point from our side with respect particularly to the supplemental appropriation, the urgent supplemental, having to do with the assistance to the folks in Florida and Louisiana. Hopefully, we will be able to get that thing concluded this week.

Now, unfortunately two of our Members have passed away, and in due respect to those Members we have traditions to which we must abide. By the same token, Mr. Speaker, we are really getting in a bind here timewise, and I would hope the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT] could assure me that we could get this supplemental out of the way this week before we adjourn at least for the weekend.

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

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, we certainly agree with that goal. We want very much to finish that work, get the bill to the President, because the people in Florida, Louisiana, and Hawaii now are needing that assistance very much. We very much want to get that work finished.

Mr. Speaker, we will work with the minority and with the gentleman from Illinois [Mr. MICHEL] to try to make sure that that happens and to work out the procedures to see that it does happen.

We also, as the gentleman stated, have the unfortunate circumstance of two Members dying in the past few days. In a moment I am going to ask unanimous consent to meet tomorrow at 2 o'clock so that we can accommodate the needs of Members to travel to one of the funerals in the State of New York. We will then on the next day have to deal with a similar situation with the unfortunate passing of Representative JONES of North Carolina.

Mr. Speaker, we have business that we are tying to finish this week in addition to the supplemental, urgent supplemental appropriation.

Mr. MICHEL. Further reserving the right to object, Mr. Speaker, might I inquire of the majority leader if there is a possibility then on Thursday of our meeting early on Thursday and having some time off for transportation to and from the funeral in North Carolina and reconvening later the same day for urgent business? Is that a possibility?

Mr. GEPHARDT. Mr. Speaker, if the gentleman would continue to yield, it is a distinct possibility, and if all of the business could be completed, it might be possible to be able to finish sometime Thursday, but we are not sure of all of that yet. We will take it a day at a time.

Mr. MICHEL. Mr. Speaker, I hope we can get the assurance of the distinguished gentleman that we will definitely be moving just as expeditiously as we can on the urgent supplemental. It is still, as I understand, pending in the other body, and hopefully, if it does not get bogged down with extraneous material, we could have a House amendment to the Senate-passed bill, and without going to conference, that could expedite matters here, and I think we have got an understanding here that that would be the scenario if we could work it out appropriately.

Mr. GEPHARDT. That is our goal.

Mr. MICHEL. Mr. Speaker, with that I certainly withdraw my reservation of objection.

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

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 2 p.m. on tomorrow.

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

There was no objection.

APPOINTMENT OF ADDITIONAL MEMBERS TO FUNERAL COMMITTEE OF THE LATE HONORABLE TED WEISS

The SPEAKER pro tempore. Pursuant to House Resolution 564, the Chair announces the following additional appointments to the funeral committee of the late Ted Weiss on the part of the House: Mr. KOSTMAYER of Pennsylvania; Mr. DE LUGO of the Virgin Islands, and Mr. DURBIN of Illinois.

CLINTON IN ENGLAND

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

Mr. LIVINGSTON. Mr. Speaker, yesterday, the Washington Times ran a column that raises alarming questions about Bill Clinton's antiwar activities as a student in England.

Entitled "Clinton's Early Dovecote Updated," this column exposes the Democratic Presidential nominee's relationship with activists in Great Britain who opposed America's involvement in Vietnam.

One of these activities wrote a book which, according to the column,

* * * puts Bill Clinton squarely in the lead of a series of demonstrations with public support of the British Peace Council, an affiliate of the World Peace Council and as obvious a front group for the Soviet KGB's international department as any that ever was.

There have been questions raised about Mr. Clinton's various positions on draft dodging. But there have been few inquiries into his actual activities while he was in Europe.

Mr. Speaker, the question of whether Mr. Clinton dodged the draft is one thing. But is it true that Bill Clinton spent his time in England working as a dupe for a KGB front group?

I urge Mr. Clinton to answer these charges immediately. If these allegations are true, Bill Clinton is not fit to be Commander in Chief of the Armed Forces of the United States.

Mr. Speaker, for the RECORD I include the newspaper article referred to.

CLINTON'S EARLY DOVECOTE UPDATED

Bill Clinton's draft record has dogged him since serious questions were first raised in the Wall Street Journal last February. After a hollow attempt (in the name of "full disclosure") by his friend and fellow Rhodes Scholar, Strobe Talbott, to put the charges to rest in the April issue of Time, a series of new revelations has raised more questions about Mr. Clinton's truthfulness in reporting his record.

But there is a more fundamental dimension of Mr. Clinton's anti-war activities during his Oxford days that neither he nor Mr. Talbott has yet addressed. This new information raises questions that are just as troubling as whether Mr. Clinton dodged the draft then and whether he is lying now.

To learn this story, we turn to the Rev. Richard McSorley, a Jesuit priest and professor of peace studies who has taught at Georgetown University since Bill Clinton's undergraduate days there. Father McSorley's memoir about his international travels with the pacifist movement, Peace eyes, was published in 1977 and is now out of print. Peace Eyes begins: "When I got off the train in Oslo, Norway, I met Bill Clinton of Georgetown University. He asked if he could go with me visiting peace people. We visited the Oslo Peace Institute, talked with conscientious objectors, with peace groups, and with university students. At the end of the day as Bill was preparing to leave, he commented, 'This is a great way to see a country.'"

Father McSorley was so impressed with Bill Clinton that he wrote in his Foreword, "I thought at the time that this his [Mr. Clinton's] words summarized what I wanted to say in this book. To see a country with a peace focus, through the eyes of peace people is a good way to travel, a good way to see a country and the world."

As a Rhodes Scholar in England, Bill Clinton learned to see the world, including his native America, through the eyes of the international peace movement. The details of this perspective, and its influence on Bill Clinton's worldview, have received no attention. The record should be set straight for all voters, regardless of how they feel about his response to service in the U.S. armed forces.

Father McSorley recalls that on "Nov. 15, 1969, I participated in the British moratorium against the Vietnam War in front of the U.S. Embassy at Grosvenor Square in London. Even the appearance of the Embassy stressed the over-exaggerated nature of America's power. * * * The total effect of architecture and decor says to the passer-by, 'America is the biggest and greatest power on the globe' * * * That day in November about 500 Britons and Americans were meeting to express their sorrow at America's misuse of power in Vietnam * * * Most of them carried signs which said, Americans out of Vietnam."

Father McSorely goes on to describe vividly the demonstration, which ended with a chorus of "We shall overcome."

"The activities in London supporting the second stage of the moratorium and the March of Death in Washington, were initiated by Group 68 [Americans in Britain]," wrote Father McSorely. "This group had the support of British peace organizations, including the Committee on Nuclear Disarmament, the British Peace Council, and the International Committee for Disarmament and Peace."

Then comes this revelation: "The next day I joined with about 500 other people for the interdenominational service. Most of them were young, and many of them were Americans. As I was waiting for the ceremony to begin, Bill Clinton of Georgetown, then studying as a Rhodes Scholar at Oxford, came up and welcomed me. He was one of the organizers. * * * After the service Bill introduced me to some of his friends. With them, we paraded over to the American Embassy, carrying white crosses made of wood about 1 foot high. There we left the crosses as an indication of our desire to end the agony of Vietnam."

Father McSorely can hardly be called a tool of the opponents to Bill Clinton's candidacy for president. Yet his prosaic, thorough depiction of those events, puts Bill Clinton squarely in the lead of a series of demonstrations with the public support of the British Peace Council, an affiliate of the World Peace Council and as obvious a front group for the Soviet KGB's international department as any that ever was.

Now, Bill Clinton at Oxford was no naif. He was a calculating political analyst, already confirmed in his ambition as a leader of his generation. By his own testimony, in his letter to ROTC Director Col. Eugene Holmes, Bill Clinton was taking great care to preserve what he considered his "political viability." In this letter, Mr. Clinton also maintained that "not many people had more information about Vietnam at hand than I did."

With this in mind, cooperation alone in anti-American demonstrations abroad would raise eyebrows. But Bill Clinton did more that cooperate; Bill Clinton was a leader of a movement under the direct aegis and support of one of the most notorious communist front organizations in Europe.

Further, it was at Oxford that Mr. Clinton gathered around him the advisors who still constitute some of the senior leadership of his campaign. The American people deserve a full accounting, now, of Bill Clinton's contacts in and coordination with the World Peace Council's British leadership.

Spare us Strobe Talbott's "full disclosure" and your own pussyfooting, Governor. Tell us everything, tell us yourself, and tell us now.

CHANGES IN EEO LANGUAGE ON THE CABLE BILL

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

Mr. RICHARDSON. Mr. Speaker, I am deeply upset about changes made by House and Senate conferees to the equal employment opportunity [EEO] section of the cable bill. These EEO changes are not in the public interest.

H.R. 4850, which passed the House in July, would have put into place strong EEO rules on the cable and broadcasting industries. The House cable bill, which I supported, strengthened the EEO rules as they applied to cable and, for the first time, extended these standards to the broadcasting industry. That was good public policy.

Now, lo and behold, these EEO standards for the broadcasting industry are gone. The broadcast EEO language that passed the House of Representatives has been deleted. So we now have a conference report that, on the issue of EEO rules, tells minorities and women who work at television broadcast stations to get to the back of the bus. You will not be afforded the same opportu-

nities as your counterparts in the cable industry.

Why were changes made to the EEO section? Because the broadcasting industry exercised its veto powers in the conference committee. They did not like the broadcast EEO language supported by the House, and therefore conferees were instructed to take it out.

Mr. Speaker, congratulations are in order for the broadcasters' lobby. They managed successfully to convince conferees that on the issue of equal employment opportunities for minorities and women, broadcasters can play by different rules. Mr. Speaker, EEO rules are written for the benefit of minorities and women. They should not be written to benefit broadcasters.

There is no policy justification for this double-standard on EEO requirements between broadcast stations and cable operators. The House-passed cable bill would have corrected this inequity, but now we are putting this double-standard into the statute. Congress should not give this EEO policy its stamp of approval.

Mr. Speaker, I include for the RECORD the following letters with regard to this cable legislation:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 11, 1992.

Hon. ED PASTOR,
Longworth House Office Building, Washington, DC.

DEAR ED: I am writing to express my strong opposition to changes made to the equal employment opportunity [EEO] section of the cable bill by the House and Senate conferees. I want to bring this matter to your personal attention.

When H.R. 4850 passed the House of Representatives on July 23, it contained a strong EEO policy to improve existing rules on the cable industry and to extend, for the first time, the same EEO standards for minorities and women who work in the television broadcasting industry. For those deeply concerned about the chronic under-representation of minorities and women in policy and decisionmaking positions in mass media companies, the House-passed cable bill did something to address those concerns. The Conference Report does nothing, and, in fact, rejects the extension of these EEO rules to the broadcast industry.

Specifically, the Conference Report deleted provisions that would have (1) directed the FCC to annually certify broadcaster compliance with EEO obligations; (2) instructed the FCC to review broadcaster performance as part of the license renewal process; and (3) encouraged broadcasters to take affirmative steps to do business with minority and female entrepreneurs.

In an effort to make it appear that something has been done about increasing equal employment opportunities for minorities and women in the broadcast industry, House and Senate conferees agreed to simply reaffirm existing FCC regulatory provisions on the broadcast industry. In other words, there will be no change in the EEO policies and programs of television broadcast stations. The status quo prevailed.

Increasing equal employment opportunities for minorities and women in mass media companies is a long stated policy goal of the Congress, and it has been upheld by the courts. EEO guidelines work. They now govern the employment practices of the cable industry, whose record of employing more minorities and women has improved under the EEO rules now being rejected by the conference report.

Congress passed a strong EEO cable policy as part of the 1984 Cable Act because it considered the representation of minorities and women in the industry integral to the larger principle of diversity of views in electronic media. The importance of a meaningful EEO policy is even greater within the context of the television broadcasting industry, which reaches a larger and more diverse viewing audience than the cable industry. Congress should not lend its support to a double-standard on the principle of representation and professional advancement of minority and female workers in the television broadcast industry.

The sad fact remains that minorities and women continue to be under-represented as employees, decisionmakers, and owners in the broadcast industry. Maintaining the status quo on regulations governing the employment practices of television broadcast stations is not the step Congress should be taking.

I will be opposing the Conference Report on the cable bill. I intend to address this issue on the House floor at the time of debate.

With warm regards,

BILL RICHARDSON,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 9, 1992.

DEAR CABLE BILL CONFEREE: We are writing to express our strong support for Section 12 of H.R. 4850 on equal employment opportunity. This provision improves the existing EEO requirements on the cable industry and extends these standards to assure that equal employment opportunities are afforded by television broadcasting stations.

Minorities and women remain significantly under-represented in our nation's media companies. This serious problem is recognized by Section 634 of the Communications Act, under which the cable industry is required to afford equal opportunity in employment. Congress included this provision in the 1984 Cable Act because it considered the representation of minorities and women in the industry integral to the larger principle of diversity of views in electronic media.

The importance of a meaningful EEO policy is even greater within the context of the television broadcasting industry, which reaches a larger and more diverse viewing audience than the cable industry. Despite the existence of regulations governing the employment practices of television broadcast stations, the sad fact remains that minorities and women continue to be under-represented as employees, decision-makers, and owners in the industry.

H.R. 4850, which passed the House of Representatives overwhelmingly, contained an EEO provision that reaffirmed existing FCC regulatory provisions under which television broadcasters (1) are required to afford equal opportunity in employment, and (2) are prohibited from discriminating on the basis of race, color, religion, national origin, or sex. In addition, this broadcast EEO provision (1) requires broadcasters to adopt detailed EEO policies and programs; (2) directs the FCC to annually certify broadcaster compliance with EEO obligations; (3) instructs the FCC to review broadcaster performance as part of the license renewal process; and (4) encourages broadcasters to take affirmative steps to do business with minority and female entrepreneurs.

Congress has consistently taken steps to remedy the under-representation of minorities and women in the mass media area. H.R. 4850 passed with a strong EEO policy. We hope that attempts to weaken this section of the bill are defeated. We would like to thank you in advance for your support.

Sincerely,

BILL RICHARDSON,
CARDISS COLLINS,
EDOLPHUS TOWNS,
PATRICIA SCHROEDER,
ED PASTOR,
Members of Congress.

WHY DO WE CRITICIZE BILL CLINTON?

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

Mr. SCHEUER. Mr. Speaker, during the past several weeks outspoken members of the Republican Conference have criticized the fact that Governor Clinton of Arkansas did not serve with the active military during the Vietnam war.

Republicans of this House have implied that Mr. Clinton did something illegal, immoral, or un-American. Nothing could be further from the truth.

Why do we criticize Bill Clinton?

Bill Clinton, like most young men of the period, struggled with the idea of fighting in the Vietnam war—but he clearly stated in his correspondence of the time, that if called upon he would serve his country. As a result of a congressionally legislated lottery system, he received a high number and thus was not called upon to serve.

In legally not serving in Vietnam he is joined by more than two-thirds of the Republicans in Congress—both the House and Senate—who were of draft age and likewise did not serve in the Active Forces.

It is not my intention to criticize in any way this vast majority of the Republican Conference who did not serve in Vietnam. I assume that their reasons for not serving in the war were as perfectly legitimate and legal as were Bill Clinton's.

A former Member of the House, who now serves as the Secretary of Defense and sends young men into combat, some of whom do not return, did not serve in Vietnam because of an educational deferment that permitted him to study at Harvard.

Another former Member of Congress, who is this country's current Vice President, sought the perfectly legal safehaven of the National Guard, as did four current Republican Members of Congress. I have absolutely no criticism of these men. They all seized a legal option to avoid active military service.

Mr. Speaker, I submit with my statement for the record, a list of Republicans who did serve in Vietnam as well as the more than two-thirds who avoided the option of serving with active military forces, who I am sure have reasons as fully legitimate as Bill Clinton for not joining the active military forces in Vietnam.

Source: Almanac of American Politics 1992.

Criteria: The set "Of Draft Age" includes current Republican members of the House and Senate who were between the ages of 18 and 25 during the years 1963 to 1974. Note: Certain exceptions made for those Members who served in Vietnam despite being outside the age requirements.

REPUBLICAN SENATORS OF DRAFT AGE WHO SERVED IN THE U.S. MILITARY DURING THE VIETNAM ERA—7 MEMBERS

Sen. John McCain (R-AZ) b. 8/29/36.
Sen. Hank Brown (R-CO) b. 2/12/40.
Sen. Steve Symms (R-ID) b. 4/23/38.
Sen. Daniel Coats (R-IN) b. 5/16/43.
Sen. Bob Smith (R-NH) b. 3/30/41.
Sen. Larry Pressler (R-SD) b. 3/29/42.
Sen. Bob Kasten (R-WI) b. 6/19/42.

REPUBLICAN CONGRESSMEN OF DRAFT AGE WHO SERVED IN THE U.S. MILITARY DURING THE VIETNAM ERA—19 MEMBERS

John J. Rhodes (R-AZ) b. 9/8/43.
Jim Kolbe (R-AZ) b. 6/28/42.
Frank Riggs (R-CA) b. 9/5/50.
Randy Cunningham (R-CA) b. 12/8/41.
Duncan Hunter (R-CA) b. 5/31/48.
Bill McCollum (R-FL) b. 7/12/44.
Cliff Stearns (R-FL) b. 4/16/41.
John Porter (R-IL) b. 6/1/35.
Bob Livingston (R-LA) b. 4/30/43.
Wayne Gilchrest (R-MD) b. 4/15/46.
Doug Bereuter (R-NE) b. 10/6/39.
William Zeliff (R-NH) b. 6/12/36.
David Martin (R-NY) b. 4/26/44.
Paul Gillmor (R-OH) b. 2/1/39.
John Boehner (R-OH) b. 11/17/49.
Tom Ridge (R-PA) b. 8/26/45.
Ron Machtley (R-RI) b. 7/13/48.
Sam Johnson (R-TX) b. 10/11/30.
Frank Wolf (R-VA) b. 1/30/39.

REPUBLICAN SENATORS OF DRAFT AGE WHO DID NOT SERVE IN THE U.S. MILITARY DURING THE VIETNAM ERA—6 MEMBERS

Sen. Connie Mack (R-FL) b. 10/29/40.
Sen. Larry Craig (R-ID) b. 6/20/45.
Sen. Mitch McConnell (R-KY) b. 2/20/42.
Sen. Richard Cohen (R-ME) b. 8/28/40.
Sen. Trent Lott (R-MS) b. 10/9/41.
Sen. Phil Gramm (R-TX) b. 7/8/42.

REPUBLICAN CONGRESSMEN OF DRAFT AGE WHO DID NOT SERVE IN THE U.S. MILITARY DURING THE VIETNAM ERA—50 MEMBERS

Jon Kyl (R-AZ) b. 4/25/42.
Wally Herger (R-CA) b. 5/20/45.
Tom Campbell (R-CA) b. 8/14/52.
John Doolittle (R-CA) b. 10/30/50.
Elton Gallegly (R-CA) b. 3/7/44.
David Dreier (R-CA) b. 7/5/52.
Christopher Cox (R-CA) b. 10/16/52.
Bill Lowery (R-CA) b. 5/2/47.
Dana Rohrabacher (R-CA) b. 6/21/47.
Wayne Allard (R-CO) b. 12/2/43.
Christopher Shays (R-CT) b. 10/18/45 (Served in Peace Corps).
Gary Franks (R-CT) b. 2/9/53.
Craig James (R-FL) b. 5/5/41.
Porter Goss (R-FL) b. 11/26/38 (served in the C.I.A.).
Newt Gingrich (R-GA) b. 6/17/43.
Dennis Hastert (R-IL) b. 1/2/42.
Jim Leach (R-IA) b. 10/15/42.
Fred Grandy (R-IA) b. 6/29/48.
Jim McCrery (R-LA) b. 7/18/49.
Richard Baker (R-LA) b. 5/22/48.
Clyde Holloway (R-LA) b. 11/28/43.
Fred Upton (R-MI) b. 4/23/53.
Paul Henry (R-MI) b. 7/9/42 (served in Peace Corps).
Dave Camp (R-MI) b. 7/9/53.
Vin Weber (R-MN) b. 7/24/52.
Jim Ramstad (R-MN) b. 5/6/46.
Tom Coleman (R-MO) b. 5/29/43.
Chris Smith (R-NJ) b. 3/4/53.
Dick Zimmer (R-NJ) b. 8/16/44.
Jim Saxton (R-NJ) b. 1/22/43.
Steven Schiff (R-NM) b. 3/18/47.
Ray McGrath (R-NY) b. 3/27/42.
Bill Paxon (R-NY) b. 4/29/54.
Jim Walsh (R-NY) b. 6/19/47 (served in Peace Corps).
Charles Taylor (R-NC) b. 1/23/41.
Michael Oxley (R-OH) b. 2/11/44.
Bob McEwen (R-OH) b. 1/12/50.
John Kasich (R-OH) b. 5/13/52.
Curt Weldon (R-PA) b. 7/22/47.
Don Ritter (R-PA) b. 10/21/40.
Joe Barton (R-TX) b. 9/15/49.
Jack Fields (R-TX) b. 2/3/52.
Larry Combest (R-TX) b. 3/20/45.
Lamar Smith (R-TX) b. 11/19/47.
Tom DeLay (R-TX) b. 4/8/47.
Dick Armey (R-TX) b. 7/7/40.
Tom Petri (R-WI) b. 5/28/40.
Scott Klug (R-WI) b. 1/16/53.
Steve Gunderson (R-WI) b. 5/10/51.
Jim Sensenbrenner (R-WI) b. 6/14/43.

REPUBLICAN SENATORS AND CONGRESSMEN OF DRAFT AGE WHO LEGALLY AVOIDED ACTIVE SERVICE BY SERVING IN THE NATIONAL GUARD—4 MEMBERS

Sen. Don Nickles (R-OK) b. 12/6/48.
Robert Walker (R-PA) b. 12/23/42.
John Duncan (R-TN) b. 7/21/47.
Rod Chandler (R-WA) b. 7/13/42.

Republican Members of the House and Senate of draft age who legally avoided active service in the U.S. military during the Vietnam era: 60.

As a percentage of all eligible Republican members: 69 percent.

Republican Members of the House and Senate of draft age who served: 26.

As a percentage of all eligible Republican members: 21 percent.

SOUTHERN CALIFORNIA EDISON: A LEADER IN PROTECTING THE ENVIRONMENT

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. HOAGLAND. Mr. Speaker, California has always been on the front lines of social change in America. Now it is on the front lines of economic difficulties as well. We know how serious so many of these economic problems are. Those of us from elsewhere in the country, of course, are hoping that we do not have the pleasure of experiencing those ourselves sometime in the future.

But there are bright examples of genuine leadership coming from California as well, and one of those leaders is John Bryson, chairman and chief executive officer of Southern California Edison.

Let me tell Members just briefly about some of the things that he is doing as chairman and CEO of Southern California Edison to protect the environment and to address global warming. John Bryson is no stranger to environmental protection. He is a cofounder of the Natural Resources Defense Council, is on the board of directors of both the World Resources Institute and the California Environmental Trust, and is a member of the National Commission on the Environment. He is also no stranger to big business or to government, having served as president of the California Public Utilities Commission and as chairman of the California Water Resources Board, as well as now heading the second largest electric utility in the Nation.

In a Business Week supplement entitled: "Saving the Planet: Environmentally Advantaged Technologies for Economic Growth," presented in cooperation with the World Resources Institute, Mr. Bryson demonstrates that promoting a cleaner environment and economic growth are compatible, and in fact, are mutually beneficial. He describes what Southern California Edison has done, under his leadership, to prove that environmentally sensitive companies are successful companies and that industry has an obligation to protect the environment. The entire article appears below.

At Bryson's urging, Southern California Edison has also initiated a new program to reduce its carbon dioxide emissions voluntarily called a "no regrets" policy. The goal of this policy is to reduce Edison's carbon dioxide emissions by 10 percent by the year 2000 and 10 percent more by 2010 through conservation, energy efficiency improvements and improvements in its existing gas and oil fired power plants.

What does Mr. Bryson mean by "no regrets"? Put simply, it means that if companies voluntarily take action now to reduce their carbon dioxide emissions based on sound economics such as increasing energy efficiency, industry avoids expensive mandatory actions that might be unnecessary should future scientific studies show that increased carbon dioxide does not contribute to global warming. If it turns out that carbon dioxide does in fact adversely affect the global climate, steps taken now will mean fewer costs down the road.

In a letter to President Bush, which I submit below, Mr. Bryson suggests that the administration propose such a policy. I too urge the President to seriously consider this policy. Reducing carbon dioxide emissions through efficiency and conservation can save American industry and consumers untold millions of dollars and provide this country with a much needed sense of energy security that we now do not have because of our dependency on imported oil.

[From Business Week, Dec. 30, 1991]

ELECTRONIC UTILITIES AND THE ENVIRONMENT: PARTNERS FOR THE 21ST CENTURY

(By John E. Bryson, Chairman and CEO)

At Southern California Edison, we are seeking to achieve regional and national environmental objectives while meeting our customers' needs for reliable, reasonably priced electricity. To do so, we are departing from traditional utility paths.

For example, when a recent National Academy of Sciences report noted the accumulation of carbon dioxide (CO_2) poses a potential threat sufficient to merit actions today, despite uncertainties about greenhouse warning. Edison was persuaded to act now to reduce CO_2 emissions at little or no cost to our customers.

In May, Edison and the Los Angeles Department of Water & Power jointly announced that each utility would reduce its CO_2 emissions by 10% each by the next decade, and by an additional 10% by the year 2010.

This spring, Edison announced it would support stringent new air-quality rules in Southern California requiring an 86% reduction of nitrogen-oxide (NO_x) power plant emissions.

Such environmental-protection initiatives by electric utilities will best succeed if utilities are allowed to apply their experience and judgment to solving environmental problems. Environmental and utility regulators should establish broad policy goals, then allow utilities to achieve environmental goals in the least costly manner possible. Ultimately, environmental issues have to compete with a multitude of concerns for utilities' limited financial resources.

Edison plans to take several steps to achieve these CO_2 and NO_x reductions. Most important, we will expand our energy conservation programs to help customers use energy more efficiently. One of our 55 energy-efficiency programs improves air quality by replacing internal-combustion motors used in agriculture and manufacturing with cleaner electric motors. Our Welcome Home Program gives residential builders incentives to surpass state energy-efficiency standards for housing.

We have also given low-income customers more than 1 million free compact fluorescent light bulbs, which use 75% less energy and last nine times as long as than conventional bulbs. Since the program's inception six years ago, these new bulbs have saved enough energy to eliminate 437,000 pounds of CO_2, 4,000 pounds of NO_x, and 31,000 pounds of sulfur-dioxide emissions annually.

While expanding our conservation programs will enable us to supply most of our future load growth, Edison will take two additional steps to increase generating capacity while reducing air-polluting emissions. we plan to convert our older steam plants into combined-cycle systems, that use combustion turbines to generate electricity and also capture the exhaust heat to make steam that generates more electric power. These more efficient, repowered plants will reduce CO_2 emissions by 600,000 tons annually by the year 2000. We will also consider how we can increase our use of alternate and natural resources. We now provide electricity from oil, natural gas, hydroelectric, coal, nuclear, biomass, solar, wind, and geothermal. Edison will pursue cost-effective alternative and renewable technologies such as wind and solar power—in the future.

Solar power looks especially promising. Together with Texas Instruments Inc., we will develop an innovative solar cell that will convert sunlight to electricity—at about one-fifth the cost of conventional solar cells. Edison is also taking the lead in cooperating and other utilities to construct Solar Two, the most advanced solar-power plant in the world.

Edison stands committed to further developing non-polluting electric transportation too. Electric cars are 97% cleaner than the conventionally powered vehicles now operating on Southern California highways, taking into account power plant emissions and the generation resource mix available in the area. So their widespread use can significantly reduce vehicular emissions, which account for about two-thirds of the air pollution in the Los Angeles Basin.

Edison scientists are also advancing the use of electro-technologies to improve product quality while reducing air-polluting emissions. One example, ultraviolet curing, offers an energy-efficient alternative to the high-polluting, solvent-based coatings used by furniture makers, metal finishers, and printers.

Southern California Edison is not the only electric utility seeking to protect the environment. This year, about 200 U.S. utilities will spend $2 billion on about 1,300 conservation programs. The Edison Electric Institute expects these program to "supply" 24,000 megawatts—or about 24 large power plants' worth of electricity—by the year 2000.

Protecting the environment not only improves life for electric utilities' customers; it is also sound business. Edison envisions a myriad of business opportunities arising from our commitment to clean air and sees no inherent conflict between operating a profitable business while improving the quality of life. On the contrary, the two goals enhance each other.

SOUTHERN CALIFORNIA EDISON CO.,
Rosemead, CA, March 5, 1992.

Hon. GEORGE BUSH,
President of the United States, the White House, Washington, DC.

DEAR MR. PRESIDENT: I write to congratulate you on the Administration's recent announcement that it will make funds available to assist developing countries in dealing with the climate change issue and to underwrite international research on this very important issue. You are to be applauded for these actions.

I also want to suggest that the Administration take a leadership position on the carbon dioxide (CO_2), climate change issue by advancing a "no regrets" policy on CO_2. "No regrets" means taking voluntary actions now to limit or reduce CO_2 that are justified on the basis of sound economics or other social benefit. By adopting a "no regrets" policy, we avoid expensive actions that might be unnecessary should additional scientific research show that the rise in man-made CO_2 poses no significant threat. On the other hand, if it turns out that there is a cause and effect link between the rise in CO_2 emissions and adverse climate change, the steps we take now will stand us in good stead.

In May 1991, Southern California Edison and the Los Angeles Department of Water and Power announced such a "no regrets" CO_2 policy. Edison committed to reduce its 1988 base year CO_2 emissions 10% by the year 2000 and aim at another 10% reduction by the year 2010. We were able to make such a commitment because we plan to rely heavily on conservation, energy efficiency improvements, and environmentally sound repowering of existing gas and oil fired power plants on our system. These steps will gain great reductions in CO_2 emissions while giving us an economical way to serve the 12 million customers we expect in our service area by the year 2000.

A key feature of Edison's CO_2 policy recognizes that each sector of the economy is different. Not all sectors or individual companies can make the same level of commitment as we did at little or no cost. However, as the National Academy of Sciences reported in Policy Implications of Greenhouse Warming, it should be possible for the country as a whole to reduce its present level of CO_2 emissions by from 10 to 40 percent by the year 2030 at ". . . very low cost."

The Administration has already taken the lead with its "Green Lights" policy and other programs aimed at improving energy efficiency in all sectors of the economy, to demonstrate the economic advantages as well as emission reduction benefits of cost-effective conservation. SCE was privileged to be the first investor owned electric utility to commit to the "Green Lights" policy. I urge you to consider using the voluntary "Green Lights" model to propose a "no regrets" policy in the Convention for Climate Change now underway. This policy initiative could include commitments or targets for CO_2 or not. The important step would be to foster inquiry by all sectors of the economy on cost effective actions that could be taken to improve energy efficiency, while at the same time dealing with the CO_2 emissions question.

Sincerely,

JOHN E. BRYSON.

THE TRAGEDY OF YUGOSLAVIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, the past 3 years have witnessed astonishing changes in the world—changes that none of us thought we would see in our lifetimes. The Communist countries of Eastern Europe were freed. The Berlin Wall fell. The Soviet Union dissolved, freed from the shackles of communism.

These changes are breathtaking; they are exhilarating. But they have a dark side. We have all been saddened by the widespread outbreaks of ethnic violence. Nowhere has this been worse, than in the former Yugoslavia.

Mr. Speaker, I am terribly saddened by what has happened to what used to be one of the loveliest of the Eastern European countries. Tourists flocked to Yugoslavia's beaches. The 1984 Winter Olympics were held in the charming city of Sarajevo. Today, that is all gone.

It is tragic that this country has been reduced to civil war—neighbor against neighbor. Those who have lived peacefully with each other for 50 years are now engaged in a brutal struggle for domination.

Yugoslavia has not been a country of harmony—except as forcibly imposed by the Communist regime under Tito. It has been a patchwork since its inception in 1918. Its history has been turbulent for that very reason. Yugloslavia is a patchwork of six major nationali-

ties, as well as a dozen other distinguishable ethnic groups—a heterogeneity accentuated by religious, historical, cultural, and linguistic diversity.

Yet, despite its turbulent history—and atrocities committed during intercommunal fighting during World War II—no one was prepared for the sudden and extraordinarily violent breakdown of order in Yugoslavia following the fall of the Communist regime. Perhaps the world should have been better prepared because Yugoslavia's history has been marked by recurring tension between Serbian efforts to dominate a centrally controlled state and other groups' resistance to those efforts.

But we were not prepared. We have not acted with dispatch. Nor have we acted with a great deal of compassion. The United States has acted as if we had little reason to do anything about this terrible situation. Yugoslavia's tragedy is that warfare has caused tens of thousands of deaths and created over 2 million refugees. Our tragedy is that we have done so little to stop it.

It is clear that the situation in what used to be Yugoslavia has spun completely out of control. The coming to power of Serbian leader Slobodan Milosevic has been the engine driving the resurgence of Serbian nationalism. The extent to which Milosevic directly controls the Serbian military and paramilitary armed forces is not clear. What is clear, however, is that he lit the fire, and has fanned the flames of Serbian nationalism. His goal is an ethnically pure greater Serbia.

But since Serbs live—or lived—in many of the republics, this drive has taken the form of a repulsive practice of ethnic cleansing. It has many manifestations: shooting of non-Serbians, expelling non-Serbians from their homes, burning their villages, deporting them to death camps and leaving them to starve to death, or die of wounds and disease. Sometimes it takes only the execution of a few in a town or a village to scare the other residents into leaving, voluntarily. Sometimes, whole villages are destroyed. Once prosperous farms now lie fallow, vacant, and deserted.

All the world has seen the footage of the death camps and been outraged.

But what has been done? The United Nations and the European Community have negotiated cease-fire after cease-fire between warring Serbian and Croatian, and Serbian and Bosnian forces. All to no avail. The Serbs do not want to stop fighting.

What has the United States done to try to bring about peace? We dawdled on recognizing the independence of Slovenia until April 1992—nearly a year after the Republic had proclaimed its independence. We sat on our hands while local paramilitary Serbian forces teamed up with the Federal Yugoslav Army in a land grab that won for the Serbs about one-third of Croatia's territory. What have we done while Serb forces have forcibly seized between two-thirds and three-quarters of Bosnian territory? Not much.

It is true that the United States has imposed economic sanctions on Yugoslavia, suspending trade benefits, assistance programs, and textile agreements, last December 6, 1991. We imposed additional sanctions in May and suspended landing rights for the Yugoslav national airline on May 20. Three days later, we severed military contacts with Yugoslavia, drew down United States embassy personnel in Belgrade, and closed Yugoslav consulates in New York and San Francisco. The United States has also refused to recognize the new Federal Republic of Yugoslavia proclaimed on April 27, 1992, by Serbia and Montenegro.

Sounds impressive? Well, it's not. What have we really accomplished with these sanctions? Nothing. The fighting has not stopped; it hasn't even diminished, except in Croatia. Even the sweeping U.N. sanctions severing all air travel, freezing all Yugoslav assets abroad, and banning all trade with Serbia and Montenegro, except for medicine and humanitarian assistance, have not caused the conflict to end.

Negotiation after negotiation has taken place. The United Nations has sent peacekeeping troops—which helped damp down the fighting in Croatia. But efforts by U.N. peacekeepers in Sarajevo to keep the airport open for airlift of humanitarian relief have been foiled repeatedly by incessant Serbian shelling.

So, what more can be done? I do not believe that negotiation is a fruitless exercise. But, for negotiations to succeed, the parties must be persuaded that it is in their interests to reach a conclusion. That will not happen until there is concerted, high-level, and sustained commitment by the U.S. Government, the European governments, and the United Nations to bring about an end to this tragic conflict.

What has disturbed me about our handling of this conflict is the apparent belief that it is insoluable. Military intervention would not work, say our armed forces, because the country is too mountainous. It would be too hard to keep open the roads for overland humanitarian relief. "I know, said one United States military commentator, "I was in Vietnam and was charged with the same mission." I guess I don't see how Vietnam's jungles are much like Yugoslavia's terrain.

At bottom, I fear, our lack of concerted action—our tentativeness and hesitation—stem from an assessment by the U.S. Government that we have no interests at stake. This is not only morally wrong, it is politically muddle-headed. This is the same attitude that we exhibited toward the Iran-Iraq war that started in 1980. Look where that got us—the Persian Gulf war of 1991, which even now, is still unsettled.

We—and much of the rest of the world—were content to let Iraqis and Iranians spend years killing each other. It was a safe way to keep two bullies occupied. At least if they were killing each other, they weren't going to be subverting their neighbors.

So, I suspect, reason our Government and those of the European countries, there are no real economic interests at stake in Yugoslavia—minimal for the Europeans and none for the United States.

But that attitude smacks of hypocrisy—that as the leading power in the world, the only superpower since the demise of the Soviet Union—the force and weight of our Government will be exerted only when our direct economic interests are threatened—such as our oil supply.

We should never forget, when we think that Yugoslavia doesn't matter—that World War I began in Sarajevo with an assassin's bullet. While the conflict may not have spilled beyond Yugoslavia's borders yet, the ugly sentiments underlying it—ethnic cleansing, ethnic purity—already, in lesser form, have surfaced in many of the republics of the former Soviet Union, and elsewhere.

Our Government's inaction reflects badly on all of us. Polls tell us that the American people are uneasy that we have done so little, and that what we have done is so ineffective.

On August 13, the U.N. Security Council voted overwhelmingly to authorize the use of "all necessary means" to ensure that relief supplies reach civilians in Sarajevo. U.N. peacekeeping forces in Bosnia are to be quadrupled from the current 1,500 level. But there is no peace to be kept. Relief supplies, while essential, do not bring peace.

What the United States, the Europeans, and the United Nations must do is make a high-level, sustained commitment to bring peace to Yugoslavia. If concerted world pressure could help bring about an end to apartheid in South Africa, surely it can help in Yugoslavia. Together, with the Europeans and the United Nations, we must use all necessary means to halt this tragedy.

FEDERAL ASSISTANCE FOR SPECIAL CENSUSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today I am introducing legislation which would require the Federal Government to fund special censuses that are necessary as a result of a disaster. This legislation was prompted by the fact that under current law, local jurisdiction are required to fund special censuses, even if an undercount is the result of a disaster. In the

fall of 1989, the devastating Loma Prieta earthquake struck and did extensive damage to areas in my district. The earthquake caused millions of dollars of damage and cost many lives. In addition to the physical harm done, a good number of people were displaced as a result of this disaster. Some earthquake victims remain homeless today.

Because of the displacement that occurred as a result of the Loma Prieta earthquake, the city of Watsonville was significantly undercounted in the 1990 decennial census. They have repeatedly requested that the numbers be adjusted to reflect the true number of people residing in the city of Watsonville. But, the Bureau of the Census claimed that they could not make this adjustment, but rather that a special census would be necessary. The city of Watsonville and many other localities cannot afford to fund a special census in addition to the financial burden that they are carrying as a result of the earthquake.

The legislation I am introducing is designed to ensure a fairer arrangement for jurisdictions that have been undercounted as a result of a disaster. It frankly, doesn't make sense to require local and State jurisdictions to pay for special censuses when the undercount was through no fault of their own.

Our Constitution requires that a census be taken every 10 years. The census is required to count every personal living in the United States, and it is the constitutional obligation of the Federal Government to pay for special censuses when a disaster results in a significant undercount.

Mr. Speaker, this legislation is essential. I invite my colleagues' review and cosponsorship of this important legislation and urge its timely adoption by the full House. For the convenience of my colleagues the text of the bill is printed below.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO CONDUCT SPECIAL CENSUSES.

The Secretary of Commerce shall conduct a special census for the government of a State, or of a county, city, or other political subdivision within a State, for the government of the District of Columbia, or for the government of any possession or area (including political subdivisions thereof) referred to in section 191(a) of title 13, United States Code, without charge to such government, if—

(1) the special census is necessary to correct a significant undercount which occurred in the most recent decennial census of population with respect to the area involved;

(2) a natural disaster or other emergency affecting such area, as declared by the President, was a major factor contributing to the undercount; and

(3) a request for such a census is made by such government within such time and in such manner as the Secretary shall be regulation prescribe, except that the deadline for such a request may not be fixed at a point before the end of the 18-month period beginning on the most recent decennial census date.

SEC. 2. METHODOLOGY TO BE USED IN SPECIAL CENSUSES.

A special census under this Act with respect to a particular area shall, to the extent practicable, be conducted in the same manner and using the same methodologies as were used with respect to such area in the decennial census last taken before the special census.

SEC. 3. PURPOSES FOR WHICH DATA MAY BE USED.

Data collected pursuant to a special census under this Act may be used for any purpose which would be allowable if it ad been conducted under section 196 of title 13, United States Code.

SEC. 4. EXPEDITIOUS ACTION REQUIRED.

Upon receiving a request for a special census under this Act—

(1) a determination as to whether or not the criteria under section 1 have been met shall be made as expeditiously as possible; and

(2) if the criteria under section 1 are determined to have been met, the special census conducted under this Act pursuant to such request shall, in the allocation of personnel and resources, be given priority over any special census under section 196 of title 13, United States Code.

SEC. 5. DEFINITIONS.

For the purpose of this Act, the term "decennial census date" shall have the meaning given such term under section 141 of title 13, United States Code.

SEC. 6. APPLICABILITY.

(a) IN GENERAL.—A special census under this Act may be conducted to correct an undercount in—

(1) the 1990 decennial census, if appropriate application is submitted within 18 months after the date as of which regulations to carry out this Act become effective; or

(2) any decennial census subsequent to the 1990 decennial census.

(b) REGULATIONS.—Regulations to carry out this Act shall become effective not later than 3 months after the date of the enactment of this Act.

ETHNIC DISAGREEMENTS

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

Mrs. KENNELLY. Mr. Speaker, I come here tonight, as many of us in this country are thinking about the whole situation where we find ourselves some 7 weeks outside of our election for President of the United States. I have just talked a great deal about what is going on in Yugoslavia, the difficulty in Eastern Europe, the fact that so many nations held under the yoke of communism find themselves now with the ability and hopefully the future to be free. And yet they see that certain dispositions, certain hatreds, certain past situations have come to the forefront. And they have allowed themselves to indulge in these types of ethnic disagreements to the point, as I said, of hatred.

As a result, these countries that had hoped to be free, had hoped to continue into a whole new future have been bogged down in this kind of situation.

We certainly hope that Yugoslavia does not have that happen, but one cannot help but think at this point, 7 weeks out of time for our election, that we should take stock of what is happening around the world and really look to our own democratic system and know that when we are talking about what our Presidential election involves, no matter which side you are on, Republican or Democrat, that we go back to the very basics of our democratic system, being founded on freedom, the fact of free speech and tolerance.

I hope that we will do that for the next 7 weeks.

□ 1810

TRIBUTE TO JOSEPH L. RAUH

The SPEAKER pro tempore (Mr. ROEMER). Under a previous order of the House, the gentleman from California [Mr. EDWARDS] is recognized for 60 minutes.

Mr. EDWARDS of California. Mr. Speaker, more than a half century ago, when some of us were young and many of us had not yet been born, President Franklin D. Roosevelt signed an Executive order outlawing racial discrimination in the war production plants.

That Presidential Executive order had been drafted by a young lawyer, first in his class at Harvard Law School, who was soon to join the United States Army for service in the Philippines. His name was Joseph L. Rauh.

Joe had come to Washington in 1936 as a law clerk for Supreme Court Justice Benjamin N. Cardozo. The following year he had clerked for Justice Felix Frankfurter.

Joe Rauh entered the private practice of law in 1947. From that day on he became the Nation's leading defender of the American people's constitutional and civil rights. When Joe passed on Thursday, September 3, we lost the people's most formidable force for decency and fairplay.

Mr. Speaker, I know that a number of my colleagues who are speaking today will review the remarkable career of Joe Rauh and his enormous contributions to our country. It was my privilege to know him personally, to be honored by a warm and affectionate friendship with him, his wonderful wife, Olie, and his two talented sons, Michael and Carl. Joe and his family have played an enriching role in my life, and that of my wife, Edie Wilkie, for many years.

I first met Joe and Olie Rauh in about the year 1948 when I attended the national convention of the Americans for Democratic Action here in Washington, DC. Joe, with Eleanor Roosevelt, Walter Reuther, Reinhold Niebuhr, and others had founded the ADA in 1947 to support liberal causes and to oppose communism. From that date until the present, Joe and Olie have been important influences in my personal and political life. I have a deep feeling of loss and bereavement

that has darkened every hour since I learned of Joe's passing.

I was sworn in as a freshman Congressman in January 1963, and as a new member of the House Judiciary Committee almost immediately became involved in President John F. Kennedy's effort to have Congress enact the omnibus civil rights bill. It was able to be enacted by the House and Senate only after his assassination in November and after the new President, Lyndon B. Johnson, in 1964 asked Congress to pass the bill as a monument to the martyred President Kennedy.

During the entire process of endless hearings and negotiations by Judiciary Committee members, Joe Rauh was my constant adviser and confidant. He was the same for key members of both the Senate and House committees, and it is clear that the very strong law that emerged had Joe Rauh's mark on every important paragraph.

For the next three decades the intense contests continued in Congress, the Voting Rights Act of 1965, the Fair Housing Act, the seating of the Mississippi Freedom Democratic Party, and the final elimination of the abusive House Un-American Activities Committee. Joe was a trusted adviser in all of these endeavors, at all times supported and comforted by the eloquent editorial writer for the Washington Post, Alan Barth.

Mr. Speaker, a remarkable aspect of Joe's tumultuous career, where day after day, year after year, he did combat with some of the country's most powerful adversaries, he never made any personal enemies. Like Franklin Roosevelt he was the true happy warrior who never, never, spoke an unkind personal word. His battles were always on the issues, never the personalities.

In my total experience I have never known a more kindly, lovable person.

Mr. Speaker, in March 1991, Joe Rauh submitted his resignation as general counsel of the Leadership Conference on Civil Rights. At the dinner on May 17, Joe responded to the avalanche of tributes and thanks by saying in part:

> Together we forged a revolution in the law of our country from a legal system that supported segregation and discrimination to one that bars both those cruel blots on our Nation.
>
> Together we dreamt of a fairer and more equitable society built on the firm foundation of this new legal system.
>
> Together we worked to make those dreams come true and our determination to do so remains unshaken.

And Joe ended his remarks by repeating these lines from an old hymn of hope:

> We have come this far always believing that justice will somehow prevail. This is the verdict, this is the promise, and this is why we will not fail.

Ms. NORTON. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I rise to pay tribute to my dear friend and counselor, my mentor and constituent, Joseph L. Rauh, a man whose unique contributions include many for which this body now takes credit.

This House, Mr. Speaker, is full of Members on both sides of the aisle who would agree that Joe Rauh made a greater contribution to legislation that has civilized our Nation's approach to human rights, civil liberties, and workers' rights than most Members, past or present.

Joe was a creator of modern liberalism. He was not simply there at the creation, he used his brilliant mind and indominable energy to create and recreate solutions to the changing challenge to American liberalism and American life throughout his own lifetime.

In 1986, Joe retired from active law practice after almost half a century, almost 50 extraordinary years. Characteristically, he did not leave his post as general counsel of the Leadership Conference on Civil Rights, a post that was one of the anchors of his leadership and perhaps his most devoted cause.

That devotion, as measured by Joe's diverse and long list of contributions, was unequaled, to civil rights and civil liberties, to American labor and working men and women, and to full equality that his leadership has by now all but gathered under the umbrella of equal protection under law.

If Joe had had only one of the extraordinary talents he gave so generously to others, he would have buoyed mightily any of his multiple causes: His indefatigable energy alone; his extraordinary analytical and creative mind, by itself; his principled, often lonely dedication to issues on which others wavered; his extraordinary stump speaking ability; his unflagging determination to stick with issues abandoned by others with greater ease; his original wit.

Any one of these talents, applied to Joe's crusades, would have brought them riches hard to match. But when Joe landed on a cause with all his talents and energy combined, you had best pray not for yourself but for the opposition, because you are going to win. It might not be instantaneous as it was when he orchestrated Hubert Humphrey's successful civil rights challenge during the 1948 Democratic National Convention. That was of course the first and most dramatic blow that transformed first the Democratic Party and then our country.

□ 1820

Sometimes it took longer, as his lifelong fight for civil rights did, as his fight against corruption in the United Mine Workers did, as his vindication in the fight for civil liberties against McCarthyism did, and as his fight for statehood for the District of Columbia did.

Because Joe knew he was tackling his country's most resistant problems, he early became a long-distance runner. Like champion marathoners, he got better with each race. No man or woman ran more worthy races in his time. No man or woman got to the finish line more often. No man or woman in private life has served the public better.

Mr. Speaker, the balcony above this chamber has often made history by virtue of some who sat there. Joe Rauh time and again sat there to see what he had shaped become law. Today we stand here in the well to honor Joe.

Joe needed no honors to spur him on. The memory of his awesomely productive and principled life, however, will spur on Americans in this chamber, in the Senate, and in this country.

Mr. Speaker, I have written remarks I have just made because I wanted to make sure that the highlights of Joe's great meaning to the public were in the printed RECORD. But if I may, Mr. Speaker, I would like to say a few words about what it was like to have the great privilege to work with and to work for Joe Rauh.

I first had that privilege as a young woman fresh out of law school who thought she was on her way to Mississippi for the second consecutive year to work with Bob Moses in the Delta. After all, the Mississippi Freedom Democratic Party had been formed, and I wanted to go back in order to help bring the members of the party to the Democratic National Convention in New Jersey, and to work with them a few months before doing so. I had just finished the bar exam, and I talked to Bob Moses, the leader of the party in the Delta region, and he said, "Oh no, ELEANOR, I want you to stay right where you are, because Joe Rauh is writing the brief for the Mississippi Freedom Democratic Party, and we don't have many law students who are members of SNCC, so we ask you to stay right there and to go down and talk with Joe Rauh. He knows you're coming."

And so I went down to talk to one of the great lawyers of my time, thrilled to have the opportunity, thrilled to have the opportunity to work for Joe. And what I discovered was a man who did not allow people to work for him. What I discovered was a lawyer who treated all his associates as associates, those who were in law school, those who were fresh and green out of law school.

So that summer I worked as a colleague with one of America's great lawyers. It is impossible for me to describe the thrill it was as a young woman just out of the bar review course of the bar itself going downtown every day to work "with," as he insisted, Joe Rauh. And so we would sit around the table in his library, he and a young man, I believe it was Miles Jaffrey, green like

me, and Joe Rauh. And he would discuss the unprecedented issues in the Mississippi Freedom Democratic Party Challenge as if more than he at the table knew what he was talking about. And he would indicate where he thought we might go that day as we sojourned to the law library at the Library of Congress. And each and every day we would come back and talk about what we had found, and give him what we had written, and hear what Joe sitting at his library table, as if he and we were working for paying clients somewhere, never rushing us so that he could get back to some other work that surely paid him more, as this paid him nothing, except what all of his crusades paid him, and it was each and every day a great thrill not simply to be in his presence, but to see the way his extraordinary mind operated.

On one level there was sheer brilliance. On another level there was sheer creativity. And on some level all of those things came together and made us just shake our heads. Believe me, you needed all of those in a mentor to work on this brief, because after all, the Mississippians had not exactly gone to the meetings of the Democratic Party in any structured way. They had simply gone as other Mississippians had gone, to seek to be a part of the caucuses.

When all was said and all was done, that little brief has come for me a more prized document than the briefs, many more in number, that I helped write as an assistant legal director for the American Civil Liberties Union to the Supreme Court of the United States, and then there were wonderful causes, there were briefs about the first amendment, and there were briefs about the fourth amendment, and the fifth amendment. There were briefs about almost every amendment, and there were briefs of certiorari, and there were briefs to the Court itself on cases argued before them. But there was no brief like the Mississippi Freedom Democratic Party brief, because there was no lawyer with whom I have been associated that was the equal of Joseph L. Rauh. And somehow it never stopped.

When I finally got to this Chamber I was not surprised to see him here as well. During the Clarence Thomas hearings, there was Joe. During our great fight, the fight of the last year to get the Civil Rights Act of 1991 passed, there was Joe. Joe was always there, and always more than there. He was there for us, he was there with his gifts. He was always there for me personally. There have been times in my life when I needed not only his wonderful mind and his great wit, and his public gifts, but his private counsel, and he was as generous with that as he was with his public gifts.

And so, Joe has left me. And there are times when I shall have no one to turn to, because Joe was and is irreplaceable.

□ 1830

When you have unique gifts and you have so many of them and you leave, you leave all of us without the slightest hope that there will ever come this way one like you.

But what Joe created, instead, was a legion of disciples who feel that they must reach for his high standards. Without his gifts, we must somehow try to be like him.

Leave it to Joe; ever the romantic, always full of wit, he has had the last laugh because he has left us and left us the impossible, for every day when I am in this Chamber I shall look up and I shall remember Joe and I shall remember that he has left me an impossible mission to reach.

And so he has left me with the ultimate existential goal, to reach and then reach further and then when you have reached that goal, reach further still; for to the very last day of his life that was the way he conducted his life.

We thank Joe, Mr. Speaker, we are grateful for his family which had lent him to us on so many of their own hours. We know that his work and his life shall always inspire us all.

Mr. EDWARDS of California. We thank the gentlewoman for those very eloquent words. I am wondering if the gentlewoman remembers—I think she was too young—but it is historical that Joe and two or three friends desegregated Washington, DC. It was a segregated southern city when Joe and Olie moved here, and it was just about the first city in the country that was desegregated, with their arduous, skillful efforts.

I am sure the gentlewoman has heard that when she was in law school.

Ms. NORTON. I certainly did. And in the very first year of the sit-ins, when I came home from college and was looking for places to go to sit in, Joe was right there with the young people, helping them to find places to go to sit in.

Joe, of course, was one of the first great crusaders for the elimination of discrimination in this, my hometown. That was perhaps his greatest local fight.

Mr. EDWARDS of California. And the gentlewoman remembers, and mentioned in her wonderful remarks, his leadership of the Mississippi Freedom Democratic Party that in the election actually won the election but was declared illegal. When Fannie Lou Hamer, one of the candidates who claimed victory, and two other women from Mississippi came to Washington, Joe came to me and Manny Cellar and said that they are entitled to sit in the House during a vote on whether or not they will be accepted. And they sat right over there to my left. There was quite a space around them. I remember a few of us went down and sat with them.

Joe had told us that was the thing to do, that they were entitled under the rules to be here waiting for the vote.

It was quite an important moment in my life.

During the consideration of the omnibus civil rights bill in 1964, there was a speaker who was standing exactly where the gentlewoman is now in the well, and from that door over to my right a white person in blackface burst in. He had been hidden in the men's room that is behind that door. And he came in with obscene remarks and rushed up to where the gentlewoman is standing. The police came in.

That is the kind of world we had then. That is the kind of world we hope we do not have now.

So much of that is due to the efforts of Joe and people like the gentlewoman in the well, and we are very grateful for her wonderful remarks today.

Ms. NORTON. I thank the chairman. The chairman is referring to the occasion when Fannie Lou Hamer, herself, ran for Congress and thereafter challenged the seating of others in this body. The gentleman mentioned that Joe pointed out that she was entitled to sit while the matter was being decided. What the gentleman reminds me of is Joe was, among other things, a great technical lawyer. That is to say he had all of the wonderful flourish of the great legal orators in the history of the United States. But he had something many of them did not have; that was the command of the technical legal details.

So that I am not surprised that Joe had researched the law and put together an argument for doing what at that time most of us would have considered impossible, and that is to seat the likes of Fannie Lou Hamer on the floor of the House of Representatives.

I again thank the chairman.

Mr. EDWARDS of California. Mr. Speaker, I yield to the gentlewoman from Hawaii [Mrs. MINK] who was a good friend of Joe Rauh's and who has been a champion of civil rights for many years. And we welcome her back.

Mrs. MINK. I thank the chairman, the distinguished chairman, for yielding me this opportunity to rise and join my colleagues in expressing our deepest sorrow in the loss of a good friend, whom I have know for years, and a great American, of course. I will sorely miss the moral vision and political inspiration that Joe Rauh provided so many of us for such a long period of time.

I do not know quite how many of us are going to adjust to the fact that we cannot rely on his wisdom and his strong advice and leadership that he has provided our Nation, telling us when we ought to be doing something or when we ought not to be doing something. He always stood for what

was right. It is fitting this afternoon that we honor Joe by remembering his tireless and courageous struggles on behalf of those who were neglected, excluded, or repressed by Government and society.

More fitting still, we must carry Joe's vigilant pursuit of freedom, equality, and opportunity for all Americans on into the 21st century.

I first met Joe Rauh at the 1960 Democratic National Convention when we worked to put together a strong civil rights plank in the Democratic platform. It was an enormous, exciting experience for me to witness the effectiveness of Joe and the intensity of his commitment to things that I cared about. During the nomination process I witnessed his vigorous demonstrations as each matter was debated. He taught me the importance of intensity, of belief and commitment, not just a superficial awareness or consciousness, but getting out there to work and do the hard things that are necessary in order to make progress.

For more than 30 years our paths have been interwoven in a variety of causes of civil rights and civil liberties. Joe was an effective lawyer, and he distinguished himself in the legal field in so many ways. But unlike most lawyers, he was willing to play the hard battles on the political field as well. And he was an astute, key principal leader in turning the Democratic Party around to an awareness and a consciousness of their responsibility for racial equality. I can think of no one who played that role more importantly and more effectively as a political leader than Joe Rauh.

□ 1840

In 1948, way back then, he helped to write the Democratic Conventions, his historic civil rights plank, and in 1960 brought it to its living potential, which then as we all know was enacted in 1964 as the Civil Rights Act.

He argued the Mississippi Freedom Democratic Party's case to the convention credentials committee, and all of us who were there and witnessed it can remember that electrifying appearance that he made, accompanying Fannie Lou Hamer, something that I shall never forget.

And of course, his efforts involving all our efforts in civil rights, in voting rights and rights for women and minorities and the disabled, he was such a powerful thinker. He could think in the future and he could analyze all these different nuances of things that people were raising and barriers of one thing or another, and penetrate them with such brilliance, enabling our country to steer the right course in terms of civil liberties and basic human rights in this country.

In the early seventies, I recall when I served in the Congress, he organized opposition to the confirmation of Supreme Court nominees Haynesworth and Carswell, and again it was not just the brilliance of the arguments that he brought in testifying that these people should not be confirmed, but being able to generate with his enormous capacity to organize people, to have correct thinking about these matters and to bring that force to bear so that these two gentleman were ultimately not confirmed.

His presence, of course, was noted in the recent confirmation of Clarence Thomas.

Throughout his whole career he fought to break down these barriers of racial segregation and to point out the hypocrisy of privilege in our society when we are based upon the simple concept of equity and quality.

I must say that there are so many things that I can remember about Joe Rauh. We worked together in the Americans for Democratic Action. I had the privilege of serving as President of that organization for 3 years. He was always present every time we had a big issue or Presidential candidate to endorse. He was always there providing the organization with leadership in his capacity to understand the political nuances of Presidential campaigns was always amazing.

But for me, I must end my remarks by acknowledging the gratitude of the Japanese-American community for what he did in understanding the plight and the suffering of that community in World War II. He began a legal movement really to raise the issue of the unfairness and injustice of the treatment of Japanese-Americans who were interned in these camps in World War II. It was his relentless arguments and tenacity in hanging onto this issue, he took the infamous Hirabayashi decision to court and argued for its rescission and for the restitution of the Japanese-Americans for the lands that had been seized from them.

In the end, I believe that history will credit his early championing of this cause and the ultimate repeal of the Executive Order 9066 and the Presidential decision to never again in this country to tolerate that kind of treatment of our citizens and the persons who are legally within our country. The repudiation of that Executive order paved the way ultimately for the Congress of the United States finally to enact the law that provided reparations to those who suffered during that period.

There are countless other examples, I am sure, that other Members can recount, but surely America is a better place, a safer place, our constitutional rights are more secure because Joe Rauh dedicated his life to their preservation.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentlewoman from Hawaii for those wonderfully eloquent remarks.

The gentlewoman from Hawaii mentioned the redress bill, the Civil Liberties Act of 1988. The author will be the next speaker, who was assisted, of course, in its enactment by the gentleman from California [Mr. MATSUI], the gentlewoman from Hawaii [Mrs. MINK], and numerous others and, of course, encouraged by Joe Rauh at the Leadership Conference on Civil Rights. It indeed was a great victory for America, not only for the Japanese-Americans who had been treated unconstitutionally and so cruelly, but for all of us. The author of the bill, the leader is here.

Mr. Speaker, I yield to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, it is an honor for me to join my colleagues as the House honors the late Joseph L. Rauh, Jr.—surely one of the greatest civil rights advocates of this or any other century. And I would like to express my appreciation to my colleague from San Jose, Congressman DON EDWARDS, a Member of this body unequalled in his devotion to protecting everyone's civil and constitutional rights, for reserving this time for this appreciation of our friend Joe Rauh, who passed away on September 3.

For more than 50 years, Joe Rauh stood up for the rights of the American individual, even when it was extremely difficult to do so.

Forty-five years ago—after clerking for two progressive U.S. Supreme Court Justices, Felix Frankfurter and Benjamin Cardozo—Joe Rauh helped found Americans for Democratic Action. And just 1 year later, Joe Rauh wrote that most controversial section of the Democratic National Committee platform which proclaimed civil rights for all Americans.

Today, Mr. Speaker, when our President strains to liken himself to Harry Truman, it is important to remember those principles for which Harry Truman stood. Harry Truman stood for and spoke for universal civil rights at a time when segregation divided the Nation. That is who Harry Truman was: a leader. And one of the men helping Harry Truman take that lead was Joe Rauh in 1948.

I could go on, Mr. Speaker, and talk about Joe Rauh's fights against McCarthyism in the 1950's and for fair housing throughout America in the 1960's. I will leave that to others, however, and speak only of one fight—a fight that Joe Rauh valiantly fought, but lost. The fight was about the internment of Americans of Japanese ancestry during the Second World War.

Japanese-Americans had few friends in those days, and there were very few people who tried to argue on our behalf for our rights.

In early February 1942, U.S. Attorney General Francis Biddle asked three lawyers to evaluate the legality of any evacuation and internment. One of

those lawyers was Jose Rauh, who was then working in the Office of Emergency Management.

Yes, the memorandum they produced contended that the evacuation was legal; and I consider it an American tragedy that the U.S. Supreme Court has to this day refused all petitions to declare that the evacuation was in fact unconstitutional.

However, the memo Joe helped write said in part, and I quote, "It is well to remember that unnecessarily harsh action is not justified just because the legal power to take such action exists."

Joe Rauh later wrote, and again I quote, "The memorandum was the final effort by the three of us to prevent evacuation and internment."

□ 1850

Mr. Speaker, this was not a popular position to take at the time. In the days leading up to Executive Order 9066, which officially ushered in the evacuation and internment of Japanese-Americans, our Nation suffered from wartime hysteria, racism, and weak political leadership.

Joe Rauh did what he could to mitigate the tragedies he sensed were coming. That foresight and vision were the hallmarks of Joe Rauh's career and his work.

Throughout his life, Joe Rauh was there fighting for civil rights. He deeply cherished the belief that, for all our diversity, Americans can live together with dignity and respect.

Joe Rauh dedicated his life and his career to making that belief a reality. Joe and Olie were close friends of my late brother-in-law, Mike Masaoka and his wife, Etsu, my sister. We are all going to miss this warm and wonderful gentleman, but because of Joe Rauh we are a better Nation and a better people.

Mr. EDWARDS of California. Mr. Speaker, we are grateful to the gentleman from California [Mr. MINETA] for those moving remarks. I know how highly Joe thought of NORMAN MINETA, and of course the gentlewoman from Hawaii [Mrs. MINK] and the gentlewoman from the District of Columbia [Ms. NORTON], and I know how delighted he was when the redress bill was finally passed. It was one of the great moments in American history.

Mr. Speaker, I do not think Joe would want us to be sad on this day. I think that he would want us to be celebrating his life, which I believe we are, and the gentlewoman from the District of Columbia [Ms. NORTON] mentioned his wit and good humor which was extraordinary at all times.

Those who participated in the baseball games, the softball games on Sunday morning in the park, with Joe and the rest of the friends will never forget the joy that emanated from him as he stood up to bat and hit the ball out of the park. Then there was his ardent game of tennis.

I will not forget that he certainly was not afraid of Joe McCarthy, one of the few, nor was he afraid of the House Un-American Activity Committee that had Hollywood, and indeed many people in the United States, terrorized for years.

When the famous playwright Arthur Miller, was subpoenaed to appear before the committee, he and Marilyn Monroe stayed at the Rauh home, and with a twinkle in his eye, Joe told us that Carl and Michael, who were just boys then, came down to breakfast on Sunday morning, and there, sitting at the breakfast table in a negligee, was Marilyn Monroe. I am sure that was an experience for all of them.

Mr. Speaker, as has been mentioned, Joe Rauh was one of the founders of Americans for Democratic Action. The national board of ADA on September 12, 1992, unanimously adopted a resolution in tribute to Joe.

I would like to insert as part of this special order the text of that resolution:

JOSEPH L. RAUH, JR.

On Thursday, September 3, a giant fell.

Joseph L. Rauh, Jr.—Joe—ADA founder and leader was irreplaceable and without peer. Throughout his life, Joe served as our friend, our mentor and our conscience.

His vision created and nurtured us. His steadfast determination kept us on track. His ideas kept us thinking and creating—always on the cutting edge. Always a liberal, never a progressive, he never shied away from the tough battle. His unabashed liberalism ensured we never did either, whether the fight was over a piece of legislation, a judicial appointment, the rights of individuals or an idea for effecting basic change in the direction of government. Always he was and shall be our model. His spirit became our spirit and we shall be eternally grateful to him.

The legacy he left to ADA, the country and generations of liberals yet to be born is matchless.

To his wife Olie, his sons Carl and Michael, and to his grandchildren go our heartfelt condolences and our deepest gratitude for sharing his magnificent spirit with us.

Mr. Speaker, a number of newspapers, the London Times, the New York Times, the Washington Post and others, have published tributes to Joe Rauh in recent weeks. I would like to insert at this point several of these articles.

The articles referred to are as follows:

[From the Los Angeles Times, Sept. 5, 1992]

JOSEPH RAUH: CIVIL RIGHTS LAWYER, LOBBYIST

(By Myrna Oliver)

Joseph L. Rauh Jr., a Washington civil rights lawyer and advocate who founded the liberal Americans for Democratic Action, has died. He was 81.

Rauh suffered a heart attack Thursday night when he returned home from a reception. He died at Washington's Sibley Hospital.

A great friend and supporter of Vice President Hubert H. Humphrey, Rauh was a major lobbyist in winning passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

"I'm proud of our laws," he once said. "What our generation has done is bring equality in law. The next generation has to bring equality in fact."

Born Jan. 3, 1911, in Cincinnati to an immigrant shirt manufacturer, Rauh excelled in athletics in high school and played on the varsity basketball team at Harvard College.

"It has been suggested," one biographer noted, "that it was as a member of that undermanned squad that he really acquired his sympathy for the underdog."

Graduating with an economics degree into the Great Depression, Rauh opted to go to Harvard Law School, earning his degree at the head of his class.

He spent his entire career in the capital, starting out as senior law secretary to liberal Supreme Court Justice Benjamin N. Cardozo. He also worked as enforcement attorney for the Wage and Hour Administration and as counsel for the Lend-Lease Administration.

Joining the Army in 1942, Rauh was attached to the staff of Gen. Douglas MacArthur as lend-lease expert. He advanced to the rank of lieutenant colonel and earned the Legion of Merit and Distinguished Service Star.

In 1946, Rauh organized the anti-Communist, liberal organization that became known as the Americans for Democratic Action. It was begun not only to launch political campaigns against conservatives, but also as a barrier against the extreme leftist Progressive Party.

He chaired the ADA's executive committee from 1947 through 1952, held the title of national ADA chairman from 1955 to 1957, and for many years served as vice chairman.

A senior partner of the firm he founded in 1947, Rauh & Levy, he attracted primarily labor and civil rights clients. These included the United Auto Workers and Brotherhood of Sleeping Car Porters, as well as playwrights Lillian Hellman and Arthur Miller, both accused of contempt after refusing to identify writers and artists known to be communists.

In answer to assertions that the Americans for Democratic Action had outlived its usefulness after the end of the McCarthy era, Rauh said in 1955: "It is a group of independent-minded people grappling with the old-line machines of both parties on behalf of good government."

He said the group continued to be needed to champion civil rights, health insurance and "real" public housing.

Active in several national Democratic conventions, Rauh futilely favored Humphrey over the 1960 nominee, John F. Kennedy.

Influential among mainstream Democrats, Rauh was elected in 1964 to a four-year term as chairman of the District of Columbia Central Committee of the Democratic Party.

He was also active as a lifelong member of the National Assn. for the Advancement of Colored People.

In 1965, Rauh received an ADA citation "for the happy life of service to a humane and civilized democracy."

[From the New York Times, Sept. 5, 1992]

JOSEPH RAUH JR., GROUNDBREAKING CIVIL LIBERTIES LAWYER, DIES AT 81

(By Wolfgang Saxon)

Joseph L. Rauh Jr., for decades one of the nation's leading champions of civil rights and liberal causes, died Thursday night at Sibley Memorial Hospital in Washington. He was 81 years old.

Americans for Democratic Action, which Mr. Rauh helped found 45 years ago, said he

died soon after suffering a heart attack at his Washington home.

For almost half a century Mr. Rauh was among America's foremost civil liberties lawyers, battling McCarthyism, laying the foundation for much of the civil rights legislation of the 1960's and serving as a leader not only of the A.D.A. but also of the National Association for the Advancement of Colored People and the Leadership Conference on Civil Rights.

NEVER LOST HIS ZEAL

"Joe's imprint was all over the civil rights era," Benjamin L. Hooks, the N.A.A.C.P.'s executive director, said yesterday.

Mr. Rauh (the name rhymes with "brow") went to Washington to "work for the New Deal," as he once put it, and in a sense he never stopped doing so. A number of his old associates later despaired of the fight for groundbreaking social programs, and some turned their backs on liberalism entirely. But as Mr. Hooks noted, Mr. Rauh "never lost his zeal for the battle."

Much of his work was performed for little or no pay. "Other people may have made more money," he said in 1985, his 50th year in Washington. "But no one has had more fun."

FROM HARVARD TO WASHINGTON

Joseph Louis Rauh Jr. was born in Cincinnati on Jan. 3, 1911, where both his father and his grandfather, German-born immigrants, had settled and begun manufacturing shirts. He entered Harvard University, majored in economics, played center on the basketball team and, in 1932, graduated magna cum laude.

After graduation from Harvard Law School, where he was first in his class, he served at the Supreme Court as a law clerk, first to Justice Benjamin N. Cardozo and then to Justice Felix Frankfurter. During this period he also counseled several New Deal agencies as well as the Lend-Lease Administration.

Commissioned an Army lieutenant in 1942, he joined Gen. Douglas MacArthur's staff as a lend-lease expert. He was reassigned to the Pacific Command's civil affairs section, rose to the rank of lieutenant colonel and won decorations, including the Distinguished Service Star (Philippine Islands).

After the war Mr. Rauh returned to Washington, went into private practice and undertook his civil liberties career in earnest.

THE FOUNDING OF THE A.D.A.

He was a member of a small group of people who in 1947 founded Americans for Democratic Action, which they conceived as a liberal stronghold that they would prevent from being hijacked by Communists. Mr. Rauh was the organization's chairman from 1955 to 1957 and remained active in it for the rest of his life. At his death, he was an A.D.A. vice president.

Mr. Rauh was a regular participant at the Democratic National Convention, a role that in 1948 allowed him to make a milestone contribution to civil rights. That year he had a leading part in writing a strong civil rights plank that was adopted in the party's platform and provided a foundation for much of the Federal rights legislation that would be enacted in the decades ahead.

But he was perhaps better known for his strenuous Capitol Hill lobbying on behalf of such bills. That lobbying was prominent in passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968.

By the 1950's Mr. Rauh was the nation's premier civil liberties lawyer, and he took aim at efforts, then in full swing in Congress, to compel testimony as a way of identifying Communists across a broad spectrum of American life.

Among his clients were the writers Lillian Hellman, who was subpoenaed by the House Committee on Un-American Activities in 1952, and Arthur Miller, who was indicted on contempt charges in 1956 for refusing to identify for the committee former associates with left-wing sentiments. Mr. Miller was convicted of the charges but was later cleared by a Federal appeals court.

BACKER OF U.M.W. REFORMS

Another Rauh client, in the early 1970's, was Joseph A. Yablonski, the challenger to W.A. (Tony) Boyle's corrupt leadership of the United Mine Workers. After Mr. Yablonski, his wife and their daughter had been found slain at their Pennsylvania home, Mr. Rauh was among those who pressed for a Federal investigation that ultimately found that Mr. Boyle had ordered the slayings. In April 1974, Mr. Boyle was convicted of first-degree murder.

At various times Mr. Rauh also represented Walter Reuther's United Automobile Workers; the Mississippi Freedom Democratic Party, formed as a counterpart to the state's segregationist Democratic Party, and the Leadership Conference on Civil Rights, an umbrella organization for which he was general counsel for more than 40 years. He also sat on the executive board of the N.A.A.C.P.

But of the many figures he encountered over the decades, he said in 1985, he was perhaps most fond of A. Philip Randolph, longtime head of the Brotherhood of Sleeping Car Porters. "Mr. Randolph—I never called him anything but Mr. Randolph—was the most dignified man who ever lived," he said.

Mr. Rauh had abandoned the practice of law in recent years but to the end kept an active schedule as a public speaker. He also continued to lobby strenuously against the Reagan and Bush Administrations' conservative nominees to the Supreme Court. And he remained mindful of a national legacy that he helped create.

"I'm proud of our laws," he once said. "What our generation has done is bring equality in law. The next generation has to bring equality in fact."

Mr. Rauh is survived by his wife of 57 years, the former Olie Westheimer; two sons, B. Michael Rauh and Carl S. Rauh, both lawyers in private practice in Washington, and three grandchildren.

[From the New York Times, Sept. 5, 1992]

DEMOCRACY'S PITCHMAN

The life story of Joseph Rauh, who died on Thursday at 81, had many histories. The most famous, perhaps, were his strenuous lobbying in behalf of every major civil rights bill from 1957 on, his battle against McCarthyism and his struggles over the conscience and membership of the U.S. Supreme Court

He was also the proud partner of Clarence Mitchell when the two served as co-chairman of the Leadership Conference on Civil Rights. He treasured the day when Senator Harry Byrd Sr., the Virginia segregationist, gestured toward the gallery and cried, "There they are, the Gold Dust twins."

Generations of Washingtonians enjoyed the spectacle of the private Joe Rauh holding forth on a softball diamond on Sunday afternoons. When he chose up sides with Alan Barth, the Washington Post editorial writer, he did so shrewdly and competitively after scouting the day's array of talent.

Pitching for his side, he would hurl the ball past all batters, old and young, male and female, with equal speed and spin. Later, over lemonade, he'd savor the day's political developments and tell of his hopes and worries for a Supreme Court he had revered since his time as law clerk to Justices Benjamin Cardozo and Felix Franfurter.

He continued to thank the Court until the end. A friend who saw him at lunch Thursday heard his guarded optimism about the election and his prediction that Democratic appointees could help correct the Court's rightward course.

Mostly he pitched for democracy. His deep, craggy voice resonated through the halls and chambers of Congress. He demanded to be heard and he got his hearings through lean and fat years for his causes. Those who knew him will miss his attentiveness—and his pressure on others to be attentive—to human rights. Many who never knew him are the beneficiaries of that pressure and passion.

[From the Washington Post, Sept. 5, 1992]

JOSEPH L. RAUH JR., A LIFE OF ACTIVISM; CIVIL RIGHTS LAWYER CALLED EMBODIMENT OF AMERICAN LIBERALISM

(By Bart Barnes)

Joseph L. Rauh Jr., 81, who died of a heart attack Thursday night at Sibley Memorial Hospital, was a legal and political activist and a major influence in the growth and development of political liberalism in 20th century America.

Rauh was a champion of racial integration and the rights of minorities, labor unions, union reform and home rule for the District of Columbia.

His legal career began in the New Deal and extended through the civil rights period and the antiwar movement of the Vietnam era.

Exuberant, optimistic, idealistic and irrepressible, he believed passionately in the causes he supported, and he fought for them vociferously.

Rauh, a Washington resident at the time of his death, was a founder and former president of Americans for Democratic Action and a member of the executive board of the NAACP.

He wrote the minority civil rights plank at the 1948 Democratic National Convention that provided that foundation for much of the human rights and equality-under-law legislation that was passed in the ensuing decades.

Newpapers sometimes described him as "the personal embodiment of American Liberalism." Rauh was an engaging conversationalist and storyteller.

He used to say he acquired his sympathy for the underdog as a result of playing three years on a hapless Harvard basketball team.

As a lawyer, he took only those cases he believed in, and he suggested that no lawyer ever should do otherwise. He was disdainful of bar associations, and unlike many of the other young lawyers who came to Washington with the New Deal, he remained an advocate of the outcast and downtrodden throughout his career.

Joseph Louis Rauh, Jr., was born in Cincinnati, where his father, a German immigrant, operated a shirt factory. He graduated from Harvard College and the Harvard Law School, where he was first in his class.

In 1936, he came to Washington as law clerk to Supreme Court Justice Benjamin N. Cardozo. The following year he clerked for Justice Felix Frankfurter, who had been one of Rauh's professors at Harvard. Later he was an enforcement officer for the Wage and Price Administration and counsel to the

Lend-Lease Administration and other agencies.

In 1942, he joined the Army for World War II service. He served in the Philippines. In 1945, he returned to Washington and became deputy to Wilson Wyatt, the head of the Veterans Emergency Housing Program.

In 1947, he joined Wyatt and other liberals in resigning from the government to protest what they perceived as growing conservatism in the Truman administration. Rauh opened his law practice in Washington at that time.

Among his first clients were Walter Reuther and the United Auto Workers of America. He also represented artists and government employees accused of being security risks during the "Red Scares" of the 1950s, Quakers who challenged Interior Department limitations on the number of demonstrators permitted near the White House, the musicians union at the National Symphony Orchestra and the Brotherhood of Sleeping Car Porters.

Although he considered communism "a shabby cause," he opposed legislation such as the Smith Act and the McCarran Internal Security Act, which outlawed membership in the Communist Party and required that it be reported to the government.

It also was in 1947 that Rauh collaborated with Eleanor Roosevelt, Walter Reuther, Reinhold Niebuhr and others in founding Americans for Democratic Action. Started to support liberal causes and oppose communism, the organization came to embody many of the most important strains of American liberalism, and it was much prized as a target by conservatives. For much of its early existence, Rauh was its primary spokesman.

From 1947 to 1967, Rauh was chairman of the city's Democratic Central Committee, and he transformed the organization from a clubby group of party regulars to a broadly based popular movement that became a driving force for home rule in the nation's capital.

In 1947, years before the Civil Rights Movement became a national cause, Rauh marched on picket lines outside the National Theatre to protest the exclusion of black people from the audience, and over the years, he became a leading figure in opposition to racial segregation in Washington.

He was general counsel for the Leadership Conference on Civil Rights, and he was an influential lobbyist for virtually all of the major civil rights legislation of the 1950s and 1960s.

In the summer of 1964, he attracted national publicity with his representation of the Mississippi Freedom Democratic Party in a challenge to the seating of the entrenched, all-white Mississippi Democratic Organization at the Democratic National Convention.

Arguing the Freedom Party's case before the convention's Credentials Committee, Rauh called on a stream of witnesses who electrified the convention with their testimony about Mississippi police brutality and systematic victimization of blacks seeking to vote. But he failed to unseat the regular Mississippi delegation and eventually settled for a compromise that included two at-large convention seats for the Freedom Party.

In 1969, Rauh represented Joseph A. "Jock" Yablonski in his effort to unseat W.A. "Tony" Boyle as president of the United Mine Workers of America. After Yablonski, his wife and daughter were murdered in their Pennsylvania home, Rauh helped bring about a federal investigation into the slaying. Later he played a pivotal role in helping reform candidate Arnold R. Miller unseat Boyle as union president. Boyle later was convicted of complicity in Yablonski's murder and jailed, along with other union officials.

As counsel for the NAACP Legal Defense Fund, Rauh instituted a 1972 lawsuit that during the next decade brought about a series of federal ultimatums for the dismantling of racially segregated school systems in 17 Southern and border states.

Not only did Rauh prevail as a matter of law in that case, he also won a federal court order directing the government to pay him $97,500 in legal fees. He followed a similar strategy with the mine workers, winning a court order directing the UMW to pay him $90,000 as his legal fees for representing the reform slate. He won similar court orders directing that his fees be paid by the people and organizations he sued in other cases.

A frequent witness at hearings on Capitol Hill, Rauh helped organize opposition that led to the denials of Senate confirmation for President Nixon's Supreme Court nominees G. Harrold Carswell and Clement F. Haynsworth Jr. and for President Reagan's nomination of Robert H. Bork. He was unsuccessful in his opposition to confirmation of William H. Rehnquist as chief justice and to the confirmation of President Bush's nomination of David H. Souter to the court, arguing that both were insensitive to the rights and needs of minorities.

Earlier, he opposed legislation sought by then-Attorney General Robert F. Kennedy to legalize Federal and State wiretaps, arguing that this was an impermissible invasion of privacy, and he was eloquent in support of Federal legislation mandating redress for Japanese Americans who had been interned during World War II.

He represented playwrights Lillian Hellman, during her 1952 testimony before the House Un-American Activities Committee, and Arthur Miller, in his 1957 trial on charges of contempt of Congress for refusing to identify other writers and artists whom he knew to be communists. Miller was convicted, but the conviction was overturned on appeal.

In national politics, Rauh backed his old friend and ADA colleague Hubert Humphrey for the 1960 Democratic presidential nomination, then cast his lot with John F. Kennedy when Humphrey quit the race. He considered Kennedy's selection of Lyndon B. Johnson as his running mate a "betrayal," but later he came to admire Johnson for his support of far-reaching civil rights legislation.

He was a vocal and staunch opponent of U.S. participation in the Vietnam War, and initially supported Minnesota Sen. Eugene McCarthy for the Democratic presidential nomination in 1968. Rauh's enthusiasm for his old friend Humphrey had cooled by then, primarily because of the vice president's ties to Johnson's war policies. Rauh's backing for the Democratic presidential ticket of 1968 was lukewarm, much to the dismay of many of his friends and colleagues. His participation in electoral politics declined in the 1970's. He did not attend the 1976 Democratic National Convention, and his support of the Jimmy Carter presidency was tepid. But his law practice was vigorous and litigious well into the seventh and eighth decades of his life.

Survivors include his wife of 57 years, Olie W. Rauh of Washington; two sons, Washington lawyers B. Michael Rauh of Alexandria and Carl S. Rauh of Washington; and three grandchildren.

[From the Associated Press, Sept. 4, 1992]

LONGTIME CHAMPION OF CIVIL RIGHTS DIES

(By Jonathan Moore)

Joseph L. Rauh, Jr., a respected champion of civil rights and liberal causes, has died. He was 81.

Rauh died Thursday night at Sibley Hospital after suffering a massive heart attack at his home.

He was remembered by those who knew him as an accomplished lawyer and an unstinting defender of equal rights.

Rauh founded Americans for Democratic Action and served as its president, and he sat on the executive board of the National Association for the Advancement of Colored People. He also served as general counsel of the Leadership Conference of Civil Rights for more than 40 years.

"Joe's imprint was all over the civil rights era," said NAACP Executive Director Benjamin Hooks, who had worked with Rauh for 20 years.

Rauh's involvement in civil rights legislation began in the Eisenhower administration when he helped push for the establishment of the Civil Rights Commission, an independent government agency that was charged with protecting voting rights and equal opportunities.

Hooks said during the Reagan-Bush administration many activists were discouraged at seeing reform blocked or rolled back.

But, Rauh "never lost his zeal for the battle," Hooks said.

Rauh was born in Cincinnati and graduated from Harvard in 1932. After graduating from Harvard Law School in 1935, he served as a law clerk to Supreme Court Justice Benjamin N. Cardozo.

He opened a law office in 1947 after serving in the Pacific in World War II.

He was a regular participant of Democratic conventions beginning in 1948 when he wrote the strong civil rights language that was included in the party's platform. Rauh's civil rights plank provided the foundation for much of the human rights legislation of ensuing decades.

"I'm proud of our laws," Rauh once said. "What our generation has done is bring equality in law. The next generation has to bring equality in fact."

Clark Clifford, a former secretary of defense and an advisor to Democratic presidents and policymakers for more than four decades, said Rauh played a major role in a bitter fight to include the language that led to a number of delegates quitting the convention.

"He stood tall and sturdy at the time because so many in the party wanted to water it down," Clifford said.

"He has a perfect record as a defender of liberal causes," Clifford said, adding, "I consider him to be an extraordinarily able lawyer, one of the best at the bar in Washington."

Clifford is currently facing state and federal charges in the BCCI banking scandal.

Rauh was a staunch foe of the House Un-American Activities Committee in the 1950s, which destroyed the reputations of artists, scholars and public officials in its relentless endeavour to expose communists.

"He took the lead in combatting the activities of that hysterical committee, and I think that's where he possibly earned his reputation as a defender of personal rights of our citizens," Clifford said.

Rauh represented playwrights Lillian Hellman and Arthur Miller who came under congressional scrutiny during the anti-communist scare.

Another of Rauh's causes was the fight for home rule, or statehood, for the District of Columbia.

John Hechinger, who was the first D.C. City Council chairman when the city achieved self-government in 1972, said "one of the major disappointments of his (Rauh's) life was the fact that we didn't get full home rule for the District of Columbia."

[From the Reuter Library Report, Sept. 4, 1992]

CIVIL RIGHTS, LIBERAL FORCE JOSEPH RAUH DIES

Joseph Rauh, a major force behind the U.S. civil rights movement and a founder of the liberal Americans for Democratic Action, died on Thursday night after a heart attack, ADA national director Amy Issacs said on Friday.

Rauh, 81, had an active law practice until he was sidelined at age 78 by a heart attack. He remained an ADA adviser and a force in civil rights and other liberal issues.

In recent years he worked behind the scenes to defeat President Ronald Reagan's nomination of conservative Judge Robert Bork to the Supreme Court.

Born in Cincinnati in 1911, Rauh received his law degree from Harvard in 1935 and clerked for Supreme Court justices Benjamin Cardozo and Felix Frankfurter.

He came to Washington in the midst of the depression to work for Franklin Roosevelt's New Deal programme for recovery.

Rauh founded ADA with Eleanor Roosevelt and Hubert Humphrey after World War Two and served as its president from 1955 to 1957. He was an architect of the Democratic party's 1948 platform plank on civil rights that formed the basis of many of the civil rights laws enacted decades later.

He combatted Senator Joseph McCarthy and represented playwrights Lillian Hellman before the House Un-American Activities Committee and Arthur Miller when he refused to name writers and artists who allegedly supported communism.

[From United Press International, Sept. 4, 1992,]

RAUH, LIBERAL STALWART, DIES

Joseph L. Rauh Jr., who helped lead the fight for liberal causes and civil rights over a half century, has died of a heart attack. He was 81.

Rauh, author of the civil rights plan at the 1948 Democratic National Convention, was stricken at his home Thursday night shortly after returning from a dinner engagement and died at a hospital. Funeral arrangements were pending Friday.

"He was perkey right up to the end," a family spokesman said. Earlier this week, he and his wife observed their 57th wedding anniversary.

Rauh started fighting for liberal causes in the New Deal and continued right up his final years. He could be seen standing in back of the room during the recent nomination hearings of Clarence Thomas to the Supreme Court.

Rauh was a key lobbyist for the historic Civil Rights Act to 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968.

He was founder and former president of Americans for Democratic Action and a member of the executive board of the NAACP.

"I'm proud of our laws," Rauh once said. "What our generation has done is bring equality in law. The next generation has to bring equality in fact."

The civil rights plank for the 1948 Democratic National Convention provided the basis for much of the human rights and equality-under-the-law legislation of the following decades.

Rauh was counsel for the Mississippi Freedom Democratic Party at the 1964 Democratic National Convention and was successful in unseating the regular delegation and obtaining an offer to seat part of the Freedom delegation and a promise of desegregated delegations in the future.

At the 1968 Democratic National Convention he helped obtain the seating of the Mississippi and Georgia Loyal Democrats and a rules change for the 1972 democratizing the method of delegate selection.

Rauh was the attorney for labor organizer John T. Watkins, and won Supreme Court reversal of the Watkins conviction for contempt of Congress in a decision that has far-reaching effects on the power of Congressional investigations.

He was one of the first and staunchest opponents of McCarthyism. Among his civil liberties victories is the case of Arthur Miller, whom he successfully defended following the playwright's contempt of Congress charges for refusing to name others involved with him in a previous political association.

He also represented playwright Lillian Hellman before the House Committee on Un-American Activities, which inspired her book, "Scoundrel Time."

In 1946, Rauh was one of a small group of people who conceived the idea of a broadly based anti-Communist liberal organization that later became the Americans for Democratic Action. He served as the ADA national chairman from 1955–1957.

Joseph Rauh was born in Cincinnati, Ohio. He graduated Harvard University magna cum laude in 1932 and continued at Harvard Law School and was graduated LL.B. magna cum laude in 1935. He was law secretary to Justice Benjamin N. Cardozo and Justice Felix Frankfurter from 1935 to 1942.

Rauh was admitted to the District of Columbia bar in 1946 and held private practice in Washington.

He was married to the former Olie Westheimer and had two sons, Michael and Carl.

[From the London Times, Sept. 7, 1992]

JOSEPH RAUH

Joseph Louis Rauh Jr., one of America's leading crusaders for civil rights and liberal causes, died at Sibley Memorial Hospital in Washington on September 3 age 81. He was born in Cincinnati, Ohio, on January 3, 1911.

Joseph Rauh went to Washington, in the depths of the Great Depression, to fight for President Franklin Roosevelt's New Deal. When the New Deal faded into history, and others abandoned the seemingly hopeless task of bringing fairness and a semblance of equality to American society, Joe Rauh never gave up. For nearly six decades he was the champion of the underdog, the defender of the working man and a pain in the neck to fundamentalists, segregationists, witch-hunters, and a large slice of the American establishment.

"Many who never knew him," said The New York Times in an editorial tribute, "are the beneficiaries of that pressure and passion."

The son of a German-born shirt manufacturer, Rauh took a major in economics at Harvard University, graduating with distinction in 1932. But 1932 was not a good year to go looking for a job, so he stayed at Harvard, attended the Law School and again came first in his class. The distinction won him an appointment as law clerk to Justice Benjamin Cardozo, who had succeeded Justice Oliver Wendell Holmes on the United States Supreme Court, but he combined the job with active work for several of Roosevelt's New Deal agencies and the Lend-Lease Administration. During the second world war Rauh served in the US Army, joining the staff of General Douglas MacArthur as an expert on lend-lease. Discharged with the rank of lieutenant colonel in 1945, he was admitted to the Washington Bar and began a career that was to be equally divided between the courts and active backstage politics.

In 1947, with a group of fellow liberals, he founded Americans for Democratic Action an organization conceived as a bulwark against communist domination of liberal politics, but which grew into a ginger group devoted to keeping the Democratic Party true to its principles.

"The only difference between Americans for Democratic Action and the Democrats," Rauh said in 1955, "is that we believe in their platform and they don't." He was to remain active in the association, latterly as vice president, for the rest of his life.

As a white man, and a Jew, Rauh enjoyed the unusual distinction of serving on the executive council of the National Association for the Advancement of Coloured People. For 40 years he was general counsel for the Leadership Conference on Civil Rights, and also represented the Mississippi Freedom Democratic Party, the United Auto Workers Union, the Brotherhood of Sleeping Car Porters, and other labour organisations.

"Joe's imprint was all over the civil rights era," said Benjamin Hooks, executive director of the NAACP. Rauh was a regular participant at Democratic Party national conventions, and it was at his first, in 1948, that he made one of his most important contributions to the liberal cause. He took a leading part in writing the strong civil rights plank that was adopted in the party's platform and provided the foundation for the federal legislation that was to come. It also led to a walk-out by segregationist Democrats from the Deep South, splitting the party wide open.

By the 1950s, when anti-communist paranoia reached its height, Rauh was acknowledged as the leading civil liberties lawyer in the United States, and he became the attorney of choice for those who were being pilloried in the McCarthy witch-hunts of the period. Among his clients were the writer Lillian Hellman, who was subpoenaed by the House Committee on Un-American Activities in 1952, and playwright Arthur Miller.

Miller was indicted on contempt charges in 1956 for refusing to identify former associates with left-wing sentiments. He was convicted, but Rauh later won the case in a federal appeals court.

A powerful figure, 6 ft. 2 ins. tall and addicted to colourful bow ties, Rauh became more than familiar to politicians on Capitol Hill during the Johnson administration. He lobbied loudly and constantly for passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968, but his pride in their adoption was not unqualified. "I'm proud of our laws," he once said. "What our generation has done is to bring equality in law. The next generation has to bring equality in fact."

In recent years Rauh abandoned the practice of law, but kept an active schedule as a public speaker to the end. He also continued to lobby strenuously against the conservative nominations to the Supreme Court of

the Reagan and Bush administrations. He never became rich, having performed much of his work for little or no pay. "Other people may have made more money," he said in 1985. "But no one has had more fun."

Joseph Rauh is survived by Olie, his wife of 57 years, and two sons.

Joe did enjoy life, and he made life much pleasanter and more meaningful for all of us.

Mr. Speaker, I thank my colleagues for joining me in this special order tonight.

Mr. OWENS of Utah. Mr. Speaker, a great man has passed on, Joseph L. Rauh. Mr. Rauh's greatness was made in the courtrooms and on the streets of our Nation. He championed civil rights for all humankind at a time when such beliefs were not acceptable. Mr. Rauh's tenacity and willingness to battle for what he believed in should be a lesson for us all. His life was a monument to the belief in basic human rights and the need for average citizens to fight to preserve those rights.

Mr. Rauh had a very long and successful career as a proponent of civil rights beginning in 1947, when he opened a law firm in the Washington DC, area. It was in that same year that he began his fight against racial segregation and took on the post of chairman of the Democratic Central Committee of Washington.

During the 1950's Mr. Rauh again plunged into the fight for civil and human rights, defending those accused of having Communist ties during the McCarthy era witch hunts. Some of his more famous defendants were the writer Lillian Hellman and playwright Arthur Miller.

In the 1960's, Joseph Rauh was involved in the fight for the passage of the Civil Rights and Voting Rights Acts of 1964 and 1965 respectively. But the 1960's were full of civil strife and Mr. Rauh was not afraid of taking a personal stand on such issues as the war in Vietnam and the Fair Housing Act of 1968.

Joe Rauh challenged intrusive government and fought for the rights of human beings in every facet of American life. He fought for the rights of mine and auto workers when big business held the upperhand, and fought for artists when the unwarranted fear of Government threatened their livelihood and basic freedoms. Above all else, he fought for the rights of humankind and each individual's right to dignity and fairness under the law.

Mr. Rauh was never a rich man in a material sense. Rather, his richness eminated from something that very few men possess: An inbred richness for wanting to fight for the rights of the individual. The qualities of Joseph Rauh will be sorely missed in this country, but we are a better, more decent Nation because of him.

Mr. DELLUMS. Mr. Speaker, I rise to honor the memory of a diligent fighter of the people, Joe Rauh.

He leaves a true historical legacy. The most famous, perhaps, were his committed lobbying in behalf of major civil rights bills from 1957 on, his battle against McCarthyism and his struggle over the conscience and membership of the U.S. Supreme Court.

Joseph L. Rauh, Jr., has been, for decades, one of our Nation's leading champions of civil rights. For almost half a century he dedicated his life to the struggle for civil liberties and human rights. He spent a lifetime trying to make America live up to the ideals professed in the Declaration of Independence and the Bill of Rights.

He was a member of a small group, including Eleanor Roosevelt and Hubert Humphrey, who, in 1947, founded Americans for Democratic Action. He was the organization's chair from 1955 to 1957 and remained active until his death at which time he was its vice chair.

During his legal practice he represented the Mississippi Freedom Democratic Party which was formed as a counterpart to the State's segregationist Democratic Party, the Leadership Conference on Civil Rights, an umbrella organization for which he was general counsel for more than 40 years. He also was a member of the executive board of the NAACP. Also among his clients was the Brotherhood of Sleeping Car Porters, founded by A. Philip Randolph, of whom he said "Mr. Randolph—I never called him anything but Mr. Randolph—was the most dignified man who ever lived."

Joe Rauh was one of the Nation's foremost premier civil liberties lawyers who has left an indelible imprint on the civil rights movement. Without his effort, the historic Civil Rights Act of 1964, Voting Rights Act of 1965 and the Fair Housing Act of 1968 would not have been possible. His pride in their adoption was not unqualified. "I'm proud of our laws," he once said. "What our generation has done is to bring equality in law. The next generation has to bring equality in fact."

After leaving his career which spanned from the New Deal, extended through the civil rights period and the antiwar movement of the Vietnam era, Mr. Rauh became an active public speaker and strenuously lobbied against the Reagan and Bush administration's conservative nominees to the Supreme Court in the spirit of a legacy he helped create.

We owe Joe Rauh a debt of gratitude. He was a true voice for democracy. Those who knew him will miss his larger than life presence and voice of persuasive concern. Many who never knew him are the beneficiaries of his passion for justice. Let us honor him best by committing ourselves, individually and collectively, to the goals of social and economic justice and civil and constitutional rights for which he worked during his lifetime. Joe truly gave his life trying to help others, in witness to Dr. Martin Luther King, Jr.'s pledge "to make this old world a new world." We can do no less.

Mr. TORRES. Mr. Speaker, I would like to thank my good friend and colleague, Representative DON EDWARDS, for permitting me and the other Members of the House the opportunity to pay tribute to the passing of an extraordinary American, Joseph L. Rauh, Jr.

As we are hearing, and will hear tonight, Joe Rauh's rich life touched many people, from diverse walks of life. Indeed, the diversity of Joe's network of friends stands witness to the breadth of his personal and professional reach. There are however, common values which link together Joe's friends and associates into a tight network.

Joe Rauh believed compassionately in ethical affirmative government, civil freedom, economic and political security, and fairness. Joe Rauh believed in the Bill of Rights and to each individual's right to a life of dignity without discrimination. He embellished his deadly serious advocacy of social and political rights with a warm, captivating sense of humor. Joe never forgot the importance of laughter to carry one through the darkness of the never ending struggle for full human rights.

Joe Rauh's friends stand in elegant testimony to the huge expansive nature of his reach. Many of us in the U.S. Congress knew Joe Rauh, and have our selective memories of this encounter. We are here tonight to share these stories. Many who met Joe are not here tonight, and do not have the opportunity to place their tribute to Joe Rauh before the American people. So, I thought, that as my tribute to this rare human being, I would open up a window, and let you look into the impressions of three persons, who in their unique way, have had their lives touched indelibly by Joe Rauh.

Victor Reuther, a surviving member of the legendary United Auto Workers Union's, Reuther brothers triumvirate, said this about Joe Rauh:

By age, Joe was a member of my generation, yet, to me he always loomed as a father figure! In my personal, family, and organizational involvements, there were numerous crises, and Joe was always there with wise counsel, a steady hand and warm compassion. When the hired thugs of Corporate America sought to snuff out my life and that of my brother, Joe bore down on the Justice Department and the indifferent J. Edgar Hoover. Since the inception of the modern U.S. Labor Movement, Joe was on the side of workers, and I mean rank and file workers and union members. From rescuing coal miners from the clutches of a murdering Tony Boyle, to defending the electoral rights of Ed Sadlovsky in the Steel Workers Union, to aiding Teamsters For a Democratic Union clean house, more recently his courageous support for the New Directions reform efforts within the Auto Workers Union * * * Joe's words and deeds were always on the side of internal democracy and justice.

Joe's leadership in Civil Rights, and in strengthening the quality of our Judicial system are legendary. American democracy has been enriched by his life! Generations still unborn will be the beneficiaries of his labors. To those who toil in the mines, mills and workshops of our great country, they knew they had a strong ally in Joe, who understood the meaning of "solidarity."

David Wigdor, assistant director of the manuscript division at the Library of Congress, had these words to share about Joe:

Joseph L. Rauh, Jr. played a central role in the modern liberal tradition. His long career as a public interest attorney demonstrated how the reform philosophies and civil liberties principles of early 20th-century progressive spokesmen such as Louis Brandeis and Benjamin Cardozo could be reshaped to meet the new challenges of his own time. Although he was the subject of many headlines during his long struggle for social justice and civil rights, one of his greatest if unheralded legacies was the gift of his extensive personal papers to the Library of Congress. This rich collection, like the life it mirrors, is a distillation of modern liberal reform, for it helps recapture his creative role in the New Deal, the modern social welfare and civil rights movements, the defense of civil liberties during the Cold War's dark-

est days, and the struggle to make labor unions the vanguard of industrial democracy. Many scholars have begun to study the Rauh papers, and the books and articles that are emerging will help retain the vitality of his vision of a liberal tradition that 'expresses an abiding and compassionate faith in ethical affirmative government and civil freedom and supports the right of the individual to a fair measure of economic security, to the fullest protection of liberties encompassed by the Bill of Rights, and to a life of dignity without discrimination.—Rauh, address, University of Oregon, April 19, 1989.

Mr. Wigdor, is the assistant director of the manuscript division at the Library of Congress, where Joe's papers are stored.

Finally, there are the stories of Joe Rauh's legendary swimming pool gatherings. Philip Dine, the dedicated labor reporter for the St. Louis Post-Dispatch, spent a recent afternoon at Joe's pool and wrote the following.

So this is where Marilyn Monroe relaxed by the pool on some muggy Washington afternoons back in the mid-1950's. More significantly, it's where a goodly number of political, labor, and civil rights leaders have gotten to know one another over the decades * * * Sunday afternoons for 40 years, a handful of people have gathered here in ever-changing constellations at Rauh's invitation * * * Nuggets of conversation float by. Bill Webster, Rauh is saying, was the 'last good director of the CIA.' Senator John Danforth, is embarrassed by the performance of his protege, Supreme Court Justice Clarence Thomas, someone says. Not so, it's countered; Danforth is proud of Thomas. The Rauhs speak of Tom and Barbara Eagleton, friends and frequent travel partners. And Marilyn Monroe? She passed a couple of weeks here while Rauh successfully defended her husband, playwright Arthur Miller, from congressional witch hunts in the McCarthy era.

This country owes a depth of gratitude to Joseph Rauh, Jr. We have been enriched by his life journey, by his willingness to do battle for causes which were many times unpopular, but which represented issues of deep civil, social, and political justice. He lived a standard of ethical behavior and fairness which has inspired and guided new generations.

Thank you, Joe. We will carry on.

Mr. DIXON. Mr. Speaker, I rise to pay special tribute to Joseph Louis Rauh, Jr., who will be remembered as one of America's leading crusaders, extensively dedicated to civil rights issues and liberal causes. Known as a champion of the underdog and the defender of the working man, Mr. Rauh spent the bulk of his life working tirelessly to insure the fairness and semblance of equality to American society. On behalf of this lifetime pursuit, he lobbied fervently and constantly for passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

Joseph Rauh was actively involved in organizations which sought to embody the spirit of the Democratic Party's general principles, thus his cofounding of Americans for Democratic Action. Mr. Rauh was also a distinguished member of the executive council of the National Association for the Advancement of Colored People. For 40 years he was general counsel for the Leadership Conference on Civil Rights, and also represented such organizations as the Mississippi Freedom Democratic Party, the United Auto Workers Union, the Brotherhood of Sleeping Car Porters, and other labor organizations.

Through Joseph Louis Rauh, Jr.'s professional career, he sought to enhance and secure equality in the personal lives of all Americans. As he once said after final passage of the 1964 civil rights legislation, "I'm proud of our laws. What our generation has done is to bring equality in law. The next generation has to bring equality into fact." Through his truly altruistic actions and zealous commitment, Mr. Rauh enriched the lives of many. Therefore, I ask my colleagues in the U.S. House of Representatives to join me in extending sincere condolences to his wife Olie of 57 years, sons B. Michael Rauh and Carl S. Rauh, and three grandchildren.

Mr. GILMAN. Mr. Speaker, it is with considerable regret that I rise to join my colleagues in mourning the passing of Joseph L. Rauh, Jr., on September 5, 1992. Mr. Rauh dedicated many years of his life to the noble cause of civil rights and civil liberties, with which our Nation struggled for decades. He played an instrumental role in the passage of measures like the Civil Rights Act of 1964, the Voting Rights Act, and the Fair Housing Act.

Mr. Rauh's quest for fostering human rights and liberties began in the 1930's, following his graduation from Harvard Law School. He first served as a clerk to Supreme Court Justices Benjamin Cardozo and Felix Frankfurter. After World War II, where he was an Army officer in the Pacific, Joseph Rauh went on to cofound Americans for Democratic Action with the help of Eleanor Roosevelt, Walter Reuther, and Reinhold Neibuhr.

Later, Mr. Rauh was elected chairman of the D.C. Democratic Central Committee where he served for 20 years and wrote the minority civil rights plank for the 1948 Democratic National Convention which played a central role in the subsequent civil rights revolution.

In addition to his many accomplishments regarding civil rights and liberties, Mr. Rauh played a central role in implementing the policy of home rule for the District of Columbia.

I had the occasion to come to know and to work with Joe Rauh in the unsuccessful campaign to save the Antioch Law School. His devotion to this cause was inspiring to all of us.

Mr. Speaker, I encourage our colleagues to join in extending my deepest condolences to the family and loved ones of Joseph L. Rauh, Jr. He was a great contributor to the welfare of the District of Columbia and of his Nation. His dedication to these noble national and local causes will not be forgotten. His life was an inspiration to all Americans.

Mr. YATES. Mr. Speaker, I was shocked and deeply saddened to learn that Joe Rauh had died. He was a very dear friend of mine and I will miss him greatly.

I have known Joe since my earliest days in Washington and I always liked him. He was a most delightful man. Joe was a rare combination of intelligence, wit, humanity, candor, dedication, and total decency. There was no one like him in my experience.

Joe's life is an example for all of us. He fought for civil rights and stood for social and economic justice when these issues were very unpopular in this country and he never wavered. I was proud to be with him in many of these battles and I will never forget his passion and fundamental sense of justice.

Joe Rauh never got rich in the material sense of this world, but the United States is richer and a much more decent, better country for what he accomplished and what he has left us. Washington and the Nation have lost a giant and he will not be replaced. Addie joins me in extending our most sincere and personal sympathy to Olie and the Rauh family.

Mr. PANETTA. Mr. Speaker, I rise today in tribute to the distinguished Joseph L. Rauh, Jr. As Director of the Office of Civil Rights in 1969, I had the distinct privilege of working with this extraordinary man. Joseph L. Rauh, Jr.'s life will continue to inspire millions.

Joe Rauh was a man of pure principle and conviction. He had the good fortune of being blessed with unrivaled intelligence and the good heart to dedicate himself to making this world a better place. His accomplishments in the civil rights movement during his 50-year career are truly remarkable. He was a relentless defender of civil rights and fought for justice until the very end. He knew well how important our laws are, and persevered to win the passage of just laws. He also knew that laws were not enough, that living a just life is required. He once said that "What our generation has done is bring equality in law. The next generation has to bring equality in fact." Civil rights are violated every day and prejudice remains rampant. Still, because of Joe Rauh, the incidence of civil rights violations is lower today, and the capacity for redress is greater. In the vision of this great man, it is my fervent hope that we can "bring equality in fact," and that civil rights laws will be rendered obsolete.

Mr. HORTON. Mr. Speaker, I join with my colleagues in paying tribute to Joseph L. Rauh, Jr., who died earlier this month. A leader in the struggle for equality and justice for all Americans, Joseph Rauh's legacy will be one of advocacy on behalf of the little guy, the poor, and those left behind or ignored by society.

I had the privilege of working with Mr. Rauh on a number of issues since I came to Congress in 1963. I worked very closely with Mr. Rauh on home rule for the District when I served on the District of Columbia Committee. It was during this time that I was able to witness first-hand his commitment to justice as we worked together to provide D.C. residents with the same voice in local matters that Americans in other cities and towns enjoy. And though we did not achieve everything that we had set to do, we did establish a workable system of local government for the District of Columbia and made it more accountable and responsive to local residents.

Beyond the District of Columbia, Mr. Rauh played a major role in shaping our Nation's civil rights laws, he was a vocal leader of the labor movement, and he lead the fight against the witch hunts of the 1950's. In all of these issues, Joseph Rauh fought for those who could not fight for themselves. More importantly, he usually won.

Most people in this world can only hope to accomplish a fraction of what Joseph Rauh achieved during his time on Earth. Dr. Martin Luther King, Jr., fittingly once said, "If a man has done nothing for a cause worth dying for, then he is not fit to live." Mr. Speaker, there is no doubt in my mind that Joseph L. Rauh, Jr., will live on forever through his legacy.

Mr. FORD of Michigan. Mr. Speaker, Joe Rauh is best known as the champion of civil rights and civil liberties, but he also championed the rights of the working men and women of America.

He served as general counsel for a number of unions: The United Auto Workers, the United Shoe Workers, the Brotherhood of Sleeping Car Porters, and the Agricultural Workers Union. In addition, he was retained by a number of other unions to litigate the novel, the difficult, the significant labor issues of the day.

His victories were legion.

He solidified the rights of black firemen to fair representation from the white-only union certified by the Railway Labor Board as their bargaining agent. The union had tried to eliminate black firemen from their jobs when diesel supplanted the back-breaking work of shoveling coal. See *Steel* v. *Louisville & Nashville Ry. Co.,* 323 U.S. 192 (1944). When the courts rejected Rauh's claim that fair representation by the union was impossible without union membership—a voice and a vote inside the unon—he saw to it that the subsequent 1964 Civil Rights Act prohibited union discrimination based on race or color.

Moving beyond this, his was the case that initially persuaded the National Labor Relations Board to outlaw discrimination at the union hiring halls because of personal animosity toward the aggrieved worker. Miranda Fuel, 140 NLRB 181 (1962). Here, as always, Rauh was protecting the rights of the little guy.

Rauh recognized the importance of strike action, and fought like a tiger when the State of Virginia seized a privately owned ferry boat company and ordered the striking employees back to work—all on the theory that they were now public employees, and that the strike was now against the Commonwealth of Virginia. Local 333B, International Longshoremen's Union versus Battle.

He understood the travail of the picket line, when scabs go through to take one's job. In the famous Kohler case, the Labor Board agreed with the United Auto Workers that the strike was caused by management's refusal to recognize and bargain with the union. But the Labor Board refused to reinstate the workers who had engaged in back-to-belly mass picketing when the strike first began. They had voted with their feet to convince the employer of their solidarity with the Union. Rauh persuaded the court that this kind of misconduct does not automatically preclude reinstatement, and that the Labor Board must take into account the employer's blatant unfair labor practices that provoked the mass picketing. Local 833 UAW versus NLRB.

On another important labor front, Rauh persuaded the Supreme Court that good faith bargaining requires the parties to be open and above board, to share pertinent information: In particular, that the employer must explain the whereabouts of missing machinery in an arbitration proceeding when the UAW believed the company had violated the agreement not to subcontract unit work. *NLRB* v. *Acme Industrial Co.,* 385 U.S. 432 (1967). And, if the employer's information does not ring true, Rauh won the right for the union to enter the work stations and make its own time studies. Fafnir Bearing Co.

Rauh believed in and understood collective bargaining. He knew that the complete satisfaction of all union members with a negotiated contract is hardly to be expected. Some may want a larger pay check, others may prefer putting part of the pie into fringe benefits like health care or pensions. So he persuaded the Supreme Court that a union, when making bargaining demands, is free to exercise its best discretion within reasonable bounds of relevancy, particularly that it was okay for the union to bargain for seniority credit based on military service performed prior to entering the company's employ. *Ford Motor Co.* v. *Huffman,* 345 U.S. 330 (1953).

Many labor cases are won or lost at the Labor Board level, and Rauh won the right of unions to intervene and participate in the agency proceedings even when they are not named as parties to the dispute. For good measure, he won the corresponding right to participate in any appeal taken from the Labor Board to the courts. *Scofield* v. *NLRB,* 394 U.S. 423 (1969).

Rauh saw the need for unions to engage in politics—so they would not lose at the legislature what they had won at the bargaining table—and in 1957 he won a landmark victory for the United Auto Workers when the Supreme Court held that the Union publication—via television—of candidates' voting records did not violate the Corrupt Practices Act of 1954. Rauh had argued that as a matter of free speech a union could support a political agenda with union dues; not with a money contribution to a candidate, but with a money expenditure to inform the public of the issues involved. But at the same time he insisted that his union clients create a rebate system so the members—Republicans for example—would not be forced to support Democratic candidates with their dues money. All workers who benefit from the union must pay their fair share of the collective bargaining costs, but political objectors must get the return of that portion of their union dues that went into political action.

Rauh often told law classes that there is nothing more beautiful than a beautiful union, and he fought to keep them so. His most notable endeavor in this regard was his representation of Jock Yablonski in his run for the presidency of the United Mine Workers against incumbent Tony Boyle. When Yablonski, his wife and daughter were all murdered in their beds, Rauh traced the killings back to Boyle and saw him jailed for murder, all the while paving the way for the election of the new reform candidate, Arnold Miller.

Rauh continued to represent insurgent candidates in union elections, stumping for them in the hustings, litigating their cases in the Supreme Court. He won some cases: *Dunlop* v. *Bachowski,* 421 U.S. 560 (1975) (Secretary of Labor must give written reasons to the court when he declines to pursue allegations of union election fraud); *Trbovich* v. *United Mine Workers,* 404 U.S. 528 (1972) (when Secretary initiates an action, affected union members may intervene); and he lost a few: *United Steelworkers of America* v. *Sadlowski,* 457 U.S. 102 (unions may prohibit insurgents from accepting financial support from nonmembers during international union elections).

Joe Rauh was well versed in the intricacies of Supreme Court litigation, but he also was the master in the rough and tumble of ordinary lawyering. The National Labor Relations Act authorizes an appeal from the Labor Board to any number of Federal courts of appeals; to the one wherein the unfair labor practices took place, to any one wherein the aggrieved party does business, or to the Court of Appeals in the District of Columbia. This leads to forum shopping; and a race to the circuit; because the court which gets the appeal first generally keeps it.

In the Kohler case, the company wanted desperately to appeal the issues to the Court of Appeals in Chicago; and the United Auto Workers wanted with equal desperation to have the appeal heard in the District of Columbia.

The race to the circuit began at 9 a.m. when the Labor Board, as announced in advance, handed down its opinion. The company attorney grabbed a copy, raced to a waiting cab, and from his office used the open line to an associate in the Chicago courthouse, telling him to file an appeal. This was done at approximately 8:30, central standard time—the court having opened early at the request of Kohler. The appeal document was bland, not specifying the alleged error.

Joe Rauh, in contrast, had prepared six different appeal papers, covering all contingencies. When the Labor Board opened, UAW officials in Washington took control of all the public phone booths, and Rauh stationed an associate at the clerk's office in the Washington, DC, U.S. Court of Appeals. When the Labor Board decision came down, Rauh read it hurriedly, rushed to the nearest pay phone—where a UAW official was talking to the Rauh associate at the clerk's office, and shouted "file appeal number four." This was done, at approximately 9:15, eastern standard time. Since 9:15 eastern standard time is earlier than 8:30 central standard time, Rauh had won the race to the circuits, and ultimately the appeal.

Elbert Hubbard, the turn of the century sage of East Aurora, NY, advised that the only way to avoid controversy is to say nothing, do nothing, be nothing. This was not Joe Rauh. He believed passionately in the causes he supported and fought for them without compromise with all he had. He was the center of controversy, and made enemies.

At a recent birthday dinner he said that in his prime his friends thought he was lovable, while his enemies thought he was a son of a bitch. Now, continued Rauh, since he had grown old, his friends still thought of him as lovable, his enemies thought of him as a lovable son of a bitch.

I am among the many who now think, and always have thought of Joe Rauh as lovable, as one who always appealed to the best of our nature and spirit.

Mr. HAYES of Illinois. Mr. Speaker, I would like to take this opportunity to pay tribute to a great American, one of uncompromisable talent, integrity, and conscience—Mr. Joseph Rauh. I'd known Joe Rauh for more than 30 years and worked closely with him throughout the labor and civil rights movements. While one would expect with all his credentials Mr. Rauh would have become a super lawyer, counting among his clients the captains of industry, I was most impressed by his ability to be a part of the legal community without be-

coming consumed by the status quo. Early in his career, Joseph Rauh decided that unlike many of his colleagues, he could not separate his personal beliefs from his professional responsibilities. He felt that if you have strong personal beliefs which conflict with your business interests it becomes increasingly difficult to ignore your professional life and behave as though the two are unrelated. Rauh's law practice was an extension of his life, therefore he did not have to keep separate the professional and personal aspects of his life. Instead, the personal and professional fed and supported each other and as a result, he became the best at what he did.

I most admired Rauh for his strong convictions on each and every case he took on. Joe only took on those cases he believed in and because of that choice, was never tied unwillingly to a client or interest he did not feel strongly about. He was instrumental in drafting the 1948 civil rights platform at the Democratic National Convention, was one of the main lobbyists for the Civil Rights Act of 1964, as well as the Voting Rights Act and the Fair Housing Act. His death is a reminder to all of us what one man with exemplary morals and strong convictions can accomplish. Few men have contributed as much to improve race relations in this Nation as has Joe, we all owe him our utmost respect and admiration.

Joe Rauh was the kind of man who always had time to help his friends. He was a warm man who defended those who did not have the means to defend themselves. He was a voice for the voiceless, a man of undeniable moral fiber, one whose convictions far outweighed his material desires. I am deeply saddened by his passing, in an era when kind, gentle individuals—advocates for the defenseless are scarce. His death marks the end of an era in which America had the courage and desire to look at itself critically and make the changes necessary to live up to the mandate set forth by the Founding Fathers of our Nation, freedom and justice for all its citizens, and equal opportunity under the law. I will miss him deeply as will the entire Nation.

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to share in the mourning with my colleagues for the loss of one of this country's great civil rights leaders and activists, Joseph L. Rauh.

Mr. Rauh had a profound impact on me back in the 1960's, when I watched this extraordinary lawyer stand up time and again to defend the defenseless and speak out for the underprivileged. Mr. Rauh never lost his enthusiasm for his optimistic and often idealistic views on how to make his country a better place for all to live.

His accomplishments are too numerous to recount. From being the founder of Americans for Democratic Action, to executive board member for the NAACP, his loyalty to human rights and equity-under-law legislation was unwavering.

Joseph Rauh's legal life and political life were often entwined, but government wasn't threatening to him. Throughout the years, he challenged policies and laws he deemed unconstitutional or detrimental to minorities and the poor. In 1972 as counsel for the NAACP Legal Defense Fund, Rauh brought on a lawsuit instrumental in dismantling racially segregated school systems in 17 states. As general counsel for the Leadership Conference on Civil Rights, he was pivotal in drafting virtually all of the major civil rights legislation of the 1950's and 1960's.

Mr. Speaker, I have always looked up to Joseph Rauh as a role model, as I'm sure many of my colleagues have as well. His absence will be felt for years to come, and his memory will live forever.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this tribute to Joe Rauh.

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

There was no objection.

THE AFTERMATH OF HURRICANE INIKI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 60 minutes.

Mrs. MINK. Mr. Speaker, I take the time this evening to address the House on a matter of very grave concern to the people of my district. I suspect that nearly everyone on Capitol Hill is aware of the tremendous hurricane storm Iniki that hit Hawaii on Friday and caused such tremendous damage, and loss of property, and three reported deaths and 300-plus injuries on the Island of Kauai. Several millions of dollars of damage was also done on Oahu and on the other neighbor islands, all of them in my district.

I want to say, first of all, that so many people have expressed their concern about the well-being and welfare of the people of my district, and I thank them deeply for expressing their concerns in the way that they have over the last day or so.

Immediately after being informed of the onslaught of the hurricane, Mr. Speaker, Senator DAN INOUYE made arrangements for the entire Hawaii delegation to fly back to Hawaii, which we did early Saturday morning, arriving about 1:30 in the afternoon, and shortly thereafter we were flown by military helicopters to the Island of Kauai, and we were able then to have at least a preliminary view of the damage that the people there have suffered. All during the 13 hours that it took us to return home, Mr. Speaker, I kept thinking about what it might look like and what the hazards might be for the people of my district. But I must say that I was not prepared to witness what we did on Saturday afternoon.

Mr. Speaker, the destruction was almost total. There were very, very few homes, or businesses, or buildings that I could see that had been spared. The destruction was virtually complete. The authorities advised us that the hurricane was in a category higher than the hurricane that hit Florida. It was in category 5, and the maximum speed of the winds that hit the Island of Kauai was in the vicinity of 160 miles per hour. So, as we flew over the island, Mr. Speaker, it was evident that the damage was not isolated to one corridor. It was the entire island, and right around the airport we could see damage. The airports were closed. There was no water on the island at all. The electricity was down. The companies advised that 95 percent of all their electric poles were knocked down by the hurricane and that it will take 2 or 3 months before electrical power is fully restored to the island.

The crisis was enormous; the people were very calm, however. The actions of the Federal Government were on time, and appropriate and vigorous.

□ 1900

I must take this opportunity to commend FEMA, the military, the civil defense people, the mayor of Kauai, Joann Yukimura, and all of her staff, for the enormous efforts that they put together on such short notice.

My office here in Washington was informed of the coming of the hurricane about 12 hours before it hit. I thank FEMA for that early warning. It gave us an opportunity to check numerous places in Hawaii to make sure that they were alerted, and indeed they were. They were probably notified several hours before we were. All of the people cooperated magnificently.

Having said that, the hurricane, of course, made it impossible for normal life to be conducted on the island. So the thousands of tourists who were stranded on the island have become a very great concern. The airports were only opened today on a limited basis, so some of the tourists are being able to be flown out for connecting flights. I know that a lot of them were very angry and disturbed.

All I can say is that we did our best to try to accommodate their needs and concerns, and apologize on behalf of the people of Hawaii if they were discomforted and inconvenienced in any way.

I feel that the authorities did the best that they could under those trying circumstances. We hope that they will not go away disaffected by the grace and beauty of the Island of Kauai because of circumstances beyond our control.

We are being kept advised almost by the hour of all the efforts that are being made. We are told that the post office is in operation. So if there are families across the country who have people there, feel free to write a letter, because it will be delivered.

There are now emergency telephones that have been posted in significant population areas. Unfortunately, no in-

coming calls can be received as yet, but outgoing calls are being made. My office is being constantly requested by people all over the country to try to make contact. In reaching these individuals it is comforting to know that many of these families have been reunited because the people on the island have stood the lines and have made their outgoing calls. So in a day or so surely the families ought to be connected with one another with the services that have been put into effect.

The shipping lines are open. The boat service and barge service is available, and that is how the emergency supplies are coming in.

The State of Hawaii and people throughout the country have been most generous, for which I express the gratitude of the victims on Kauai, because food is coming in in sufficient quantities to provide for the people who are still in the evacuation areas.

To give you a picture of the island, there are about 51,000 persons living on the island. If you add the number of visitors that were undoubtedly on the island we are talking about a population that was there of about 60,000 individuals. It is an island of about 550 square miles.

We are also talking about a neighboring island called Niihau, which has about 230 people on it. It is a privately owned island. The Governor assured me in his flyover of Niihau that the people there and most of the buildings were saved.

The potential number of homes that are on the Island of Kauai is roughly about 16,000. We are told by those who have made assessments that about 90 percent of the homes were damaged or destroyed during the storm. So we have a massive effort to rebuild the island, the homes, businesses, and services that the people require.

The economic hardships for the island are beyond description. I suppose that in the long run that is the greatest harm that the storm has caused. We have no idea how long economic recovery will take.

You can rebuild a house, but can you rebuild the agriculture economy, for instance, which is the base of that economy of that island?

The sugar fields were simply destroyed. It was as though a clipper went right across the fields, thousands and thousands of acres, and just cut off the tops of all the sugar cane.

The banana trees were just crumpled over as though someone just came and crushed them. The macadamia nuts and the guava trees, virtually all of the agricultural industry of the Island of Kauai has been destroyed.

Together with the destruction of the hotels and the resort communities, the economy of Kauai has been devastated. The estimates of what it is going to take to help at least bring the material physical aspects back to where they were before the storm, the estimates now exceed $1 billion. I am advised that the Senate either is debating or has concluded the debate on the supplemental appropriations this evening and is adding $1.2 billion for the State of Hawaii, specifically and principally for the damage on the Island of Kauai. Whether that is sufficient we will not know, but that is at least the preliminary estimates, and the Senate appears to be agreeing with that amount.

I hope that the House will be able to take up the bill in all due speed and bring the necessary relief to the people of this devastated island. I know that FEMA teams are there and they are about ready to open the disaster centers, but this supplemental appropriation needs to pass in order to provide the funding necessary.

We need the tremendous support and cooperation from all the various agencies. I have not considered myself a disaster assistance expert, but I am beginning to understand the enormity of the problem, because all the services are so disparate and the difficulty of starting it even requires the cooperation of the private sector, the insurance companies. If a property is insured, the claim has to go through that process rather than the Federal Government. It is only in uninsured circumstances that the Federal Government enters.

So our plea is out to the private sector to hurry on in and establish cooperative centers where people can take in their claims and have them reviewed and assessed and approved to determine the extent to which the Federal Government can offer assistance.

We need the Small Business Administration. To the credit of the Administrator, the Honorable Pat Saiki, she was out there the same day we arrived surveying the necessity of her administration getting in there. The head of the civil defense national office was also there.

The agricultural areas are beyond description right now. I am not sure how we are going to get these agricultural interests to come back onstream without totally going down. Sugar is already having a difficult time, and whether there can be sufficient timely help to restore these crops and to start all over again without forcing them into bankruptcy, which would be a terrible tragedy for the island, is something that requires an enormous amount of our effort.

So I again say I am heartened by the words of my colleagues of this House. I ask for their swift approval of the supplemental appropriation, because that more than anything else will give the signal to the people out there that help is coming and that the words that have been spoken to them about help is real and meaningful.

The final thing I would like to say is that we have been messaged that the Presidential Executive order was signed on Friday, but it neglected to provide assurances of 100 percent funding. So tonight I call upon the White House and upon the President to assure the people of Hawaii the same equitable consideration that was given to the other communities.

□ 1910

Kauai is a devastated place. It has really no way to rehabilitate itself, to pay its 25 percent share as provided by the law.

I would hope that the President's ears and his heart are listening tonight and that he will accord the people of my constituency that same consideration.

PRIORITY REFORMS FOR A NEW HOUSE

The SPEAKER pro tempore (Mr. ROEMER). Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 15 minutes.

Mr. SOLOMON. Mr. Speaker, today I am introducing the priority reforms for a new House resolution—a series of 14 amendments to House rules designed to make the legislative process in this institution more orderly, deliberative and accountable.

Mr. Speaker, as many of my colleagues are aware, when I was a member of the bipartisan leadership task force on administrative reform earlier this year, I attempted to forge a linkage between House administrative and procedural reform. The majority leadership was initially open to this overture. The Speaker indicated a willingness to have the task force develop reforms that might be proposed to our respective caucuses for inclusion in the House rules resolution recommended on opening day of the 103d Congress.

Unfortunately, that effort was abandoned when bipartisan negotiations on administrative reform broke down. I renewed my efforts when we revised the resolution creating a Joint Committee on the Organization of Congress. The Rules Committee accepted my amendment to authorize the House membership of that joint committee to report House reform proposals to our respective party caucuses by November 6 of this year.

Unfortunately, that provision was deleted by the other body in the final version of the resolution creating the joint committee. However, as I established in a floor colloquy with Representatives HAMILTON and GRADISON on August 6, when the House concurred in the Senate version of House Concurrent Resolution 192, nothing in the resolution prevents the House membership of the joint committee from making bipartisan recommendations for House reforms that could be adopted on January 4 of next year.

Therefore, my main purpose in introducing this resolution today is to initiate these bipartisan discussions and negotiations with a view to putting at least some of them in place when the new Congress convenes.

I am convinced that the mood both of returning Members and the expected large class of freshman Members will be very strongly in

favor of making some immediate changes in the way we do things around here. I do not think this will do any violence to the work of the joint committee in succeeding months. In fact, it should enable the joint committee to focus on larger issues which affect both bodies and our relations with the executive.

The reforms I am proposing, on the other hand, affect only the internal operations of the House and its committee. But I do not want to mislead anyone into thinking that by only addressing internal House problems they are not significant changes.

To the contrary, my proposed changes are far reaching in their potential impact on the House as we know it because they are based on the premise that the House can and should operate in a more conscientious, coherent, deliberative, and orderly way.

I appreciate the argument that our system of government was deliberately designed by the Framers to be inefficient and contentious. But that is no excuse for all the myriad ways we have found to make it even more inefficient and contentious. There are ways we can address legislative gridlock without having to amend the Constitution. That is what my priority reforms for a new House are all about.

The main complaints voiced by Members about this institution center on legislative scheduling—both at the committee level and on the floor. Members have too many committee and subcommittee assignments to begin with. All the work of these panels is crammed into 3-day work weeks at best during the early part of a session when most work is supposed to be done by committees.

Because committees find it difficult to garner even one-third quorums to do work during these narrow windows, given Members' conflicting responsibilities, more and more work is pushed over into the second half of a session when committees should have already reported. Further complicating timely reporting of authorization bills are multiple referrals whereby some bills must be reported by several committees before they can be considered.

Ironically, despite the requirement that authorizations should be enacted before we even consider appropriations bills, nowadays appropriations bills tend to be the first major bills considered in a session. The authorization bills are somehow sandwiched in between or are put off until after we appropriate. In short, we've turned the whole authorization-appropriations process on its head.

As a result, more and more authorizing is done in appropriations bills and important spending decisions are made without prior policy guidance from the authorizing committees. And then the authorizing committees complain that they are ignored by the appropriators. Is it any wonder?

Mr. Speaker, my package of House reforms tries to bring some sanity back into the process by requiring the Speaker to announce a schedule for the consideration of major legislation at the beginning of each year, and scheduling 5-day work weeks separated by periodic district work periods; requiring committees to be elected and organized within the first 2 weeks of a Congress; requiring committee party ratios to reflect that of the House; reducing subcommittees, Member assignments and committee staff; abolishing select committees; abolishing proxy voting and requiring majority quorums for doing business; abolishing joint bill referrals; requiring committees to adopt oversight agendas by March 1 of the first session; and requiring committees to report their authorization bills no later than May 15.

In short, Mr. Speaker, we can do a lot better job of conducting our business if we just get down to business from the outset of each Congress and proceed according to a well-established and enforced timetable for its completion. To do this we must be willing to defer to leadership scheduling decisions and be willing to better focus the efforts of Members and committees on more limited assignments and responsibilities.

It does us little good to flail away haphazardly and ineffectively at the executive branch bureaucracy when we remain entangled in our own legislative branch bureaucracy of overlapping jurisdictions, excessive subcommittees and staff, and an overly duplicative, inefficient and topsy-turvy budgetary-authorization-appropriations process.

While some of the larger problems of jurisdictions and budgetary reforms must be addressed by the Joint Committee on the Organization of Congress, the internal House reforms I have proposed will go a long way toward putting us back on the right track.

I urge my colleagues, especially the leadership on both sides and our caucuses, to give serious consideration now to putting these internal reforms in place before we recreate our own monster bureaucracy at the beginning of the new Congress.

At this point in the RECORD, Mr. Speaker, I include a summary of my priority reforms for a new House. I hope this can be addressed in a bipartisan manner this fall so that we can hit the ground running rather than stumbling come next January. The summary follows:

H. RES. 565, SUMMARY OF PRIORITY REFORMS FOR A NEW HOUSE RESOLUTION

House Scheduling Reform—The Speaker would be required to announce the legislative schedule for the House at the beginning of each session, including target dates for floor consideration of major legislation; those weeks during which the House will be in session, with five-day work weeks would be assumed unless otherwise announced; the dates of district work periods and holidays; and the target date for adjournment.

Early Organization of Committees—Committees must be elected no later than seven calendar days after the commencement of a new Congress, begin their organizational meetings not later than four days after they are elected, and conclude the meetings not later than seven calendar days after their election.

Equitable Party Ratios on Committees—The membership of all House committees and subcommittees (except the Committee on Standards of Official Conduct and the House Administration Subcommittee on Administrative Oversight) and conference committees must reflect the party into ratio of the House.

Limit on Subcommittees—No committees (except Appropriations) can have more than six subcommittees.

Limit on Subcommittee Assignments—No Member may have more than four subcommittee assignments.

Oversight Reform—Committees must develop and adopt oversight plans for a Congress by March 1st of the first session, and submit them to the Committee on House Administration. Not later than March 15th, after consultation with a bipartisan leadership group, the Committee on House Administration shall publish the plans together with any comments or recommendations by the committee or leadership group. Committees would be required to give an accounting of their oversight plans and accomplishments in their final activity report at the end of each Congress.

Multiple Referral Reform—The joint referral of bills to two or more committees would be abolished; a principal committee would be designated by the Speaker when a bill is introduced, sequential referrals would be retained subject to appropriate time limits set by the Speaker, either upon introduction or when a bill is reported by the principal committee.

Proxy Voting Ban—Proxy voting would be prohibited in all House committees and subcommittees.

Open Meetings—Committee meetings could only be closed by the vote of a committee on the determination that national security, personal privacy or committee personnel matters are involved.

Majority Quorums—A majority of the members of any committee or subcommittee must be present for the conduct of any business, including bill markup.

Committee Staffing Reform—Before any committee funding resolution can be considered by the House, the House must first adopt a resolution from the House Administration Committee establishing an overall ceiling on the number of committee staff for the House. Expense resolutions for committees must be within the ceiling of authorized committee staff. Committee staff would be cut by 10% in each of the next three years (1993-95). The minority would be entitled to one-third of the investigative staff funds on request.

Motion to Recommit With Instructions—The Rules Committee would be prohibited from denying the minority its right to offer amendatory instructions in a motion to recommit a bill.

Abolition of Select Committees—All current select committees (except Intelligence) would be abolished at the end of the 102nd Congress and could not be renewed in the first session of the 103rd Congress except by a two-thirds vote.

Authorization Reporting Deadline—All authorization bills must be reported no later than May 15th preceding the beginning of the fiscal year (as required in the original 1974 Budget Act).

Effective Date—The provisions of the resolution would take effect immediately prior to noon on January 3, 1993.

CONFERENCE REPORT ON H.R. 5373

Mr. BEVILL submitted the following conference report and statement on the bill (H.R. 5373) making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-866)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5373) "making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes," having met, after full and free conference, have agreed to recommend and do rec-

ommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 12, 24, 26, 32, 38, 49, 52, 53, 54, 56, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 13, 14, 20, 25, 30, 33, 41, 42, 50, 51, and 55, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$175,780,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows

Restore the matter stricken amended as follows:

In lieu of the sum named in said amendment insert *$1,000,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,541,668,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$12,540,000*; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$274,760,000*; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

Restore the matter stricken amended to read as follows: *:Provided further, That of the funds appropriated herein, $3,250,000 shall be available for environmental studies associated with the renewal of Central Valley Project, California, water contracts and environmental compliance*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,417,784,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 17, 18, 19, 21, 22, 27, 31, 34, 35, 36, 37, 39, 43, 44, 45, 46, 47, 48, 57, and 58.

TOM BEVILL,
VIC FAZIO,
LINDSAY THOMAS,
JIM CHAPMAN,
DAVID E. SKAGGS
(except No. 37),
BERNARD J. DWYER,
JAMIE L. WHITTEN,
JOHN T. MYERS,
CARL D. PURSELL,
DEAN A. GALLO,
JOSEPH M. MCDADE,
Managers on the Part of the House.

J. BENNETT JOHNSTON,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
JIM SASSER,
DENNIS DECONCINI,
HARRY REID,
MARK O. HATFIELD,
JAKE GARN,
THAD COCHRAN,
PETE V. DOMENICI,
ARLEN SPECTER,
DON NICKLES,
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. 5373) making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs and activities of the Corps of Engineers. Additional items of conference agreement are discussed below.

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

Amendment No. 1: Appropriates $175,780,000 for General Investigations instead of $177,831,000 as proposed by the House and $156,450,000 as proposed by the Senate.

The conference agreement includes $200,000 for the San Joaquin River Basin, Tule River, California, project for the Corps of Engineers to continue the feasibility study and design of the spillway raise at Success Lake, California.

The conference agreement includes $100,000 for the Corps of Engineers to undertake reconnaissance studies for two areas impacted by the Chena River Lakes Flood Control Project in Alaska: (1) the Aztec subdivision area, a flood control project (in cooperation with the Soil Conservation Service) and (2) dredging in the Chena River in Fairbanks to remove sediments impacting commerce and transportation in the Chena River and at the confluence of the Chena and Tanana Rivers.

The conferees have reviewed the Corps of Engineers plan of action for conducting the feasibility study of temperature control measures at the Blue River and Cougar Dams in the McKenzie River drainage in Oregon. The conferees believe that the Corps should produce a feasibility report that fully analyzes and evaluates the alternatives and, therefore, concurs in the Corps' proposed time and cost estimate. The Corps is to provide sufficient funds during fiscal year 1993 from within available funds to meet the proposed completion date of April 1995.

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Los Angeles County Drainage Area Water Conservation and Supply, California, $200,000;

Los Angeles River Watercourse Improvement, California, $300,000;

Rancho Palos Verdes, California, $400,000;

Miami River Sediments, Florida, $50,000;

Monroe County (Smathers Beach), Florida, $500,000;

Casino Beach, Illinois, $110,000;

Chicago Shoreline, Illinois, $600,000;

McCook and Thornton Reservoirs, Illinois, $3,500,000;

Lake George, Hobart, Indiana, $260,000;

Little Calumet River Basin (Cady Marsh Ditch), Indiana, $170,000;

Mississippi River, Vicinity of St. Louis, Missouri, $500,000;

Ste. Genevieve, Missouri, $750,000;

Passaic River Mainstem, New Jersey, $10,000,000; and

Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, $2,800,000:

Provided further, That using $320,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the cost-shared feasibility study of the Calleguas Creek, California, project based on the reconnaissance phase analyses of full intensification benefits resulting from a change in cropping patterns to more intensive crops within the floodplain. The feasibility study will consider the agricultural benefits using both traditional and nontraditional methods, and will include an evaluation of the benefits associated with the environmental protection and restoration of Mugu Lagoon: Provided further, That using $200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a cost-shared feasibility study for flood control at Norco Bluffs, California, based on flood related flows and channel migration which have caused bank destabilization and damaged private property and public utilities in the area: Provided further, That using $300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to expand the study of long-term solutions to shoaling problems in Santa Cruz Harbor, California, by incorporating the study of erosion problems between the harbor and the easterly limit of the City of Capitola, particularly beach-fill type solutions which use sand imported from within or adjacent to the harbor: Provided further, That using $210,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to include the study of Alafia River as part of the Tampa Harbor, Alafia River and Big Bend, Florida, feasibility study: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake a study of a greenway corridor along the Ohio River in New Albany, Clarksville, and Jeffersonville, Indiana, using $125,000 of the funds appropriated under this heading in Public Law 101-101 for Jeffersonville, Indiana, $127,000 of the funds appropriated under this heading in Public Law 101-514, and $250,000 of the funds appropriated under this heading in Public Law 102-104: Provided further, That using $450,000 of the funds appropriated herein, the Secretary of the Army, act-

ing through the Chief of Engineers, is directed to continue the development of a comprehensive waterfront plan for the White River in central Indianapolis, Indiana: Provided further, That using $250,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a feasibility study of the Muddy River, Boston, Massachusetts: Provided further, That using $50,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake feasibility phase studies for the Clinton River Spillway, Michigan, project: Provided further, That using $600,000 of the funds appropriated herein and $900,000 of the funds appropriated under this heading in Public Law 102-104, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preconstruction engineering and design of the St. Louis Harbor, Missouri and Illinois, project: Provided further, That using $3,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue preconstruction engineering and design of the Raritan River Basin, Green Brook Sub-Basin, New Jersey, project in accordance with the design directives for the project contained in Public Law 100-202: Provided further, That using $440,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to review and evaluate the plan prepared by the City of Buffalo, New York, to relieve flooding and associated water quality problems in the north section of the city and to recommend other cost-effective alternatives to relieve the threat of flooding: Provided further, That using $150,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake a reconnaissance study of the existing resources of the Black Fox and Oakland Spring wetland areas in Murfreesboro, Tennessee, and examine ways to maintain and exhibit the wetlands, including an environmental education facility: Provided further, That using $950,000 of the funds appropriated under this heading in Public Law 102-104, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete preconstruction engineering and design for the Richmond Filtration Plant, Richmond, Virginia, project: Provided further, That using $250,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the study of the disposition of the current Walla Walla, Washington, District headquarters including preparation of the environmental assessment and design work associated with demolition of the building: Provided further, That using $2,800,000 of the funds appropriated herein, the Secretary of the Army is authorized, in partnership with the Department of Transportation, and in coordination with other Federal agencies, including the Department of Energy, to evaluate the results of completed research and development associated with an advanced high speed magnetic levitation transportation system and to prepare and present documents summarizing the research findings and supporting the resultant recommendations concerning the Federal role in advancing United States maglev technology: Provided further, That using $300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate the feasibility phase of the study of the Devil's Lake Basin, North Dakota, and shall address the needs of the area for water management; stabilized lake levels, to include inlet and outlet controls; water supply; water quality; recreation; and enhancement and conservation of fish and wildlife: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize up to $100,000, within available funds, to initiate studies to determine the necessary remedial measures to restore the environmental integrity of the lake area and channel depths necessary for small recreational boating in the vicinity of Drakes Creek Park on Old Hickory Lake, Tennessee: Provided further, That using $500,000 of available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate preconstruction engineering and design; and environmental studies for the Kaumalapau Harbor, Lanai, Hawaii, project

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes provisions contained in both the House- and Senate-passed bills for the following projects: Los Angeles County Drainage Area Water Conservation and Supply, California; Rancho Palos Verdes, California; Miami River Sediments, Florida; Casino Beach, Illinois; Calleguas Creek, California; Norco Bluffs, California; Santa Cruz Harbor, California; Tampa Harbor, Florida; Muddy River, Boston, Massachusetts; Clinton River Spillway, Michigan; St. Louis Harbor, Missouri and Illinois; Murfreesboro, Tennessee; and Richmond Filtration Plant, Virginia.

The conference agreement restores provisions included by the House and stricken by the Senate for the following projects: Los Angeles River Watercourse Improvement, California; Monroe County (Smathers Beach), Florida; Lake George, Hobart, Indiana; New Albany, Clarksville, and Jeffersonville, Indiana; White River, Indianapolis, Indiana; and Walla Walla, Washington.

The conference agreement restores funding levels proposed by the House and amended by the Senate for the following projects: McCook and Thornton Reservoirs, Illinois; Mississippi River, Vicinity of St. Louis, Missouri; Ste. Genevieve, Missouri; Passaic River Mainstem, New Jersey; Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas; Raritan River Basin, Green Brook Sub-Basin, New Jersey; and Buffalo, New York.

The conference agreement provides $600,000 for the Chicago Shoreline, Illinois, project instead of $800,000 as proposed by the House and $400,000 as proposed by the Senate and provides $170,000 for the Little Calumet River Basin (Cady Marsh Ditch), Indiana, project as proposed by the Senate instead of $400,000 as proposed by the House.

The conference agreement includes provisions proposed by the Senate for the following projects or programs: magnetic levitation transportation research and development; Devil's Lake Basin, North Dakota; Old Hickory Lake, Tennessee; and Kaumalapau Harbor, Lanai, Hawaii.

The conference agreement includes $3,500,000 for preconstruction engineering and design of the McCook and Thornton Reservoirs project in Illinois as proposed by the House. Notwithstanding the language contained in House Report 102-555, the conferees have been advised that although progress has been made regarding the acquisition of lands for the project, no formal agreement has yet been reached between the owners of the property needed for construction of the McCook Reservoir and the local sponsors of the project. The conferees would therefore urge the parties to continue with their negotiations so that the project may proceed in a timely manner. The conferees expect the Corps of Engineers to take such actions as necessary in the planning, engineering and design of the McCook project so that construction could be initiated in fiscal year 1994.

The conference agreement includes $440,000 for the Corps of Engineers to review the North Buffalo flood control plan for the City of Buffalo, New York. The conferees direct the Corps to use its technical expertise to evaluate the present Buffalo plan including recommendations for possible other cost-effective alternatives, and not initiate a new study for this project.

The conferees direct the Secretary to use the same methodologies and interest rate to derive benefits, costs, benefit-cost ratio, and cost allocations for the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, project as was used for the previous portions of the Red River Waterway project.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that directs the Secretary of the Army to utilize $500,000 to undertake a reconnaissance study of flooding problems associated with the sanitary landfill on the Salt River Pima-Maricopa Indian Reservation in the vicinity of the Salt River, Arizona.

Amendment No. 4: Reported a technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that directs the Secretary of the Army to utilize $500,000 to continue preconstruction engineering and design for the Kentucky Lock, Kentucky, project in accordance with the Report of the Chief of Engineers dated June 1, 1992.

Amendment No. 5: Deletes language proposed by the Senate that directs the Secretary of the Army to complete preconstruction engineering and design for the McCook and Thornton Reservoirs project in Illinois, including all activities necessary to ready the project for construction in fiscal year 1994.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$1,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $1,000,000 for the Corps of Engineers to carry out the purposes of section 411 of Public Law 101-640. Of these funds, $150,000 is available for the Corps of Engineers to continue its support of the Onondaga Lake Management Conference and $850,000 is available for preconstruction engineering and design of demonstration projects to address water quality problems in Onondaga Lake, New York.

CONSTRUCTION, GENERAL

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$1,230,503,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $1,230,503,000 for Construction, General excluding the Red River Waterway Project instead of $1,235,502,000 as proposed by the House and $1,233,937,000 as proposed by the Senate.

The conferees are aware that the Corps of Engineers is currently proceeding with preparation of the design memorandum for phase II of the Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana, project which includes a dredging-only process for maintaining the channel. The approval of the design memorandum is scheduled for the end of calendar year 1992, with execution of the LCA occurring shortly thereafter. Previous delays in completing this phase are of great concern to the House and Senate Committees, therefore, the Corps is directed to use the funds included herein to initiate and expedite construction of phase II, as authorized by the Water Resources Development Acts of 1986 and 1988, immediately after the execution of the LCA.

The budget request included $25,406,000 for the Corps of Engineers to settle a claim at the Joe Pool Lake, Texas, project. The conferees have been advised that the claim is still under consideration by the courts. Therefore, the conferees have deleted the funding for settlement of the claim and direct the Corps of Engineers to rebudget for the claim when the final settlement is reached.

The conferees recognize that the funding identified for the 31-acre Sonoma Baylands Coastal America site should also be considered for use in the overall 320-acre Sonoma Baylands Wetland Demonstration Project, provided that the project is authorized by Congress.

The conferees have been advised that the Corps of Engineers will propose a reprogramming of $10,000,000 to accelerate work on the Kill Van Kull and Newark Bay Channel, New York and New Jersey, project. The conferees fully support this project and the House and Senate Committees look forward to receiving the reprogramming request.

Within available funds, the Corps of Engineers is directed to use up to $10,000,000 for the continuation of the NW 86 Street Extension to Interstate 35/80 at the Saylorville Lake project in Iowa.

The conference agreement includes funds for the following projects within the Corps of Engineers Continuing Authorities Programs:

Emergency Streambank and Erosion Control (Section 14).—Indian Creek, Burton Road, Morgan County, Indiana, $72,000; Watermelon Hollow Road, Sugar Creek, Montgomery County, Indiana, $63,000; Terre Haute Waste Treatment Plant, Vigo County, Indiana, $180,000; St. Joseph River at Indiana University, Indiana, $200,000; and Sequoyah Hills Park, Knoxville, Tennessee, $450.000.

Small Navigation Projects (Section 107).—Cooley Canal, Lucas County, Ohio, $100,000; Neabsco Creek, Virginia, $70,000; and Drum Inlet, North Carolina, $167,000.

Small Flood Control Projects (Section 205).—Northport, Alabama, $200,000; Jackson, Kentucky, $205,000; Mayfield Creek, Kentucky; Windsor Park, Las Vegas, Nevada, $100,000; Lytle Creek, Murfreesboro, Tennessee, $105,000; Pike Creek, Alexandria, Indiana, $120,000; and Duck Creek, Elwood, Indiana, $100,000.

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that permits the use of funds available in the Inland Waterways Trust Fund for rehabilitation of Locks and Dams 13 and 15 on the Mississippi River and Brandon Road, Dresden Island, Marseilles, and Lockport Locks and Dams on the Illinois Waterway.

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Kissimmee River, Florida, $8,000,000;

O'Hare Reservoir, Illinois, $3,000,000;

Des Moines Recreational River and Greenbelt, Iowa, $2,500,000;

Red River Basin Chloride Control, Texas and Oklahoma, $6,000,000;

Wallisville Lake, Texas, $500,000; and

LaConner, Washington, $870,000:

Provided further, That using $7,653,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the project to correct seepage problems at Beaver Lake, Arkansas, and all costs incurred in carrying out that project shall be recovered in accordance with the provisions of section 1203 of the Water Resources Development Act of 1986: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to base all economic analyses of the Sacramento River Flood Control (Deficiency Correction), California, project on the benefits of the entire project, rather than the benefits of individual increments of the project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, shall expend $500,000 of the funds appropriated herein and additional amounts as required from previously appropriated funds to continue plans and specifications, environmental documentation, and the comprehensive hydraulic modeling necessary to achieve to the maximum extent practicable in fiscal year 1993 the project to restore the riverbed gradient at Mile 206 of the Sacramento River in California, for purposes of stabilizing the level of the river and establishing the proper hydraulic head to facilitate new fish protection facilities, the planning, design and implementation of which are integrally related to the planning, design and implementation of the project to restore the flood-damaged riverbed gradient: Provided further, That using $660,000 in funds previously appropriated in Public Law 102-104, the Secretary of the Army, acting through the Chief of Engineers, is directed to develop a floodplain management planning model for the Yolo Bypass and adjacent areas as deemed appropriate, except, as provided in section 321 of Public Law 101-640, such funds shall not be subject to cost-sharing requirements. The one-time construction of operation and maintenance facilities associated with the Yolo Basin Wetlands, Sacramento River, California, project shall be included as part of project costs for the purposes of cost-sharing authorized by law: Provided further, That using $4,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete preconstruction engineering and design for the San Timoteo feature of the Santa Ana River Mainstem, California, project: Provided further, That using funds available in this Act or any previous appropriations Act, the Secretary of the Army shall undertake at Federal expense such actions as are necessary to ensure the safety and integrity of the work performed under Contract Number DACW05-86-C-0101 for the Walnut Creek, California, flood control project: Provided further, That using $700,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on project modifications for the improvement of the environment, as part of the Anacostia River Flood Control and Navigation project, District of Columbia and Maryland, under the authority of section 1135 of Public Law 99-662, as amended: Provided further, That using $3,000,000 of the funds appropriated under this heading in Public Law 101-514, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete real estate appraisals and make offers to willing sellers for the purchase of land at Red Rock Lake and Dam, Iowa, no later that October 31, 1993, in accordance with Public Law 99-190: Provided further, That with $22,500,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with the Barbourville, Kentucky, and the Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: Provided further, That with $20,565,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to undertake structural and nonstructural work associated with the Matewan, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: Provided further, That with $23,000,000 of prior year appropriations to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Lower Mingo County, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: Provided further, That with $1,500,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete construction, using continuing contracts, of the Hatfield Bottom, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: Provided further, That with $1,195,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to expedite completion of specific project reports for McDowell County, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Upper Tug Fork Tributaries, West Virginia, Tug Fork, West Virginia, and Pike County, Kentucky: Provided further, That no fully allocated funding policy shall apply to construction of the Matewan, West Virginia, Lower Mingo County, West Virginia, Hatfield Bottom, West Virginia, Barbourville, Kentucky, and Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project; and specific project reports for McDowell County, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Tug Folk Tributaries, West Virginia, Upper Tug Fork, West Virginia, and Pike County, Kentucky: Provided further, That using $400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Salyersville cut-through as authorized by Public Law 99-662, section 401(e)(1), in accordance with the Special Project Report for Salyersville, Kentucky, concurred in by the Ohio River Division Engineers on or about July 26, 1989: Provided further, That using $7,700,000 of the funds appropriated herein and $4,300,000 of the funds appropriated in Public Law 102-104, the Secretary of the Army, acting through the Chief of Engineers, is directed to incorporate parallel protection along the Orleans and London Avenue Outfall Canals into the authorized Lake Pontchartrain and Vicinity, Louisiana, Hurricane Protection project and award continuing contracts for construc-

tion of this parallel protection to be cost-shared as part of the overall project, not separately, in accordance with the cost-sharing provisions outlined in Public Law 89-298 and Public Law 102-104. Therefore, agreements executed prior to June 1, 1992, between the Federal Government and the local sponsors for the authorized project shall suffice for this purpose and will not require any additional local cost-sharing agreements or supplements: Provided further, That using $4,400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue design and construction of the Ouachita River levees, Louisiana, project in an orderly but expeditious manner including rehabilitation or replacement at Federal expense of all deteriorated drainage structures which threaten the security of this critical protection: Provided further, That the project for flood control, Sowashee Creek, Meridian, Mississippi, authorized by the Water Resources Development Act of 1986 (Public Law 99-662) is modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to construct the project with an expanded scope recreation plan, as described in the Post Authorization Change Report of the Chief of Engineers dated August 1991, and at a total project cost of $31,994,000 with an estimated first Federal cost of $19,706,000 and an estimated non-Federal cost of $12,288,000. The Federal share of the cost of the recreation features shall be 50 percent exclusive of lands, easements, rights-of-way and relocations: Provided further, That using $175,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to provide sewage disposal hookup for the Crosswinds Marina at the B. Everett Jordan Dam and Lake, North Carolina, project: Provided further, That using $300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on the Feature Design Memorandum for the Forest Ridge Peninsula Recreation Area at the Falls Lake, North Carolina, project: Provided further, That using $5,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on the New York Harbor Collection and Removal of Drift, New York and New Jersey, project including the continuation of engineering and design of the remaining portions of the Brooklyn 2, Kill Van Kull, Shooters Island, Bayonne, and Passaic River Reaches, the completion of the design memoranda for the Arthur Kill, New York, and Arthur Kill, New Jersey, reaches, the continuation of construction on the Weehawken-Edgewater, New Jersey and Brooklyn 2 reaches, and the completion of construction on the Jersey City North 2 reach: Provided further, That using $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate construction of the project for flood control, Molly Ann's Brook, New Jersey, in compliance with cost-sharing provided in section 1062 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240): Provided further, That using $2,000,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to pay such sums or undertake such measures as are necessary to compensate for costs of repair, relocation, restoration, or protection of public and private property and facilities in Washington and Idaho damaged by the drawdown undertaken in March 1992 by the United States Army Corps of Engineers at the Little Goose and Lower Granite projects in Washington: Provided further, That using not to exceed $2,000,000 of the funds appropriated herein for the Columbia River Juvenile Fish Mitigation, Washington, project, the Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake advanced planning and design of modifications to public and private facilities that may be affected by operation of John Day Dam at minimum operating pool (elevation 257 feet): Provided further, That using $2,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed upon dissolution of the injunction by the United States District Court, to conduct the necessary engineering and design, and prepare the plans and specifications to resume construction of the Elk Creek Dam in Oregon: Provided further, That the Secretary of the Army is directed to permit the non-Federal sponsor of recreation facilities at Willow Creek Lake in Oregon to contribute, in lieu of cash, all or any portion of its share of the project with work in-kind, including volunteer labor and donated materials and equipment: Provided further, That with $2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake further construction aspects of the Bethel, Alaska, Bank Stabilization Project as authorized by Public Law 99-662 including but not limited to the installation of steel whalers and additional rock toe protection to the pipe pile, bulkheads and other areas vulnerable to collapse: Provided further, That no fully allocated funding policy shall apply to construction of the Bethel, Alaska, Bank Stabilization Project and to the greatest extent possible the work described herein should be compatible with the authorized project: Provided further, That using funds made available in this Act or any previous appropriations Act, the Secretary of the Army shall construct a project for streambank protection along 2.2 miles of the Tennessee River adjacent to Sequoyah Hills Park in Knoxville, Tennessee, at a total cost of $600,000, with an estimated first Federal cost of $450,000 and an estimated first non-Federal cost of $150,000: Provided further, That with $3,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to excavate the St. George Harbor, Alaska, entrance to -20 MLLW in accordance with the cost-sharing provisions in Public Law 99-662

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes provisions contained in both the House- and Senate-passed bills for the following projects: O'Hare Reservoir, Illinois; Red River Basin Chloride Control, Texas and Oklahoma; Wallisville Lake, Texas; Beaver Lake, Arkansas; Sacramento River, California; Yolo Bypass, California; San Timoteo, Santa Ana River Mainstem, California; Walnut Creek, California; Anacostia River, District of Columbia and Maryland; Red Rock Lake and Dam, Iowa; Sowashee Creek, Mississippi; B. Everett Jordan Dam and Lake, North Carolina; Forest Ridge Peninsula Recreation Area, Falls Lake, North Carolina; and New York Harbor Collection and Removal of Drift, New York and New Jersey.

The conference agreement restores provisions included by the House and stricken by the Senate for the following projects: Kissimmee River, Florida; Sacramento River Flood Control (Deficiency Correction), California; and Salyersville, Kentucky.

The conference agreement provides $2,500,000 for the Des Moines Recreational River and Greenbelt, Iowa, project as proposed by the House instead of $1,000,000 as proposed by the Senate.

The conference agreement deletes language proposed by the House and stricken by the Senate for the Ouachita-Black Rivers, Arkansas and Louisiana, and the Falls Lake, North Carolina, projects. The Falls Lake project is addressed in Amendment No. 11.

The conference agreement amends House language for the Harlan and Barbourville, Kentucky; Lake Pontchartrain and Vicinity, Louisiana; and Little Goose and Lower Granite, Washington, projects as proposed by the Senate.

The conference agreement includes provisions proposed by the Senate for the following projects: Matewan, West Virginia; Lower Mingo County, West Virginia; Hatfield Bottom, West Virginia; specific project reports for various elements of the project authorized by section 202 of Public Law 96-367; Ouachita River levees, Louisiana; Columbia River Juvenile Fish Mitigation, Washington; Elk Creek Dam, Oregon; Willow Creek Lake, Oregon; Bethel, Alaska; Sequoyah Hills Park, Knoxville, Tennessee; and St. George Harbor, Alaska.

The conference agreement also includes funds for the LaConner, Washington, project, and the Molly Ann's Brook, New Jersey, project.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that provides $250,000 for the Corps of Engineers to demolish and remove the India Point Railroad Bridge over the Seekonk River in Providence, Rhode Island, as authorized by section 1166(c) of Public Law 99-662.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that directs the Secretary of the Army to correct a design deficiency at the Falls Lake, North Carolina, project. The House-passed bill contained similar language that was stricken by the Senate in Amendment No. 9.

Amendment No. 12: Deletes Senate language that provides $500,000 for the Ventura Harbor, California, project. Funding for this project is included in the amount appropriated in Amendment No. 7.

Amendment No. 13: Appropriates $130,000,000 for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project as proposed by the Senate instead of $90,000,000 as proposed by the House.

The conferees are very concerned about delays in the acquisition of mitigation lands for wildlife losses associated with the construction and operation of the project; specifically, lands in the authorized areas of Loggy Bayou and Bayou Bodcau. Therefore, the Corps of Engineers is urged to expedite all appropriate procedural requirements necessary for land acquisition to begin and to provide a report to the Committees on Appropriations on the overall acquisition schedule, status of the Real Estate Design Memorandum and Local Cooperation Agreement for each area.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

Amendment No. 14: Appropriates $351,182,000 for Flood Control, Mississippi River and Tributaries, as proposed by the Senate instead of $365,432,000 as proposed by the House.

The conferees agree with the language contained in the House Report regarding the Yazoo Basin, Mississippi, Demonstration Erosion Control Program.

Within the funds available, the conference agreement includes an additional $1,200,000 to complete the construction of levee step-paving and other improvements in Baton Rouge, Louisiana.

Amendment No. 15: Restores House language stricken by the Senate that directs the Corps of Engineers to continue work on the Eastern Arkansas Region, Arkansas, project amended to provide that $1,000,000 shall be available for that purpose instead of $2,000,000 as proposed by the House.

OPERATION AND MAINTENANCE, GENERAL

Amendment No. 16: Appropriates $1,541,668,000 for Operation and Maintenance, General instead of $1,551,905,000 as proposed by the House and $1,522,961,000 as proposed by the Senate.

The conference agreement includes $628,000 for operation and maintenance of the Oceanside, California, Experimental Sand Bypass System. The conferees direct the Corps of Engineers to continue the development of this system through completion of Phase III to demonstrate the ability of the system to reduce channel maintenance costs.

Under the Local Cooperation Agreement between the Department of the Army and the State of Texas for the Cooper Lake and Channels, Texas, project, the Government has an obligation to determine when and where shoreline erosion threatens the Federal investment and to determine what economically feasible measures may be undertaken to protect the Federal investment. The conferees are aware that shoreline erosion is already occurring at the Cooper Lake, Texas, project and that a concept proposal has been drafted by the Corps to address this problem. The conferees are concerned about the high cost of the rudimentary solution proposed by the Corps, particularly when compared to a private study that has been conducted for a larger shoreline area and uses a more advanced design and technology for shoreline protection. The conferees direct the Secretary to conduct a comprehensive erosion control study, to be submitted to the House and Senate Committees on Appropriations by February 1, 1993, that will focus on cost efficiencies and utilization of advanced erosion control measures in order to protect both the Federal investment and potential public/private development at Cooper Lake.

The conferees are concerned about the boat safety problems occurring at the Highway 155 bridge area of Lake O' The Pines, Texas. Within available funds, the Secretary is directed to perform necessary dredging and stump removal maintenance and to mark a 50-foot wide boat lane to the main body of water along the existing creek channel as previously marked by the Corps of Engineers.

The Allegheny River Navigation System was constructed in the 1930's and is in a state of disrepair. Consequently, the conferees have provided an additional $3,000,000 for maintenance of the antiquated Allegheny River Navigation System. The funds are required to overhaul the failing gate operating machinery at Locks 2 and 5, repair the severely damaged concrete walls at Locks 7 and 8, and replace the unsafe tow haulage unit at Lock 5.

Within available funds, the conferees direct the Corps of Engineers to utilize $45,000 to develop and execute a local cooperation agreement, design and construct a permanent fish screen, and complete all other actions necessary to turn over the Kankakee River Ice Management Project at Wilmington, Illinois, to the local sponsor for operation and maintenance.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *Provided further, That $2,285,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the development of recreational facilities at Hansen Dam, California: Provided further, That $2,000,000 of the funds appropriated herein, to remain available until expended, shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the development of recreational facilities at Sepulveda Dam, California: Provided further, That using $2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the repair and rehabilitation of the Flint River, Michigan, flood control project: Provided further, That $40,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the project for removal of silt and aquatic growth at Sauk Lake, Minnesota: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use up to $1,200,000 of available funds to undertake high priority recreational improvements at the Skiatook Lake, Oklahoma, project: Provided further, That using $1,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on measures needed to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam, Montana, as authorized by section 33 of the Water Resources Development Act of 1988: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain at Federal expense the Passaic River flood warning system element to the Passaic River Mainstem Project, New Jersey, prior to construction of the project, and using $350,000 of the funds appropriated herein, the Secretary shall operate and maintain such element: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to work with the U.S. Environmental Protection Agency to begin the immediate clean-up of the Ashtabula River, Ohio: Provided further, That using $600,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to update the project Master Plan for the Raystown Lake, Pennsylvania, project: Provided further, That using $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to plan, design, and dredge an access channel and berthing area for the vessel NIAGARA at Erie Harbor, Pennsylvania, in an area known at the East Canal: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use up to $5,000,000 of available funds to undertake necessary maintenance of the Kentucky River Locks and Dams 5-14, Kentucky, prior to transfer of such facilities to the Commonwealth of Kentucky pursuant to the Memorandum of Understanding executed in 1985 concerning the Kentucky River Locks and Dams 5-14: Provided further, That using $1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct and maintain bank stabilization measures along the west bank of the Calcasieu River Ship Channel in Louisiana from mile 11.5 through mile 15.5*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes provisions contained in both the House- and Senate-passed bills for the following projects: Missouri River below Fort Peck Dam, Montana; Ashtabula River, Ohio; and Raystown Lake, Pennsylvania.

The conference agreement restores House language stricken by the Senate for the Hansen Dam, California; Sepulveda Dam, California; Flint River, Michigan; and Sauk Lake, Minnesota, projects.

The conference agreement includes language proposed by the Senate for the Skiatook Lake, Oklahoma; Kentucky River, Kentucky; and Calcasieu River, Louisiana, projects.

The conference agreement also includes funds for operation and maintenance of the Passaic River, New Jersey, Flood Warning System and additional funds for the Erie Harbor, Pennsylvania, project for dredging of an access channel in the East Canal.

From within funds provided for the Kentucky River, Locks and Dams 5-14, project, the conferees direct the Corps of Engineers to spend not more than $300,000 to identify, in concurrence with officials from the Commonwealth of Kentucky, the most critical items in need of repair and that are required to enhance the dependability of the dams for their water supply function.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of "475.5" named in said amendment, insert *475.6*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate that directs the Secretary of the Army to maintain a minimum conservation pool at Wister Lake, Oklahoma, amended to make a technical correction.

REGULATORY PROGRAM

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

None of the funds in this Act shall be used to identify or delineate any land as a "water of the United States" under the Federal Manual for Identifying and Delineating Jurisdictional Wetlands that was adopted in January 1989 or any subsequent manual adopted without notice and public comment.

Furthermore, the Corps of Engineers will continue to use the Corps of Engineers 1987 Manual, as it has since August 17, 1991, until a final wetlands delineation manual is adopted.

None of the funds in this Act shall be used to finalize or implement the proposed regulations to amend the fee structure for the Corps of Engineers regulatory program which were published in Federal Register, Vol. 55, No. 197, Thursday, October 11, 1990.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate regarding Corps of Engineers procedures for delineating jurisdictional wetlands amended to provide that none of the funds appropriated in the Act shall be used to delineate any land as a "water of the United States" using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands issued in Janu-

ary 1989 or any subsequent manual adopted without notice and public comment and that none of the funds appropriated in the Act may be used to implement proposed reguiations to amend the fee structure for the Corps' regulatory program. The conference agreement deletes language included in the Senate amendment that referred to the Administrative Procedure Act and that established a procedure for handling ongoing permit and enforcement actions.

FLOOD CONTROL AND COASTAL EMERGENCIES

Amendment No. 20: Appropriates $10,000,000 for Flood Control and Coastal Emergencies as proposed by the Senate instead of $15,000,000 as proposed by the House.

GENERAL EXPENSES

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that prohibits the use of funds to close any district office of the Corps of Engineers and permits the Secretary of the Army to transfer not to exceed $7,000,000 from other appropriations in Title I to General Expenses to further a more efficient headquarters and division office structure.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Public Law 101-302 (104 Stat. 213) is amended by striking the words "to meet the present emergency needs" under the General Expenses appropriation title of Corps of Engineers—Civil.

SEC. 102. Any funds heretofore appropriated and made available in Public Law 99-88 for construction of facilities at the Mill Creek recreation area of the Tioga-Hammond Lakes, Pennsylvania, project; in Public Law 100-71 for initiation of land acquisition activities as described in section 1114 of Public Law 99-662; and in Public Law 101-101 for construction of the Satilla River Basin, Georgia, project, and for acquisition of an icebreaking boat and equipment for the Kankakee River, Illinois, project, may be utilized by the Secretary of the Army in carrying out projects and activities funded by this Act.

SEC. 103. The Secretary of the Army, acting through the Chief of Engineers, is directed to maintain in caretaker status the navigation portion of the Fox River System in Wisconsin. The Assistant Secretary of the Army for Civil Works shall take over negotiations with the State of Wisconsin for the orderly transfer of ownership and operation of the Fox River Lock System to a non-Federal entity. These negotiations shall commence immediately, be conducted in good faith, and be completed as soon as possible. The terms of a negotiated settlement shall be presented to Congress immediately upon the completion of these negotiations. The settlement shall include provisions for both the logistics and timing of the transfer of the Lock System, as well as a negotiated recommendation for monetary compensation to the non-Federal entity for the repair and rehabilitation of damage and deterioration associated with all appropriate portions of the Fox River System which are being transferred.

SEC. 104. The requirements of section 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2213), as pertains to the Moorefield and Petersburg, West Virginia, flood protection projects, are deemed satisfied, in consideration of the transfer of Grandview State Park by the State of West Virginia to the National Park Service for inclusion in the New River Gorge National River.

SEC. 105. None of the funds appropriated in this Act shall be used to implement the proposed rule for the Army Corps of Engineers amending regulations on "ability to pay" (33 CFR Part 241), published in the Federal Register, vol. 56, No. 114, on Thursday, June 13, 1991.

SEC. 106. In fiscal year 1993, the Secretary shall advertise for competitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with government-owned dredges in fiscal year 1992.

Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement: includes language proposed by the Senate in section 101 that will permit the Corps of Engineers to utilize the unobligated balances remaining from funds appropriated in Public Law 101-302 for costs incurred as a result of a fire that damaged the Corps' Washington headquarters; includes language proposed by the Senate in section 102 that permits the Corps of Engineers to utilize funds previously appropriated for the Tioga-Hammond Lakes, Pennsylvania, the Cross Florida Barge Canal, Florida, the Satilla River Basin, Georgia, and the Kankakee River, Illinois, projects for other activities funded in the Act; includes language proposed by the Senate in section 103 that directs the Chief of Engineers to maintain in caretaker status the navigation portion of the Fox River, Wisconsin, project and directs the Assistant Secretary of the Army for Civil Works to take over negotiations with the State of Wisconsin for the orderly transfer of ownership and operation of the Fox River system to a non-Federal entity; amends language proposed by the Senate in section 104 regarding the Moorefield, West Virginia, and Petersburg, West Virginia, flood control projects; includes language proposed by the Senate in section 105 that provides that none of the funds appropriated in the Act shall be used to implement the proposed rule amending regulations on "ability to pay" published in the Federal Register on June 13, 1991; and amends language proposed by the Senate in section 106 regarding the Corps of Engineers hopper dredge fleet. The amended language provides that in fiscal year 1993 the Secretary of the Army shall advertise for competitive bid at least 7,500,000 cubic yards of hopper dredge volume accomplished with government-owned dredges in fiscal year 1992 and includes a provision that authorizes the Secretary to use the Corps of Engineers dredge fleet to undertake projects under certain conditions. The conferees direct that the Corps of Engineers hopper dredges continue to be homeported in their current locations.

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	ALABAMA				
(N)	CHICKASAW CREEK, AL	165,000	---	165,000	---
(FDP)	CHOCTAWHATCHEE AND PEA RIVER BASINS, AL & FL	400,000	---	400,000	---
(FDP)	METROPOLITAN HUNTSVILLE-MADISON CO., AL	500,000	---	500,000	---
(FC)	VALLEY CREEK, WARRIOR RIVER AND TRIBUTARIES, AL	---	200,000	---	---
	ALASKA				
	CHENA RIVER COMPREHENSIVE STUDY, AK	---	---	100,000	---
(N)	CHIGNIK HARBOR, AK	125,000	---	125,000	---
(N)	COOK INLET, AK	400,000	---	400,000	---
(FDP)	SEWARD AREA RIVERS, AK	300,000	---	300,000	---
(FDP)	SEWARD, FOURTH OF JULY CREEK, AK	149,000	---	149,000	---
(FDP)	SEWARD, LOWELL CREEK, AK	220,000	---	220,000	---
(N)	SITKA HARBOR, AK	---	360,000	---	360,000
(N)	WRANGELL NARROWS AND DRY STRAITS, AK	300,000	---	300,000	---
	ARIZONA				
(FDP)	CENTRAL MARICOPA COUNTY DRAINAGE AREA, AZ	400,000	---	400,000	---
(FDP)	HASSAYAMPA RIVER AT WICKENBURG, AZ	230,000	---	230,000	---
(FC)	LOWER SANTA CRUZ RIVER, AZ	---	100,000	---	100,000
(FC)	RILLITO RIVER, AZ	---	866,000	---	866,000
	SALT RIVER, AZ	---	---	500,000	---
(FDP)	TUCSON DRAINAGE AREA, AZ	330,000	---	330,000	---
	WILLCOX, AZ	---	---	100,000	---
	ARKANSAS				
(FDP)	ARCHEY FORK, CLINTON, AR	200,000	---	200,000	---
(FDP)	ARKANSAS RIVER WETLANDS AND FLOOD CONTROL, AR	200,000	---	200,000	---
(FDP)	CENTRAL ARKANSAS STUDY, AR	200,000	---	200,000	---
(FDP)	LITTLE RIVER COUNTY, AR	237,000	---	237,000	---
(FDP)	OUACHITA RIVER BASIN, HOT SPRINGS, AR	850,000	---	850,000	---
(N)	WHITE RIVER AND TRIBUTARIES, AR & MO	123,000	---	623,000	---
(FDP)	RED RIVER BANK STAB., INDEX, AR TO DENISON DAM, TX	---	---	400,000	---
	CALIFORNIA				
(FC)	AMERICAN AND SACRAMENTO RIVERS, CA	---	5,000,000	---	5,000,000
(FDP)	CALLEGUAS CREEK, CA	320,000	---	320,000	---
(FC)	CARNEROS CREEK, CA	---	670,000	---	670,000
	CITY OF OCEANSIDE SHORELINE, CA	---	---	100,000	---
(SPE)	COAST OF CA, SOUTH COAST REGION (ORANGE COUNTY)	250,000	---	250,000	---
(FC)	COYOTE AND BERRYESSA CREEKS, CA	---	866,000	---	866,000
(N)	HUMBOLDT HARBOR AND BAY, CA	255,000	---	255,000	---
(FC)	KAWEAH RIVER, CA	---	500,000	---	---
	LACDA WATER CONSERVATION AND SUPPLY, CA	---	---	200,000	---
(N)	LOS ANGELES - LONG BEACH HARBORS, CA	---	1,600,000	---	900,000

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
(FC)	LOS ANGELES COUNTY DRAINAGE AREA, CA	---	3,100,000	---	3,100,000
	LOS ANGELES COUNTY SHORELINE, PT MUGU TO SAN PEDRO, CA	---	---	175,000	---
	LOS ANGELES RIVER WATERCOURSE IMPROVEMENT, CA	---	---	300,000	---
(FC)	LOWER MISSION CREEK, CA	---	180,000	---	180,000
(FDP)	MARIN COUNTY SHORELINE, SAN CLEMENTE CREEK, CA	390,000	---	390,000	---
(SP)	MISSION BAY, SAN DIEGO COUNTY, CA	200,000	---	200,000	---
(FDP)	MISSION ZANJA CREEK, CA	300,000	---	300,000	---
(N)	MORRO BAY HARBOR, CA	---	420,000	---	420,000
(FC)	NAPA RIVER, CA	---	400,000	---	400,000
(N)	NEWPORT BAY HARBOR, CA	150,000	---	150,000	---
	NORCO BLUFFS, SANTA ANA RIVER, CA	---	---	200,000	---
(FDP)	NORTHERN CALIFORNIA STREAMS, CACHE CREEK BASIN, CA	200,000	---	200,000	---
	NORTHERN CALIFORNIA STREAMS, MORRISON CREEK STREAM GRO	---	---	600,000	---
(FDP)	NORTHERN CALIFORNIA STREAMS, YOLO BYPASS, CA	180,000	---	---	---
	NORTHERN CALIFORNIA STREAMS, WESTSIDE TRIBS TO YOLO BY	---	---	600,000	---
(FDP)	NORTHERN CALIFORNIA STREAMS, YUBA RIVER BASIN, CA	250,000	---	250,000	---
(N)	NOYO RIVER & HARBOR, CA	---	970,000	---	970,000
(SP)	PACIFIC COASTLINE, CARLSBAD, CA	350,000	---	350,000	---
(FDP)	PAJARO RIVER, WATSONVILLE, CA	470,000	---	470,000	---
(N)	POINT ARENA, CA (BREAKWATER)	390,000	---	390,000	---
	PORT HUENEME, OXNARD, CA	---	---	200,000	---
	RANCHOS PALOS VERDES, CA	---	---	400,000	---
(SPE)	SACRAMENTO-SAN JOAQUIN DELTA, CA	500,000	---	500,000	---
	SAN DIEGO COUNTY WATER SUPPLY, CA	---	---	100,000	---
(SP)	SAN FRANCISCO COUNTY, OCEAN BEACH, CA	665,000	---	665,000	---
(N)	SAN FRANCISCO HARBOR, CA	290,000	---	290,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, ARROYO PASAJERO CK, CA (FRESN	350,000	---	350,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, CALIENTE CREEK STREAM GROUP,	230,000	---	230,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, PINE FLAT DAM, F&WL RESTORATI	300,000	---	250,000	---
(FDP)	SAN JOAQUIN RIVER BASIN, SAN JOAQUIN R MAIN STEM & TRI	270,000	---	270,000	---
	SAN JOAQUIN RIVER BASIN, TULE RIVER, CA	---	---	---	200,000
(FDP)	SAN LORENZO RIVER, CA	133,000	---	133,000	---
(N)	SAN RAFAEL CANAL, CA	---	800,000	---	300,000
(N)	SANTA BARBARA HARBOR, CA	---	380,000	---	380,000
(N)	SANTA CRUZ HARBOR SHOALING, CA	300,000	---	300,000	---
(N)	SANTA MONICA BREAKWATER, CA	100,000	---	100,000	---
(FDP)	SEVEN OAKS AND PRADO DAMS WATER CONSERVATION, CA	100,000	---	100,000	---
(FDP)	UPPER GUADALUPE RIVER, CA	580,000	---	580,000	---
	UPPER SACRAMENTO RIVER HABITAT RESTORATION, CA	---	---	500,000	---
(FDP)	WALNUT CREEK BASIN, CA	80,000	---	80,000	---
(FDP)	WHITEWATER RIVER BASIN, CA	100,000	---	100,000	---
	COLORADO				
(FC)	ALAMOSA, CO	---	131,000	---	131,000
(FDP)	BOXELDER, SPRING, AND DRY CREEKS, FT. COLLINS, CO	55,000	---	55,000	---
(FDP)	DRY GULCH, DENVER, CO	180,000	---	180,000	---
(FDP)	RALSTON AND LEYDEN CREEKS, CO	44,000	---	44,000	---

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CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	CONNECTICUT				
(COM)	CONNECTICUT R BASIN-NATURAL VALLEY STORAGE, CT, MA, NH	340,000	---	340,000	---
	DELAWARE				
(N)	C&D CANAL-BALTIMORE HBR CONNECTING CHLS, DE & MD (DEEP	500,000	---	500,000	---
(SP)	DELAWARE BAY COASTLINE, DE & NJ	450,000	---	450,000	---
(SP)	DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND, D	500,000	---	500,000	---
	FLORIDA				
(SP)	BREVARD COUNTY, FL	78,000	---	78,000	---
(FDP)	COAST OF FLORIDA STUDY, FL	475,000	---	475,000	---
(SP)	DAYTONA BEACH SHORES, FL	100,000	---	100,000	---
(FDP)	HILLSBORO CANAL, FL	79,000	---	79,000	---
	JACKSONVILLE HARBOR, FL	---	---	150,000	---
(BE)	MARTIN COUNTY, FL	---	300,000	---	300,000
	MIAMI RIVER SEDIMENTS, FL	---	---	---	50,000
	MONROE COUNTY (SMATHERS BEACH), FL	---	---	---	500,000
	NAPLES SHORELINE, FL	---	---	100,000	---
(BE)	NASSAU COUNTY, FL	---	350,000	---	350,000
(N)	PALM VALLEY BRIDGE, FL	210,000	---	210,000	---
(BE)	PANAMA CITY BEACHES, FL	---	900,000	---	900,000
(N)	PANAMA CITY HARBOR, FL	---	440,000	---	440,000
(FDP)	PERDIDO KEY, FL	300,000	---	300,000	---
(N)	PONCE DE LEON INLET, FL	170,000	---	170,000	---
(FDP)	TAMPA BAY, FL (COASTAL AREAS)	200,000	---	200,000	---
(N)	TAMPA HARBOR, ALAFIA RIVER AND BIG BEND, FL	210,000	---	210,000	---
	GEORGIA				
(BE)	GLYNN COUNTY BEACHES, GA	---	100,000	---	---
(N)	LOWER SAVANNAH RIVER BASIN, GA & SC	75,000	---	225,000	---
(N)	SAVANNAH HARBOR COMPREHENSIVE, GA	---	616,000	---	616,000
	HAWAII				
	KAUMALAPAU HARBOR, HI	---	---	---	500,000
(N)	KIKIAOLA SMALL BOAT HARBOR, KAUAI, HI	---	180,000	---	---
(FDP)	WAILUPE STREAM FLOOD CONTROL STUDY, OAHU, HI	308,000	---	308,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	ILLINOIS				
(FDP)	ALEXANDER AND PULASKI COUNTIES, IL	75,000	---	75,000	---
(FDP)	APPLE CREEK, IL	50,000	---	50,000	---
	CASINO BEACH, IL	---	---	---	110,000
(RDP)	CHICAGO RIVER, NORTH BRANCH (1946 MOD), IL	100,000	---	100,000	---
	CHICAGO SHORELINE, IL	---	---	---	600,000
(FDP)	DES PLAINES RIVER, IL	300,000	---	300,000	---
(RDP)	FREEPORT, IL	200,000	---	200,000	---
(FDP)	KASKASKIA RIVER BASIN, IL	195,000	---	195,000	---
	MCCOOK AND THORNTON RESERVOIRS, IL	---	---	---	3,500,000
	SOUTHEAST CHICAGO, IL	---	---	100,000	---
(RCP)	UPPER MISSISSIPPI & ILLINOIS NAV STUDY, IL, IA, MN, MO	2,490,000	---	2,490,000	---
(RDP)	WAUKEGAN HARBOR, IL	70,000	---	70,000	---
	INDIANA				
(FC)	FORT WAYNE METROPOLITAN AREA, IN	---	240,000	---	240,000
	INDIANA SHORELINE EROSION, IN	---	---	---	26,000
(FDP)	INDIANAPOLIS, MARION COUNTY SOUTH, IN	456,000	---	456,000	---
(FDP)	INDIANAPOLIS, WHITE RIVER BASIN, IN	350,000	---	350,000	---
	KOONTZ LAKE, IN	---	---	100,000	---
	LAKE GEORGE, HOBART, IN	---	---	---	260,000
	LITTLE CALUMET RIVER BASIN (CADY MARSH DITCH), IN	---	---	---	170,000
	ORANGE COUNTY (LOST RIVER), IN	---	---	200,000	---
(FDP)	WABASH RIVER BASIN COMPREHENSIVE, IN & IL (MIDDLE REAC	165,000	---	265,000	---
(N)	WHITE RIVER, INDIANAPOLIS CENTRAL WATERFRONT, IN	250,000	---	450,000	---
	IOWA				
(FC)	PERRY CREEK, IA	---	133,000	---	---
(FDP)	THURMAN TO HAMBURG, PUMPING FACILITIES, IA	14,000	---	14,000	---
(FC)	THURMAN TO HAMBURG, PUMPING FACILITIES, IA	---	40,000	---	---
	KANSAS				
(FC)	ARKANSAS CITY, KS	---	347,000	---	347,000
(MP)	KANOPOLIS LAKE, KS	---	---	250,000	---
(FDP)	MARYSVILLE, KS	103,000	---	103,000	---
(RCP)	SOLDIER CREEK DIVERSION UNIT, TOPEKA, KS	127,000	---	127,000	---
(FDP)	TURKEY CREEK BASIN, KS & MO	250,000	---	250,000	---
(FC)	WINFIELD, KS	---	350,000	---	350,000

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	KENTUCKY				
	BEAVER CREEK BASIN, KY	---	---	---	300,000
	CUMBERLAND - TENNESSEE RIVERS, KY & TN	---	---	---	500,000
(FDP)	EAGLE CREEK, KENTUCKY RIVER, KY	100,000	---	100,000	---
	EAST FORK OF THE LITTLE SANDY RIVER, KY	---	---	200,000	---
	EASTERN KENTUCKY COMPREHENSIVE, KY	---	---	100,000	---
	GREEN AND BARREN RIVERS, KY	---	---	870,000	---
(FC)	HAZARD, KY	---	443,000	---	443,000
(N)	MCALPINE LOCKS AND DAM, IN & KY	---	1,900,000	---	1,900,000
(FDP)	METROPOLITAN LOUISVILLE, BEARGRASS CREEK, KY	534,000	---	534,000	---
(FDP)	METROPOLITAN LOUISVILLE, POND CREEK, KY	364,000	---	364,000	---
(FDP)	SALT RIVER BASIN, KY	350,000	---	350,000	---
(N)	UNIONTOWN LOCKS AND DAM, KY, IL & IN	1,000,000	---	1,000,000	---
(FDP)	WEST LIBERTY, KY	100,000	---	100,000	---
	LOUISIANA				
(FDP)	AMITE RIVER AND TRIBUTARIES, LA	550,000	---	550,000	---
(FDP)	BOSSIER PARISH, LA	200,000	---	200,000	---
(FC)	COMITE RIVER, LA	---	1,200,000	---	1,200,000
(FC)	EAST BATON ROUGE PARISH, LA	---	100,000	---	100,000
(N)	INTRACOASTAL WATERWAY LOCKS, LA	1,200,000	---	1,200,000	---
(FDP)	JEFFERSON - ORLEANS PARISHES, LA	800,000	---	800,000	---
(FDP)	LAKE CATAOUATCHE LEVEE, LA	400,000	---	400,000	---
	MISSISSIPPI RIVER GULF OUTLET (BANK EROSION), LA	---	---	240,000	---
(N)	PORT OF CAMERON, LA	200,000	---	200,000	---
(FC)	WEST BANK - EAST OF HARVEY CANAL, LA	---	1,600,000	---	1,600,000
	MAINE				
(FDP)	ST JOHN RIVER, ME	96,000	---	96,000	---
(N)	WELLS HARBOR, ME	60,000	---	60,000	---
	MARYLAND				
	OCEAN CITY, MD AND VACINITY	---	---	700,000	---
(FDP)	ANACOSTIA RIVER AND TRIBUTARIES, MD & DC	500,000	---	500,000	---
(N)	BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MD	260,000	---	260,000	---
	BALTIMORE METROPOLITAN STREAMS AREA, MD	---	---	240,000	---
(FC)	JENNINGS RANDOLPH LAKE REALLOCATION, MD & WV	---	150,000	---	---
	MASSACHUSETTS				
(N)	BOSTON HARBOR, MA	---	560,000	---	560,000
(N)	HYANNIS HARBOR, MA	115,000	---	115,000	---
	MUDDY RIVER, MA	---	---	250,000	---
(FC)	SAUGUS RIVER AND TRIBUTARIES, MA	---	2,660,000	---	2,660,000

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	MICHIGAN				
(RCP)	CLINTON RIVER SPILLWAY, MI	50,000	---	50,000	---
(FC)	ECORSE CREEK, MI	---	280,000	---	280,000
(N)	GRAND HAVEN HARBOR, MI	---	460,000	---	460,000
(N)	ST. JOSEPH HARBOR, MI	150,000	---	150,000	---
	MINNESOTA				
(FDP)	CROOKSTON, MN	230,000	---	230,000	---
(N)	GREAT LAKES CONNECTING CHNLS & HBRS, MN, MI & WI	---	230,000	---	230,000
(FC)	HOUSTON, MN	---	147,000	---	147,000
(FC)	MARSHALL, MN	---	182,000	---	182,000
	MISSISSIPPI				
(FDP)	EAST FORK BASIN FISH AND WILDLIFE RESTORATION, MS	100,000	---	100,000	---
(FDP)	JACKSON METROPOLITAN AREA, MS	463,000	---	463,000	---
(FDP)	PASCAGOULA RIVER BASIN, MS	100,000	---	100,000	---
	WOLF AND JORDAN RIVERS, MS	---	---	---	200,000
	MISSOURI				
(FC)	BLUE RIVER BASIN, KANSAS CITY, MO	---	50,000	---	50,000
(FDP)	CLEARWATER LAKE RESTUDY (SEC. 216), MO	---	---	110,000	---
(SPE)	JEFFERSON COUNTY, MO	50,000	---	50,000	---
	MISSISSIPPI RIVER, VICINITY OF ST LOUIS, MO	---	---	500,000	---
(RCP)	MISSOURI RIVER LEVEE SYSTEM, UNIT L-246, CUTOFF LAKE	131,000	---	131,000	---
(FDP)	ST. GENEVIEVE, MO	---	---	---	750,000
(N)	ST. LOUIS HARBOR, MO & IL	---	---	---	600,000
(FDP)	SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO	175,000	---	175,000	---
	NEBRASKA				
(FDP)	ANTELOPE CREEK, LINCOLN, NE	106,000	---	106,000	---
(FDP)	BURT-WASHINGTON COUNTIES, NE	32,000	---	32,000	---
	LEWIS AND CLARK LAKE, NE AND LAKE SAKAKAWEA, ND	---	---	250,000	---
(FC)	WOOD RIVER, GRAND ISLAND, NE	---	300,000	---	300,000
	NEVADA				
(FDP)	LAS VEGAS WASH AND TRIBS (PITTMAN WASH), NV	280,000	---	280,000	---
(FDP)	LOWER TRUCKEE RIVER, NV	300,000	---	300,000	---
(FC)	TROPICANA AND FLAMINGO WASHES, NV	---	4,000,000	---	4,000,000
	WASHOE VALLEY, BATTLE MOUNTAIN, NV	---	---	400,000	---
(FDP)	WASHOE VALLEY, ELKO, NV	200,000	---	200,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	NEW JERSEY				
(N)	ARTHUR KILL CHANNEL EXTENSION-CARTERET, NJ & NY.....	450,000	---	450,000	---
(SP)	BRIGANTINE INLET TO GREAT EGG HARBOR (NJ SHR PRT), NJ.	400,000	---	400,000	---
(N)	DELAWARE RIVER COMPREHENSIVE NAVIGATION STUDY, NJ, PA.	222,000	---	222,000	---
(N)	DELAWARE RIVER MAIN CHANNEL, NJ, PA & DE.....	---	2,000,000	---	2,000,000
	HACKENSACK RIVER BASIN, NJ.....	---	---	100,000	---
	LAKE LEFFERTS, MONMOUTH COUNTY, NJ.....	---	---	375,000	---
	LAKE MATAWAN, MONMOUTH COUNTY, NJ.....	---	---	375,000	---
(SP)	LOWER CAPE MAY MEADOWS (NJ SHR PRT), NJ.....	300,000	---	300,000	---
(FC)	LOWER SADDLE RIVER, NJ.....	---	1,000,000	---	1,000,000
(FDP)	MANASQUAN RIVER BASIN, NJ.....	300,000	---	300,000	---
(FC)	MOLLY ANN'S BROOK AT HALEDON, PROSPECT PARK AND PATERS	---	568,000	---	568,000
(N)	NEW YORK HBR & ADJACENT CHANNELS, CLAREMONT TERMINAL,.	---	300,000	---	500,000
(FC)	PASSAIC RIVER MAINSTEM, NJ.....	---	3,000,000	---	10,000,000
(SP)	RARITAN BAY AND SANDY HOOK BAY, NJ.....	500,000	---	500,000	---
(SP)	RARITAN BAY AND SANDY HOOK BAY (CLIFFWOOD BEACH), NJ..	---	---	---	700,000
(FC)	RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ.....	---	---	---	3,500,000
(N)	SALEM RIVER, NJ.....	---	85,000	---	85,000
(SP)	TOWNSENDS INLET TO CAPE MAY INLET (NJ SHR PRT), NJ....	200,000	---	200,000	---
	NEW MEXICO				
(FDP)	ALBUQUERQUE ARROYOS, NM.....	200,000	---	200,000	---
(FDP)	ESPANOLA VALLEY, RIO GRANDE AND TRIBUTARIES, NM.....	250,000	---	250,000	---
(FDP)	LAS CRUCES, EL PASO AND VICINITY, NM.....	150,000	---	150,000	---
(FDP)	RIO RANCHO, RIO GRANDE AND TRIBUTARIES, NM.....	230,000	---	230,000	---
	NEW YORK				
	BUFFALO, NY.....	---	---	440,000	---
(SP)	LONG BEACH ISLAND, NY.....	220,000	---	220,000	---
	MARINE PARK (PLUMB BEACH), BROOKLYN, NY.....	---	---	450,000	---
(N)	NEW YORK HARBOR ANCHORAGE AREAS, NY.....	500,000	---	500,000	---
(SPE)	ONONDAGA LAKE, NY.....	150,000	---	150,000	850,000
	RARITAN BAY ANCHORAGE, NY & NJ.....	---	---	500,000	---
	ROCHESTER HARBOR (WAVE SURGE), NY.....	---	---	100,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	NORTH CAROLINA				
(FC)	BRUNSWICK COUNTY BEACHES, NC-OCEAN ISLE BEACH PORTION.	---	200,000	---	200,000
(N)	CAPE FEAR-NORTHEAST (CAPE FEAR) RIVER, NC.....	585,000	---	585,000	---
(SP)	DARE COUNTY BEACHES, NC.....	180,000	---	180,000	---
(BE)	FORT FISHER AND VICINITY, NC.....	---	296,000	---	296,000
	MANTEO (SHALLOWBAG) BAY, NC.....	---	---	---	600,000
(FC)	SUGAR CREEK BASIN, NC & SC.....	---	300,000	---	300,000
(BE)	WEST ONSLOW BEACH & NEW RIVER INLET, NC.....	---	304,000	---	304,000
(N)	WILMINGTON HARBOR OCEAN BAR, NC.....	---	400,000	---	800,000
(N)	WILMINGTON HARBOR, CHANNEL WIDENING, NC.....	---	600,000	---	---
	NORTH DAKOTA				
(FDP)	DEVILS LAKE, ND.....	---	---	300,000	---
(FDP)	GRAND FORKS, ND.....	200,000	---	200,000	---
	OHIO				
(FDP)	BELMONT AND JEFFERSON COUNTIES, OH.....	100,000	---	100,000	---
	BELMONT AND JEFFERSON COUNTIES (ACID MINE DRAINAGE), O	---	---	250,000	---
(FDP)	CLINTON COUNTY, CAESAR CREEK LAKE, WATER SUPPLY, OH...	250,000	---	250,000	---
(N)	CUYAHOGA RIVER, OH.....	50,000	---	50,000	---
(FDP)	DAYTON, OH - MIAMI RIVER BASIN.....	300,000	---	300,000	---
	GREAT LAKES SHORELINE, GENEVA STATE PARK, OH.....	---	---	250,000	---
(FC)	HOLES CREEK AT WEST CARROLLTON, OH.....	---	144,000	---	144,000
(FC)	METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH, KY.	---	570,000	---	---
(FC)	WEST COLUMBUS LPP, OH.....	---	2,000,000	---	---
	OKLAHOMA				
	WISTER LAKE, OK.....	---	---	250,000	---
	OREGON				
(FDP)	AMAZON CREEK WETLANDS, OR.....	167,000	---	167,000	---
(N)	COLUMBIA RIVER NAVIGATION CHANNEL DEEPENING, OR & WA..	800,000	---	800,000	---
(MP)	COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA...	---	294,000	---	294,000
(FDP)	COLUMBIA SLOUGH, OR.....	190,000	---	190,000	---
(N)	COOS BAY, OR (DEEP DRAFT NAVIGATION).....	---	800,000	---	800,000
(FDP)	JOHNSON CREEK, OR.....	200,000	---	200,000	---
(FDP)	WILLAMETTE RIVER BASIN REVIEW, OR.....	500,000	---	500,000	---
(FDP)	WILLAMETTE RIVER TEMPERATURE CONTROL, OR.....	542,000	---	542,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	PENNSYLVANIA				
(FC)	CHARTIERS CREEK, PA	---	250,000	---	---
	CONEMAUGH RIVER BASIN, PA	---	---	500,000	---
(FC)	CURWENSVILLE LAKE, PA - REALLOCATION	---	400,000	---	400,000
(FC)	LACKAWANNA RIVER, PA	---	850,000	---	850,000
(FDP)	LEHIGH RIVER BASIN, PA	450,000	---	450,000	---
(N)	LOCKS AND DAM 2, 3 AND 4, MONONGAHELA RIVER, PA	---	1,900,000	---	4,100,000
	PORT OF PITTSBURGH, PA	---	---	300,000	---
(FC)	RAYSTOWN LAKE, PA - REALLOCATION	---	400,000	---	---
(FDP)	SAW MILL RUN BASIN, PA	30,000	---	30,000	---
(FC)	SAW MILL RUN, PA	---	300,000	---	300,000
(FDP)	SCHUYLKILL RIVER BASIN, READING AREA, PA	250,000	---	250,000	---
(SPE)	SUSQUEHANNA RIVER BASIN FISH RESTORATION, PA, NY, & MD	150,000	---	150,000	---
(FC)	WYOMING VALLEY LEVEE RAISING, PA	---	700,000	---	1,675,000
	PUERTO RICO				
(FC)	ARECIBO RIVER, PR	---	400,000	---	---
(N)	GUAYANES, LAS MAREAS AND GUAYANILLA HARBORS, PR	110,000	---	110,000	---
(FC)	RIO DE LA PLATA, PR	---	984,000	---	984,000
(FC)	RIO GRANDE DE LOIZA, PR	---	850,000	---	850,000
(FDP)	RIO GUANAJIBO, PR	229,000	---	229,000	---
(FDP)	RIO NIGUA AT SALINAS, PR	107,000	---	107,000	---
(FC)	RIO PUERTO NUEVO, PR	---	250,000	---	250,000
(N)	SAN JUAN HARBOR, PR	---	324,000	---	324,000
	RHODE ISLAND				
(N)	BLOCK ISLAND HARBOR, RI	60,000	---	60,000	---
	SOUTH CAROLINA				
(N)	CHARLESTON HARBOR, SC (DEEPENING/WIDENING)	300,000	---	300,000	---
(BE)	MYRTLE BEACH, SC	---	531,000	---	531,000
	POCOTALIGO RIVER AND SWAMP, SC	---	---	400,000	---
(SP)	SOUTH CAROLINA SHORES, NORTH PORTION, SC	390,000	---	390,000	---
	SOUTH DAKOTA				
(FDP)	ABERDEEN AND VICINITY, SD	19,000	---	19,000	---
(SPE)	BIG BEND DAM - LAKE SHARPE, SD	45,000	---	45,000	---
(FC)	BIG SIOUX RIVER, SIOUX FALLS, SD	---	400,000	---	400,000
(SPE)	JAMES RIVER ENVIRONMENTAL, SD	200,000	---	200,000	---
(SPE)	OAHE DAM - LAKE OAHE (WILDLIFE RESTORATION), SD	120,000	---	120,000	---
(FDP)	VERMILLION RIVER BASIN, SD	117,000	---	117,000	---
(FC)	WATERTOWN AND VICINITY, SD	---	175,000	---	175,000

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	TENNESSEE				
	BLACK FOX/OAKLAND SPRINGS WETLANDS, MURFREESBORO, TN..	---	---	150,000	---
(FDP)	METROPOLITAN CHATTANOOGA-HAMILTON CO., TN.....	350,000	---	350,000	---
(FDP)	METROPOLITAN NASHVILLE, HARPETH RIVER, TN.....	300,000	---	300,000	---
	OLD HICKORY LAKE, TN.....	---	---	100,000	---
	TEXAS				
(FC)	ARROYO COLORADO, TX.....	---	170,000	---	170,000
(FC)	BRAYS BAYOU (HOUSTON), TX.....	---	1,000,000	---	1,000,000
	CORPUS CHRISTI SHIP CHANNEL (50' CHANNEL), TX.....	---	---	250,000	---
(FC)	CYPRESS CREEK, TX.....	---	1,250,000	---	1,250,000
(FC)	DALLAS FLOODWAY EXTENSION, TRINITY RIVER PROJECT, TX..	---	650,000	---	650,000
(RCP)	FERRELLS BRIDGE DAM-LAKE O' THE PINES, TX.....	50,000	---	50,000	---
(FC)	FIVE MILE CREEK, DALLAS, TX.....	---	103,000	---	103,000
(RCP)	GIWW-ARANSAS NATIONAL WILDLIFE REFUGE, TX.....	400,000	---	400,000	---
	GIWW-CORPUS CHRISTI TO PORT ISABEL, TX (SEC. 216).....	---	---	300,000	---
(N)	GIWW-SARGENT BEACH, TX.....	---	1,000,000	---	1,000,000
(FDP)	GRAHAM, TX (BRAZOS RIVER BASIN).....	250,000	---	250,000	---
(FC)	GREENS BAYOU (HOUSTON), TX.....	---	900,000	---	900,000
(N)	HOUSTON-GALVESTON NAVIGATION CHANNELS, TX.....	---	4,200,000	---	4,200,000
(FDP)	LOWER TRINITY RIVER BASIN, TX.....	300,000	---	300,000	---
(N)	MATAGORDA SHIP CHANNEL, TX.....	50,000	---	50,000	---
(FC)	MCGRATH CREEK, WICHITA FALLS, TX.....	---	309,000	---	309,000
(RDP)	PECAN BAYOU LAKE, TX.....	400,000	---	400,000	---
	RED RIVER WW, SHREVEPORT, LA TO DAINGERFIELD, TX.....	---	---	---	2,800,000
	SABINE NECHES WATERWAY, CHANNEL TO ORANGE, TX.....	---	---	300,000	---
(FC)	SHOAL CREEK, AUSTIN, TX.....	---	170,000	---	170,000
(FC)	SOUTH MAIN CHANNEL, TX.....	---	350,000	---	350,000
(FDP)	UPPER TRINITY RIVER BASIN, TX.....	850,000	---	850,000	---
	UTAH				
(FDP)	SEVIER RIVER AND TRIBUTARIES, UT.....	500,000	---	500,000	---
	VERMONT				
(FDP)	WINOOSKI RIVER AND TRIBUTARIES, ICE FLOW.....	---	---	250,000	---
	VIRGINIA				
(SPE)	JAMES RIVER BASIN F & WL RESTORATION, VA.....	400,000	---	400,000	---
(BE)	VIRGINIA BEACH, VA (HURRICANE PROTECTION).....	---	875,000	---	875,000

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	WASHINGTON				
(FC)	CHEHALIS RIVER, SOUTH ABERDEEN, COSMOPOLIS, WA	---	900,000	---	900,000
(SPE)	CHIEF JOSEPH POOL RAISING, WA	200,000	---	200,000	---
(RCP)	HOWARD HANSON DAM, ADDITIONAL STORAGE, WA	324,000	---	324,000	---
(RCP)	LAKE WASHINGTON SHIP CANAL, WA	277,000	---	277,000	---
(FDP)	NOOKSACK RIVER, WA	153,000	---	153,000	---
(FDP)	SKAGIT RIVER, WA	138,000	---	138,000	---
	WALLA WALLA DISTRICT DISPOSITION STUDY, WA	---	---	250,000	---
(FDP)	WALLA WALLA RIVER BASIN, WA & OR	235,000	---	235,000	---
	WEST VIRGINIA				
(FC)	ISLAND CREEK AT LOGAN, WV	---	304,000	---	304,000
(COM)	KANAWHA RIVER BASIN COMPREHENSIVE, WV (MARLINTON/GREEN	320,000	---	500,000	---
(N)	KANAWHA RIVER NAVIGATION, WV	1,050,000	---	1,050,000	---
(FC)	MOOREFIELD, WV	---	585,000	---	585,000
(SPE)	WEST VIRGINIA COMPREHENSIVE, WV	200,000	---	500,000	---
(N)	WEST VIRGINIA PORT DEVELOPMENT, WV	---	---	500,000	---
	WISCONSIN				
(RCP)	FOX RIVER, WI	125,000	---	125,000	---
(FDP)	MILWAUKEE METROPOLITAN AREA, WI	400,000	---	400,000	---
(FC)	PORTAGE, WI	---	375,000	---	375,000
	WYOMING				
(FDP)	JACKSON HOLE RESTORATION, WY	105,000	---	105,000	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	REVIEW OF AUTHORIZED PROJECTS				
	COORDINATION STUDIES WITH OTHER AGENCIES	8,530,000	---	8,530,000	---
	COLLECTION AND STUDY OF BASIC DATA				
	MISCELLANEOUS				
	CLIMATE CHANGE RESEARCH PROGRAM	600,000	---	400,000	---
	COASTAL FIELD DATA COLLECTION	3,400,000	---	3,000,000	---
	CONSTRUCTION PRODUCTIVITY ADVANCEMENT RESEARCH (CPAR)	6,000,000	---	4,500,000	---
	DEVELOPMENT OF A FEDERAL INFRASTRUCTURE STRATEGY	1,786,000	---	1,786,000	---
	EARTHQUAKE ENGINEERING RESEARCH PROGRAM	500,000	---	---	---
	ENVIRONMENTAL DATA STUDIES	150,000	---	150,000	---
	ENVIRONMENTAL SERVICE PARTNERSHIPS	1,500,000	---	1,000,000	---
	FLOOD PLAIN MANAGEMENT SERVICES	7,400,000	---	7,100,000	---
	HYDROLOGIC STUDIES	440,000	---	300,000	---
	INTERNATIONAL WATER STUDIES	1,000,000	---	700,000	---
	MAGNETICALLY-LEVITATED TRANSPORTATION RESEARCH PROGRAM	13,000,000	---	2,800,000	---
	NATIONAL WATER MANAGEMENT DURING DROUGHT	1,404,000	---	1,404,000	---
	PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)	500,000	---	450,000	---
	REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT	200,000	---	150,000	---
	SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	200,000	---	130,000	---
	STREAM GAGING (U.S. GEOLOGICAL SURVEY)	650,000	---	600,000	---
	TRANSPORTATION SYSTEMS	1,200,000	---	800,000	---
	VALUATION OF ENVIRONMENTAL INVESTMENTS PROGRAM	2,000,000	---	---	---
	TOTAL	41,930,000	---	25,270,000	---
	RESEARCH AND DEVELOPMENT	23,500,000	---	22,000,000	---
	SUBTOTAL, GENERAL INVESTIGATIONS	123,747,000	69,517,000	122,712,000	90,285,000
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-23,519,000	---	-37,217,000	---
	TOTAL, GENERAL INVESTIGATIONS	100,228,000	69,517,000	85,495,000	90,285,000

TYPE OF PROJECT:
- (N) NAVIGATION
- (BE) BEACH EROSION CONTROL
- (FC) FLOOD CONTROL
- (MP) MULTIPURPOSE, INCLUDING POWER
- (SP) SHORELINE PROTECTION
- (FDP) FLOOD DAMAGE PREVENTION
- (RCP) REVIEW OF COMPLETED PROJECT
- (RDP) REVIEW OF DEFERRED PROJECT
- (COMP) COMPREHENSIVE
- (SPEC) SPECIAL

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	ALABAMA		
(N)	BAYOU LA BATRE, AL	1,600,000	1,600,000
(N)	BLACK WARRIOR AND TOMBIGBEE RIVERS, VICINITY OF JACKSO	300,000	300,000
(N)	TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION, AL &	10,000,000	10,000,000
(FC)	VILLAGE CREEK, JEFFERSON COUNTY, AL	7,200,000	7,200,000
(N)	WILLIAM BACON OLIVER LOCK AND DAM, AL	2,324,000	2,324,000
	ALASKA		
	BETHEL, AK	---	2,000,000
(N)	KODIAK HARBOR, AK	350,000	350,000
	ST. GEORGE HARBOR, AK	---	3,000,000
	ARIZONA		
(FC)	CLIFTON, AZ	3,300,000	3,300,000
(FC)	HOLBROOK, AZ	1,000,000	1,000,000
(FC)	PHOENIX ARIZONA AND VICINITY, AZ (STAGE 2)	9,942,000	9,942,000
	ARKANSAS		
(MP)	BEAVER LAKE, AR (DAM SAFETY)	---	7,653,000
(MP)	BEAVER LAKE, AR (WATER QUALITY ENHANCEMENT)	1,000,000	1,750,000
(MP)	DARDANELLE L&D, (POWERHOUSE), AR (MAJOR REHAB)	1,150,000	1,150,000
(N)	MCCLELLAN-KERR AR RIVER NAV SYSTEM, LOCKS AND DAMS, AR	12,000,000	13,500,000
(N)	RED RIVER EMERGENCY BANK PROTECTION	---	3,500,000
	RED RIVER LEVEES AND BANK STABILIZATION BELOW DENISON DAM, AR	---	1,500,000
	CALIFORNIA		
(FC)	GUADALUPE RIVER, CA	10,000,000	10,000,000
(FC)	MARYSVILLE - YUBA CITY LEVEE RECONSTRUCTION, CA	800,000	800,000
(FC)	MERCED COUNTY STREAMS, CA	1,500,000	1,500,000
(FC)	NEW MELONES LAKE, CA	---	1,000,000
(N)	OAKLAND HARBOR, CA	3,200,000	3,200,000
(N)	OCEANSIDE HARBOR, CA	2,660,000	2,660,000
(FC)	REDBANK AND FANCHER CREEKS, CA	9,172,000	9,172,000
(N)	RICHMOND HARBOR, CA	1,330,000	1,330,000
(FC)	SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	2,230,000	2,230,000
(N)	SACRAMENTO RIVER DEEPWATER SHIP CHANNEL, CA	3,500,000	100,000
(FC)	SACRAMENTO RIVER FLOOD CONTROL PROJECT, CA (DEF CORR)	2,250,000	2,250,000
	SACRAMENTO RIVER FLOOD CONTROL PROJECT (GCID), CA	---	500,000
(N)	SAN FRANCISCO BAY TO STOCKTON, CA	1,250,000	1,250,000
(FC)	SAN LUIS REY RIVER, CA	16,200,000	16,200,000
(FC)	SANTA ANA RIVER MAINSTEM, CA	90,800,000	90,800,000
(FC)	SANTA PAULA CREEK CHANNEL, CA	1,000,000	1,000,000
(FC)	SWEETWATER RIVER, CA	1,121,000	1,121,000
	VENTURA HARBOR, CA	---	500,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
(FC)	WILDCAT AND SAN PABLO CREEKS, CA	2,000,000	2,000,000
(FC)	YOLO BASIN WETLANDS, SACRAMENTO RIVER, CA	1,400,000	1,400,000
	DELAWARE		
(FC)	DELAWARE COAST PROTECTION, DE	175,000	175,000
	FLORIDA		
(N)	CANAVERAL HARBOR DEEPENING, FL	2,500,000	1,000,000
(FC)	CENTRAL AND SOUTHERN FLORIDA, FL	18,200,000	18,200,000
(FC)	DADE COUNTY, FL	2,900,000	2,900,000
(BE)	DUVAL COUNTY, FL	7,900,000	7,900,000
(FC)	FOUR RIVER BASINS, FL	200,000	200,000
	KISSIMMEE RIVER, FL	---	8,000,000
(BE)	MANATEE COUNTY, FL	3,648,000	3,648,000
(N)	MIAMI HARBOR CHANNEL, FL	12,500,000	12,500,000
(BE)	PALM BEACH ISLAND, FL (REIMBURSEMENT)	5,566,000	5,566,000
(BE)	PINELLAS COUNTY, FL	3,600,000	3,600,000
	GEORGIA		
(MP)	RICHARD B. RUSSELL DAM & LAKE, GA & SC	19,000,000	19,000,000
	HAWAII		
(FC)	ALENAIO STREAM, HAWAII, HI	3,382,000	3,382,000
(N)	KAWAIHAE SMALL BOAT HARBOR, HAWAII, HI	1,150,000	1,150,000
(N)	MAALAEA HARBOR, MAUI, HI	2,000,000	2,000,000
	ILLINOIS		
(FC)	ALTON TO GALE ORGANIZED LEVEE DISTRICT, IL & MO (DEF C	415,000	415,000
(FC)	EAST ST LOUIS, IL	6,900,000	6,900,000
(N)	ILLINOIS WATERWAY, 4 LOCKS, IL (MAJOR REHAB)	2,620,000	1,500,000
(FC)	LOVES PARK, IL	2,000,000	2,000,000
(N)	MELVIN PRICE LOCK AND DAM, IL & MO	9,700,000	9,700,000
(N)	MELVIN PRICE LOCK AND DAM, SECOND LOCK, IL & MO	37,848,000	37,848,000
(N)	MISSISSIPPI RIVER, LOCK & DAM 13, IL (MAJOR REHAB)	796,000	796,000
(N)	MISSISSIPPI RIVER, LOCK & DAM 15, IL (MAJOR REHAB)	3,658,000	2,500,000
	O'HARE RESERVOIR, IL	---	3,000,000
(N)	OLMSTED LOCKS AND DAM, IL & KY	60,000,000	60,000,000
(N)	UPPER MISS RIVER SYSTEM ENV MGMT PROG, IL, IA, MO, MN.	19,455,000	19,455,000
	INDIANA		
(FC)	EVANSVILLE, IN	800,000	800,000
(FC)	LITTLE CALUMET RIVER, IN	11,000,000	11,000,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	IOWA		
	DES MOINES RECREATIONAL RIVER AND GREENBELT, IA	---	2,500,000
(N)	MISSOURI RIVER F&WL MITIGATION, IA, NE, KS & MO	5,600,000	7,600,000
(FC)	MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS, & MO	1,450,000	1,450,000
(FC)	PERRY CREEK, IA	---	1,000,000
(FC)	WEST DES MOINES DES MOINES, IA	800,000	800,000
	KANSAS		
(FC)	GREAT BEND, KS	3,809,000	3,809,000
(FC)	HALSTEAD, KS	3,659,000	3,659,000
	KENTUCKY		
(FDP)	FRANKFORT, SOUTH FRANKFORT, KY	---	500,000
	SALYERSVILLE, KY	---	400,000
(FC)	YATESVILLE LAKE, KY	514,000	514,000
	LOUISIANA		
(FC)	ALOHA-RIGOLETTE, LA	760,000	760,000
(FC)	LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT	11,607,000	19,307,000
(FC)	OUACHITA RIVER LEVEES, LA	---	4,400,000
(FC)	LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)	2,330,000	2,330,000
(N)	MISSISSIPPI RIVER - GULF OUTLET, LA	2,000,000	2,000,000
(N)	MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, L	5,796,000	5,796,000
(FC)	NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION)	5,355,000	5,355,000
(N)	RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, L	35,000,000	130,000,000
(FC)	WESTWEGO TO HARVEY CANAL, LA (HURRICANE PROTECTION)	7,400,000	7,400,000
	MARYLAND		
	ANACOSTIA RIVER, MD	---	700,000
(BE)	ATLANTIC COAST OF MARYLAND, MD	5,000,000	5,000,000
	MASSACHUSETTS		
(FC)	TOWN BROOK, QUINCY AND BRAINTREE, MA	8,000,000	8,000,000
	MINNESOTA		
(FC)	BASSETT CREEK, MN	2,125,000	2,125,000
(FC)	CHASKA, MN	4,600,000	4,600,000
(N)	DULUTH-SUPERIOR CHANNEL EXTENSION, MN & WI	500,000	500,000
(FC)	ROCHESTER, MN	15,100,000	15,100,000
(FC)	ST PAUL, MN	4,200,000	4,200,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	MISSISSIPPI		
(N)	GULFPORT HARBOR, MS	10,000,000	10,000,000
	SOWASHEE CREEK, MERIDIAN, MS	---	1,000,000
(FC)	TOMBIGBEE RIVER AND TRIBUTARIES, MS & AL	5,000,000	5,000,000
	MISSOURI		
(FC)	BLUE RIVER CHANNEL, KANSAS CITY, MO	10,300,000	10,300,000
(FC)	BRUSH CREEK, KANSAS CITY, MO	4,100,000	4,100,000
(FC)	CAPE GIRARDEAU-JACKSON, MO	7,800,000	7,800,000
(MP)	HARRY S TRUMAN DAM AND RESERVOIR, MO	3,268,000	3,268,000
(FC)	MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO	3,100,000	3,100,000
(N)	MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	5,800,000	5,800,000
	NEBRASKA		
(FC)	MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD	56,000	56,000
(FC)	PAPILLION CREEK AND TRIBUTARIES LAKES, NE	1,442,000	1,442,000
	NEW JERSEY		
(BE)	CAPE MAY INLET TO LOWER TOWNSHIP, NJ	1,665,000	1,665,000
(FC)	GREAT EGG HARBOR INLET AND PECK BEACH, NJ	14,342,000	14,342,000
	MOLLY ANN'S BROOK, NJ	---	1,000,000
(BE)	SANDY HOOK TO BARNEGAT INLET, NJ	18,000,000	18,000,000
	NEW MEXICO		
(FC)	ACEQUIAS IRRIGATION SYSTEM, NM	2,000,000	2,000,000
(FC)	ALAMOGORDO, NM	400,000	400,000
	COCHITI LAKE, NM	---	1,900,000
(FC)	MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELE	400,000	400,000
(FC)	RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE,	6,000,000	6,000,000
	NEW YORK		
(BE)	ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON POINT,	4,300,000	4,300,000
(BE)	FIRE ISLAND INLET - JONES INLET, NY	4,600,000	4,600,000
(N)	KILL VAN KULL AND NEWARK BAY CHANNEL, NY & NJ	36,000,000	36,000,000
(N)	NEW YORK HARBOR COLLECTION AND REMOVAL OF DRIFT, NY &	3,420,000	5,000,000
(FC)	NORTH ELLENVILLE, NY (DEF CORR)	2,110,000	2,110,000
(N)	SHINNECOCK INLET, NY	7,043,000	7,043,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	NORTH CAROLINA		
(N)	AIWW-REPLACEMENT OF FEDERAL HIGHWAY BRIDGES, NC	8,000,000	8,000,000
(FC)	B. EVERETT JORDAN DAM AND LAKE, NC	3,340,000	3,515,000
(FC)	CAROLINA BEACH AND VICINITY, NC	140,000	140,000
(FC)	FALLS LAKE, NC	7,200,000	7,530,000
(N)	MOREHEAD CITY HARBOR, NC	100,000	100,000
	NORTH DAKOTA		
(FC)	SHEYENNE RIVER, ND	1,768,000	1,768,000
(FC)	SOURIS RIVER BASIN, ND	13,078,000	13,078,000
	OHIO		
(FC)	MILL CREEK, OH	5,100,000	2,500,000
(FDP)	WEST COLUMBUS, OH	---	4,800,000
	OKLAHOMA		
(FC)	FRY CREEKS, BIXBY, OK	200,000	200,000
(FC)	MINGO CREEK, OK	16,000,000	16,000,000
	OREGON		
(N)	BONNEVILLE NAVIGATION LOCK, OR & WA	26,520,000	26,520,000
(MP)	BONNEVILLE POWERHOUSE, OR & WA (MAJOR REHAB)	8,000,000	5,000,000
(MP)	BONNEVILLE SECOND POWERHOUSE, OR & WA	3,200,000	3,200,000
(FC)	ELK CREEK LAKE, OR	200,000	2,500,000
	PENNSYLVANIA		
(N)	GRAYS LANDING, LOCK AND DAM 7, MONONGAHELA RIVER, PA	30,000,000	30,000,000
(FC)	LOCK HAVEN, PA	21,100,000	21,100,000
(N)	POINT MARION, LOCK AND DAM 8, MONONGAHELA RIVER, PA &	26,000,000	26,000,000
(BE)	PRESQUE ISLE PENINSULA, PA (PERMANENT)	1,901,000	1,901,000
(FC)	TURTLE CREEK, PA	1,600,000	1,600,000
	PUERTO RICO		
(FC)	PORTUGUES AND BUCANA RIVERS, PR	14,600,000	14,600,000
	RHODE ISLAND		
	CLIFF WALK, NEWPORT, RI	---	750,000
	SEEKONK RIVER, PROVIDENCE, RI	---	250,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	SOUTH CAROLINA		
(N)	CHARLESTON HARBOR, SC	3,200,000	3,200,000
(BE)	FOLLY BEACH, SC	12,104,000	12,104,000
(MP)	RICHARD B. RUSSELL DAM & LAKE, WILDLIFE MITIGATION, SC	12,000,000	12,000,000
	TENNESSEE		
(MP)	CENTER HILL DAM, TN (DAM SAFETY)	1,700,000	1,700,000
	TEXAS		
(FC)	BEALS CREEK, BIG SPRING, TX	500,000	500,000
(N)	BRAZOS ISLAND HARBOR, TX	5,500,000	5,500,000
(N)	CHANNEL TO VICTORIA, TX	1,000,000	1,000,000
(FC)	CLEAR CREEK, TX	4,100,000	4,100,000
(FC)	COOPER LAKE AND CHANNELS, TX	11,100,000	11,100,000
(FC)	EL PASO, TX	7,300,000	7,300,000
(N)	FREEPORT HARBOR, TX	6,700,000	6,700,000
	GREENS BAYOU BRIDGE, TX	---	450,000
(FC)	JOE POOL LAKE, TX	26,212,000	806,000
(FC)	LAKE WICHITA, HOLLIDAY CREEK AT WICHITA FALLS, TX	3,400,000	3,400,000
(N)	MOUTH OF COLORADO RIVER, TX	300,000	300,000
(FC)	RAY ROBERTS LAKE, TX	4,000,000	4,000,000
	RED RIVER BASIN CHLORIDE CONTROL, TX & OK	---	6,000,000
(MP)	SAM RAYBURN DAM AND RESERVOIR, TX (DAM SAFETY)	1,000,000	1,000,000
(FC)	SAN ANTONIO CHANNEL IMPROVEMENT, TX	7,400,000	7,400,000
(FC)	SIMS BAYOU AT HOUSTON, TX	10,000,000	10,000,000
(FC)	TAYLORS BAYOU, TX	1,800,000	1,800,000
	WALLISVILLE LAKE, TX	---	500,000
	UTAH		
(FC)	LITTLE DELL LAKE, UT	3,341,000	3,341,000
	VERMONT		
(FC)	CONNECTICUT RIVER BASIN, TOWNSHEND & BALL MOUNTAIN DAM	429,000	429,000
	VIRGINIA		
(FDP)	BUENA VISTA, VA	---	1,300,000
(N)	NORFOLK HARBOR AND CHANNELS, VA	600,000	600,000
(FC)	RICHMOND, VA	18,028,000	18,028,000
(FC)	ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA	5,100,000	5,100,000
(BE)	VIRGINIA BEACH, VA (REIMBURSEMENT)	850,000	850,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
	WASHINGTON		
(FDP)	CHEHALIS RIVER, SOUTH ABERDEEN, WA	---	500,000
(MP)	CHIEF JOSEPH ADDITIONAL UNITS, WA	2,100,000	2,100,000
(MP)	COLUMBIA RIVER JUVENILE FISH MITIGATION, WA, OR & ID	45,100,000	47,100,000
(N)	GRAYS HARBOR, WA	9,300,000	9,300,000
	LACONNER, WA	---	870,000
(MP)	LOWER SNAKE RIVER FISH & WILDLIFE COMPENSATION, WA, OR	11,500,000	11,500,000
(FC)	MUD MOUNTAIN DAM, WA (DAM SAFETY)	14,500,000	14,500,000
	WEST VIRGINIA		
(N)	GALLIPOLIS LOCKS AND DAM, WV & OH	25,000,000	25,000,000
(FC)	LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V	44,500,000	69,375,000
(FC)	PETERSBURG, WV	900,000	900,000
(N)	WINFIELD LOCK AND DAM, WV	38,500,000	38,500,000
	WISCONSIN		
(FC)	STATE ROAD AND EBNER COULEES, WI	3,948,000	3,948,000
	MISCELLANEOUS		
	AQUATIC PLANT CONTROL (1965 ACT)	9,000,000	9,000,000
	BEACH EROSION CONTROL PROJECTS (SECTION 103)	1,500,000	1,500,000
	CLEARING AND SNAGGING (SECTION 208)	500,000	500,000
	EMERGENCY STREAMBANK & SHORELINE PROTECTION (SEC. 14)	6,500,000	10,000,000
	EMPLOYEES' COMPENSATION	19,296,000	19,296,000
	FLOOD CONTROL PROJECTS (SECTION 205)	23,000,000	20,000,000
	INLAND WATERWAYS USERS BOARD - BOARD EXPENSES	35,000	35,000
	INLAND WATERWAYS USERS BOARD - CORPS EXPENSES	165,000	65,000
	NAVIGATION MITIGATION (SECTION 111)	500,000	500,000
	NAVIGATION PROJECTS (SECTION 107)	4,000,000	4,000,000
	PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONME	10,000,000	7,500,000
	SECTION 933 1986 WRDA	1,000,000	1,000,000
	WETLAND AND AQUATIC HABITAT CREATION	5,000,000	---
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-96,310,000	-118,694,000
	TOTAL, CONSTRUCTION GENERAL	1,230,488,000	1,360,503,000

TYPE OF PROJECT:
(N) NAVIGATION
(BE) BEACH EROSION CONTROL
(FC) FLOOD CONTROL
(MP) MULTIPURPOSE, INCLUDING POWER

CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	GENERAL INVESTIGATIONS		
	SURVEYS:		
	GENERAL STUDIES:		
(FDP)	ALEXANDRIA, LA.	400,000	400,000
	MORGANZA, LA TO GULF OF MEXICO	---	400,000
(FDP)	MISSISSIPPI DELTA, MS.	1,200,000	1,200,000
(FDP)	JACKSON AND TRENTON, TN.	510,000	510,000
	COLLECTION AND STUDY OF BASIC DATA	300,000	300,000
	PRECONSTRUCTION ENGINEERING AND DESIGN:		
(FC)	LOWER WHITE RIVER, BIG CREEK & TRIBUTARIES, AR.	280,000	280,000
(FC)	WHITEMAN'S CREEK, AR.	560,000	560,000
	EASTERN ARKANSAS REGION (COMPREHENSIVE STUDY), AR.	---	1,000,000
	SUBTOTAL, GENERAL INVESTIGATIONS	3,250,000	4,650,000
	CONSTRUCTION		
(FC)	CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN.	93,000,000	93,000,000
(N)	HELENA HARBOR, PHILLIPS COUNTY, AR.	8,408,000	5,008,000
(FC)	MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	20,500,000	20,500,000
(FC)	ST FRANCIS BASIN, AR & MO, CONSOLIDATED.	9,600,000	9,600,000
(FC)	ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA.	8,700,000	8,700,000
(FC)	ATCHAFALAYA BASIN, LA.	27,000,000	27,000,000
(FC)	MISSISSIPPI & LOUISIANA ESTAURINE AREAS, MS & LA.	6,900,000	6,900,000
(FC)	MISSISSIPPI DELTA REGION, LA.	8,000,000	8,000,000
(FC)	TENSAS BASIN, RED RIVER BACKWATER, LA.	3,900,000	3,900,000
(FC)	HORN LAKE CREEK & TRIBUTARIES (INCL. COW PEN CREEK), M	681,000	681,000
(FC)	SARDIS DAM, MS (DAM SAFETY).	3,100,000	3,100,000
	YAZOO BASIN, MS:	(42,789,000)	(43,739,000)
(FC)	BIG SUNFLOWER RIVER, MS.	4,800,000	5,750,000
(FC)	DEMONSTRATION EROSION CONTROL, MS.	23,000,000	23,000,000
(FC)	MAIN STEM, MS.	25,000	25,000
(FC)	REFORMULATION UNIT, MS.	1,200,000	1,200,000
(FC)	TRIBUTARIES, MS.	6,289,000	6,289,000
(FC)	UPPER YAZOO PROJECTS, MS.	6,800,000	6,800,000
(FC)	YAZOO BACKWATER F&WL MITIGATION LANDS, MS.	500,000	500,000
(FC)	YAZOO BACKWATER, MS.	175,000	175,000
(FC)	NONCONNAH CREEK, TN & MS.	3,450,000	3,450,000
(FC)	WEST TENNESSEE TRIBUTARIES, TN.	774,000	774,000
	SUBTOTAL, CONSTRUCTION	236,802,000	234,352,000
	MAINTENANCE		
(FC)	CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN.	67,669,000	67,669,000
(FC)	LOWER ARKANSAS RIVER - NORTH BANK, AR.	128,000	128,000
(FC)	LOWER ARKANSAS RIVER - SOUTH BANK, AR.	173,000	173,000
(FC)	MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	7,308,000	7,308,000
(FC)	ST. FRANCIS RIVER BASIN, AR & MO.	9,711,000	11,111,000

CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	TENSAS BASIN, BOEUF & TENSAS RIVERS, AR & LA	2,573,000	2,573,000
(FC)	WHITE RIVER BACKWATER, AR	786,000	786,000
(FC)	LAKE NO. 9 PUMPING PLANT, KY	140,000	140,000
(FC)	ATCHAFALAYA BASIN, LA	12,937,000	12,937,000
(FC)	BATON ROUGE HARBOR - DEVIL SWAMP, LA	230,000	230,000
(FC)	BAYOU COCODRIE & TRIBS, LA	115,000	115,000
(FC)	BONNET CARRE, LA	767,000	767,000
(FC)	LOWER RED RIVER - SOUTH BANK LEVEES, LA	67,000	67,000
(FC)	MISSISSIPPI DELTA REGION - CAERNARVON, LA	188,000	188,000
(FC)	OLD RIVER, LA	3,901,000	3,901,000
(FC)	TENSAS BASIN, RED RIVER BACKWATER, LA	2,545,000	2,545,000
(N)	GREENVILLE HARBOR, MS	238,000	238,000
(N)	VICKSBURG HARBOR, MS	195,000	195,000
	YAZOO BASIN, MS:	(14,420,000)	(27,720,000)
(FC)	ARKABUTLA LAKE, MS	2,415,000	3,515,000
(FC)	BIG SUNFLOWER, MS	343,000	2,343,000
(FC)	ENID LAKE, MS	2,521,000	4,721,000
(FC)	GREENWOOD, MS	604,000	604,000
(FC)	GRENADA LAKE, MS	2,834,000	4,834,000
(FC)	MAIN STEM, MS	884,000	3,384,000
(FC)	SARDIS LAKE, MS	2,753,000	4,753,000
(FC)	TRIBUTARIES, MS	1,001,000	2,501,000
(FC)	WILL M WHITTINGTON AUX CHAN, MS	386,000	386,000
(FC)	YAZOO BACKWATER, MS	306,000	306,000
(FC)	YAZOO CITY, MS	373,000	373,000
(FC)	WAPPAPELLO LAKE, MO	3,695,000	4,055,000
(N)	MEMPHIS HARBOR (MCKELLAR LAKE), TN	1,540,000	1,540,000
(FC)	INSPECTION OF COMPLETED WORKS	1,152,000	1,152,000
(FC)	MAPPING	884,000	884,000
	SUBTOTAL, MAINTENANCE	131,362,000	146,422,000
	REDUCTION FOR SAVINGS AND SLIPPAGE	-23,692,000	-34,242,000
	TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES	347,722,000	351,182,000

TYPE OF PROJECT:
(N) NAVIGATION
(FC) FLOOD CONTROL

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	ALABAMA		
(FC)	ALABAMA - COOSA RIVER COMPREHENSIVE WATER STUDY, AL...	1,000,000	3,000,000
(N)	ALABAMA - COOSA RIVER, AL.....	4,768,000	6,400,000
(N)	BLACK WARRIOR AND TOMBIGBEE RIVERS, AL.....	13,462,000	18,000,000
(N)	DAUPHIN ISLAND BAY, AL.....	447,000	447,000
(N)	GULF INTRACOASTAL WATERWAY, AL.....	2,981,000	3,600,000
(MP)	MILLERS FERRY LOCK & DAM - WILLIAM "BILL" DANNELLY LAK	3,411,000	3,411,000
(N)	MOBILE HARBOR, AL.....	14,446,000	16,800,000
(MP)	ROBERT F. HENRY LOCK AND DAM, AL.....	5,235,000	5,235,000
(N)	TENNESSEE-TOMBIGBEE WATERWAY, AL & MS.....	17,040,000	18,000,000
(MP)	WALTER F. GEORGE LOCK AND DAM, AL & GA.....	7,983,000	7,983,000
	ALASKA		
(N)	ANCHORAGE HARBOR, AK.....	1,750,000	1,750,000
(FC)	CHENA RIVER LAKES, AK.....	1,270,000	1,270,000
(N)	DILLINGHAM SMALL BOAT HARBOR, AK.....	515,000	515,000
(N)	HOMER SMALL BOAT HARBOR, AK.....	263,000	263,000
(N)	HUMBOLDT HARBOR, AK.....	251,000	251,000
(N)	NINILCHIK HARBOR, AK.....	175,000	175,000
(N)	NOME HARBOR, AK.....	544,000	544,000
(N)	OLD HARBOR, AK.....	429,000	429,000
(N)	WRANGELL HARBOR, AK.....	211,000	211,000
	ARIZONA		
(FC)	ALAMO DAM, AZ.....	894,000	894,000
(FC)	PAINTED ROCK DAM, AZ.....	922,000	922,000
(FC)	WHITLOW RANCH DAM, AZ.....	152,000	152,000
	ARKANSAS		
(MP)	BEAVER LAKE, AR.....	11,770,000	4,117,000
(MP)	BLAKELY MT DAM - LAKE OUACHITA, AR.....	3,273,000	3,273,000
(FC)	BLUE MOUNTAIN LAKE, AR.....	986,000	986,000
(MP)	BULL SHOALS LAKE, AR.....	4,938,000	4,938,000
(MP)	DARDANELLE LOCK AND DAM, AR.....	4,758,000	4,758,000
(MP)	DEGRAY LAKE, AR.....	3,498,000	3,498,000
(FC)	DEQUEEN LAKE, AR.....	1,003,000	1,003,000
(FC)	DIERKS LAKE, AR.....	1,030,000	1,030,000
(FC)	GILLHAM LAKE, AR.....	1,006,000	1,006,000
(MP)	GREERS FERRY LAKE, AR.....	4,631,000	4,631,000
(N)	HELENA HARBOR, AR.....	466,000	466,000
(N)	MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	24,891,000	24,891,000
(FC)	MILLWOOD LAKE, AR.....	2,307,000	2,307,000
(MP)	NARROWS DAM - LAKE GREESON, AR.....	3,168,000	3,168,000
(FC)	NIMROD LAKE, AR.....	1,468,000	1,468,000
(MP)	NORFORK LAKE, AR.....	3,473,000	3,473,000
(N)	OSCEOLA HARBOR, AR.....	584,000	584,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	OUACHITA AND BLACK RIVERS, AR & LA	5,102,000	5,102,000
(MP)	OZARK-JETA TAYLOR LOCK AND DAM, AR	4,065,000	4,065,000
(N)	WHITE RIVER, AR	2,033,000	3,233,000
(N)	YELLOW BEND PORT, AR	3,000	3,000
	CALIFORNIA		
(FC)	BLACK BUTTE LAKE, CA	1,428,000	1,428,000
(FC)	BUCHANAN DAM - H.V. EASTMAN LAKE, CA	1,489,000	1,489,000
(N)	CHANNEL ISLANDS HARBOR, CA	2,496,000	2,496,000
(FC)	COYOTE VALLEY DAM, CA (LAKE MENDOCINO)	2,543,000	2,543,000
(N)	CRESCENT CITY HARBOR, CA	720,000	720,000
(FC)	DRY CREEK - WARM SPRINGS LAKE AND CHANNEL, CA	2,595,000	2,595,000
(FC)	FARMINGTON DAM, CA	144,000	144,000
(FC)	HIDDEN DAM - HENSLEY LAKE, CA	1,478,000	1,478,000
(N)	HUMBOLDT HARBOR AND BAY, CA	3,642,000	3,642,000
(FC)	ISABELLA LAKE, CA	705,000	705,000
(N)	LOS ANGELES - LONG BEACH HARBOR MODEL, CA	155,000	155,000
(N)	LOS ANGELES - LONG BEACH HARBORS, CA	395,000	2,395,000
(FC)	LOS ANGELES COUNTY DRAINAGE AREA, CA	2,674,000	4,959,000
	MARINA DEL RAY, CA	---	1,400,000
(FC)	MERCED COUNTY STREAMS, CA	160,000	160,000
(FC)	MOJAVE RIVER DAM, CA	246,000	246,000
(N)	MONTEREY HARBOR, CA	---	1,500,000
(N)	MORRO BAY HARBOR, CA	236,000	236,000
(N)	MOSS LANDING HARBOR, CA	803,000	803,000
(FC)	NEW HOGAN LAKE, CA	1,822,000	1,822,000
(MP)	NEW MELONES LAKE, CA	793,000	793,000
(N)	NOYO RIVER & HARBOR, CA	555,000	555,000
(N)	OAKLAND HARBOR, CA	2,799,000	2,799,000
(N)	OCEANSIDE EXPERIMENTAL SAND BYPASS SYSTEM, CA	628,000	628,000
(N)	OCEANSIDE HARBOR, CA	85,000	1,085,000
(FC)	PINE FLAT LAKE, CA	1,896,000	1,896,000
(N)	REDONDO BEACH (KING HARBOR), CA	40,000	40,000
(N)	REDWOOD CITY HARBOR, CA	3,499,000	3,499,000
(N)	RICHMOND HARBOR, CA	2,285,000	2,285,000
(N)	SACRAMENTO RIVER - SHALLOW DRAFT CHANNEL, CA	86,000	86,000
(N)	SACRAMENTO RIVER AND TRIBUTARIES, CA (DEBRIS CONTROL)	778,000	778,000
(N)	SACRAMENTO RIVER, CA (30 FOOT PROJECT)	2,050,000	2,050,000
(N)	SAN FRANCISCO BAY - DELTA MODEL STRUCTURE, CA	1,635,000	1,635,000
(N)	SAN FRANCISCO BAY LONG TERM MANAGEMENT STRATEGY, CA	1,778,000	1,778,000
(N)	SAN FRANCISCO HARBOR AND BAY, CA (DRIFT REMOVAL)	1,915,000	1,915,000
(N)	SAN FRANCISCO HARBOR, CA	1,915,000	1,915,000
(N)	SAN JOAQUIN RIVER, CA	1,341,000	1,341,000
(N)	SAN LEANDRO MARINA - JACK D. MALTESTER CHANNEL, CA	1,276,000	1,276,000
(N)	SAN PABLO BAY AND MARE ISLAND STRAIT, CA	2,446,000	2,446,000
(N)	SAN RAFAEL CREEK, CA	2,276,000	2,276,000
(FC)	SANTA ANA RIVER BASIN, CA	2,305,000	2,305,000
(N)	SANTA BARBARA HARBOR, CA	905,000	905,000
(FC)	SEPULVEDA DAM, CA	---	2,000,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	SUCCESS LAKE, CA	1,465,000	1,465,000
(N)	SUISUN BAY CHANNEL, CA	1,101,000	1,101,000
(FC)	TERMINUS DAM (LAKE KAWEAH), CA	1,324,000	1,324,000
(N)	VENTURA HARBOR, CA	1,106,000	1,106,000
(N)	YUBA RIVER, CA	28,000	28,000
	COLORADO		
(FC)	BEAR CREEK LAKE, CO	336,000	336,000
(FC)	CHATFIELD LAKE, CO	1,299,000	1,299,000
(FC)	CHERRY CREEK LAKE, CO	867,000	867,000
(FC)	JOHN MARTIN RESERVOIR, CO	1,502,000	1,502,000
(FC)	TRINIDAD LAKE, CO	640,000	640,000
	CONNECTICUT		
(FC)	BLACK ROCK LAKE, CT	246,000	246,000
(FC)	COLEBROOK RIVER LAKE, CT	439,000	439,000
(FC)	HANCOCK BROOK LAKE, CT	223,000	223,000
(FC)	HOP BROOK LAKE, CT	720,000	720,000
(FC)	MANSFIELD HOLLOW LAKE, CT	566,000	566,000
(FC)	NORTHFIELD BROOK LAKE, CT	270,000	270,000
(FC)	STAMFORD HURRICANE BARRIER, CT	265,000	265,000
(FC)	THOMASTON DAM, CT	369,000	369,000
(FC)	WEST THOMPSON LAKE, CT	464,000	464,000
	DELAWARE		
(N)	CHESAPEAKE AND DELAWARE CANAL, ST. GEORGES BRIDGE REPL	14,000,000	14,000,000
(N)	INTRACOASTAL WATERWAY, DE RIVER TO CHESAPEAKE BAY, DE.	11,069,000	11,069,000
(N)	INTRACOASTAL WATERWAY, REHOBOTH BAY TO DELAWARE BAY, D	434,000	434,000
(N)	MISPILLION RIVER, DE	961,000	961,000
(N)	MURDERKILL RIVER, DE	390,000	390,000
(N)	WILMINGTON HARBOR, DE	2,545,000	2,545,000
	DISTRICT OF COLUMBIA		
(N)	ANACOSTIA RIVER BASIN, DC	192,000	192,000
(N)	POTOMAC AND ANACOSTIA RIVERS (DRIFT REMOVAL), DC	636,000	636,000
(N)	POTOMAC RIVER BELOW WASHINGTON, DC	270,000	270,000
(N)	WASHINGTON HARBOR, DC	25,000	25,000
	FLORIDA		
(N)	AIWW, NORFOLK TO ST. JOHNS RIVER, FL, GA, SC, NC, & VA	326,000	326,000
(N)	APALACHICOLA BAY, FL	12,000	12,000
(N)	BLACKWATER RIVER, FL	347,000	347,000
(N)	CANAVERAL HARBOR, FL	2,206,000	2,206,000
(FC)	CENTRAL & SOUTHERN, FL	5,958,000	5,958,000
(N)	CHARLOTTE HARBOR, FL	70,000	70,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	CLEARWATER PASS, FL	30,000	30,000
(N)	CROSS FLORIDA BARGE CANAL, FL	458,000	458,000
(N)	EAST PASS CHANNEL, FL	35,000	35,000
(N)	ESCAMBIA-CONECUH RIVERS, FL	7,000	7,000
(N)	FERNANDINA HARBOR, FL	753,000	753,000
(N)	FORT MYERS BEACH, FL	347,000	347,000
(N)	FORT PIERCE HARBOR, FL	488,000	488,000
(N)	HORSESHOE COVE, FL	30,000	30,000
(N)	INTRACOASTAL WATERWAY, CALOOSAHATCHEE R. TO ANCLOTE R.	132,000	132,000
(N)	INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL	2,937,000	2,937,000
(N)	JACKSONVILLE HARBOR, FL	2,756,000	2,756,000
(MP)	JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA.	4,427,000	4,427,000
(N)	LA GRANGE BAYOU, FL	7,000	7,000
(N)	MIAMI HARBOR, FL	5,286,000	5,286,000
(N)	OKEECHOBEE WATERWAY, FL	2,575,000	2,575,000
(N)	OKLAWAHA RIVER, FL	81,000	81,000
(N)	PALM BEACH HARBOR, FL	1,007,000	1,007,000
(N)	PANACEA HARBOR, FL	7,000	7,000
(N)	PANAMA CITY HARBOR, FL	442,000	442,000
(N)	PONCE DE LEON INLET, FL	62,000	62,000
(N)	PORT ST. JOE HARBOR, FL	20,000	20,000
	REMOVAL OF AQUATIC GROWTH, FL	2,753,000	2,753,000
(N)	ST AUGUSTINE HARBOR, FL	125,000	125,000
(N)	ST MARKS RIVER, FL	7,000	7,000
(N)	ST. LUCIE INLET, FL	2,094,000	2,094,000
(N)	TAMPA HARBOR, FL	2,824,000	2,824,000
(N)	WITHLACOOCHIE RIVER, FL	735,000	735,000
	GEORGIA		
(MP)	ALLATOONA LAKE, GA	6,518,000	6,518,000
(N)	APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL &	4,016,000	4,016,000
(N)	ATLANTIC INTRACOASTAL WATERWAY (SAVANNAH DISTRICT), GA	1,601,000	1,601,000
(N)	BRUNSWICK HARBOR, GA	2,894,000	2,894,000
(MP)	BUFORD DAM AND LAKE SIDNEY LANIER, GA	5,884,000	5,884,000
(MP)	CARTERS DAM AND LAKE, GA	3,063,000	3,063,000
(MP)	HARTWELL LAKE, GA & SC	7,450,000	7,450,000
(MP)	J. STROM THURMOND LAKE, GA & SC	7,648,000	7,648,000
(MP)	RICHARD B. RUSSELL DAM & LAKE, GA & SC	4,523,000	4,523,000
(N)	SAVANNAH HARBOR, GA	7,225,000	9,725,000
	SAVANAH HARBOR LONG TERM MNGT. STRATEGY, GA & SC	---	950,000
(N)	SAVANNAH RIVER BELOW AUGUSTA, GA	133,000	133,000
(MP)	WEST POINT DAM AND LAKE, GA & AL	5,513,000	5,513,000
	HAWAII		
(N)	BARBER'S POINT HARBOR, HI	73,000	73,000
(N)	HONOLULU HARBOR, HI	100,000	100,000
(N)	PORT ALLEN HARBOR, KAUAI	4,580,000	4,580,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	IDAHO		
(MP)	ALBENI FALLS DAM, ID	4,876,000	4,876,000
(MP)	DWORSHAK DAM AND RESERVOIR, ID	6,283,000	6,283,000
(FC)	LUCKY PEAK LAKE, ID	1,025,000	1,025,000
	ILLINOIS		
(N)	CALUMET HARBOR AND RIVER, IL & IN	1,159,000	1,159,000
(FC)	CARLYLE LAKE, IL	4,090,000	4,090,000
(N)	CHICAGO HARBOR, IL	2,306,000	2,306,000
(N)	CHICAGO RIVER, IL	419,000	419,000
(FC)	FARM CREEK RESERVOIRS, IL	306,000	306,000
(N)	ILLINOIS WATERWAY, IL & IN	16,437,000	16,437,000
(N)	ILLINOIS WATERWAY, IL (LMVD PORTION)	1,339,000	1,339,000
(N)	KASKASKIA RIVER NAVIGATION, IL	1,700,000	1,700,000
(N)	LAKE MICHIGAN DIVERSION, IL	529,000	529,000
(FC)	LAKE SHELBYVILLE, IL	4,319,000	4,319,000
(N)	MISS RIVER BTWN MISSOURI RIVER & MINN, IL, IA, MN, MO.	77,846,000	77,846,000
(N)	MISS RVR BTWN MO RIVER & MINNEAPOLIS, IL & MN (LMVD PO	9,104,000	9,104,000
	NORTH BRANCH CHICAGO RIVER, IL	---	150,000
(FC)	REND LAKE, IL	3,590,000	3,590,000
(N)	WAUKEGAN HARBOR, IL	1,205,000	1,205,000
	INDIANA		
(FC)	BEVERLY SHORES, IN	48,000	48,000
(FC)	BROOKVILLE LAKE, IN	627,000	627,000
(N)	BURNS WATERWAY HARBOR, IN	616,000	1,016,000
(N)	BURNS WATERWAY SMALL BOAT HARBOR, IN	150,000	150,000
(FC)	CAGLES MILL LAKE, IN	483,000	483,000
(FC)	CECIL M. HARDEN LAKE, IN	578,000	678,000
(FC)	HUNTINGTON LAKE, IN	570,000	570,000
(N)	INDIANA HARBOR, IN	401,000	401,000
(N)	MICHIGAN CITY HARBOR, IN	68,000	68,000
(FC)	MISSISSINEWA LAKE, IN	724,000	724,000
(FC)	MONROE LAKE, IN	585,000	585,000
(FC)	PATOKA LAKE, IN	524,000	524,000
(FC)	SALAMONIE LAKE, IN	566,000	566,000
	IOWA		
(FC)	CORALVILLE LAKE, IA	2,697,000	2,697,000
(N)	MISSOURI R, SIOUX CITY, IA TO THE MOUTH, IA, NE, KS &.	6,390,000	6,390,000
(FC)	MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA..	60,000	60,000
(FC)	RATHBUN LAKE, IA	2,171,000	2,171,000
(FC)	RED ROCK DAM - LAKE RED ROCK, IA	2,769,000	2,769,000
(FC)	SAYLORVILLE LAKE, IA	4,256,000	4,256,000
(N)	SMALL NAVIGATION PROJECT AT SIOUX CITY, IA - SECTION 1	5,000	5,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	KANSAS		
(FC)	CLINTON LAKE, KS	1,540,000	1,540,000
(FC)	COUNCIL GROVE LAKE, KS	956,000	956,000
(FC)	EL DORADO LAKE, KS	585,000	585,000
(FC)	ELK CITY LAKE, KS	765,000	765,000
(FC)	FALL RIVER LAKE, KS	947,000	947,000
(FC)	HILLSDALE LAKE, KS	853,000	853,000
(FC)	JOHN REDMOND DAM AND RESERVOIR, KS	994,000	994,000
(FC)	KANOPOLIS LAKE, KS	1,149,000	1,149,000
(FC)	MARION RESERVOIR, KS	1,250,000	1,250,000
(FC)	MELVERN LAKE, KS	1,546,000	1,546,000
(FC)	MILFORD LAKE, KS	1,627,000	1,627,000
(FC)	PEARSON - SKUBITZ BIG HILL LAKE, KS	899,000	899,000
(FC)	PERRY LAKE, KS	1,684,000	1,684,000
(FC)	POMONA LAKE, KS	1,577,000	1,577,000
(FC)	TORONTO LAKE, KS	420,000	420,000
(FC)	TUTTLE CREEK LAKE, KS	1,391,000	1,391,000
(FC)	WILSON LAKE, KS	1,413,000	1,413,000
	KENTUCKY		
(MP)	BARKLEY DAM AND LAKE BARKLEY, KY	5,765,000	5,765,000
(FC)	BARREN RIVER LAKE, KY	1,239,000	1,239,000
(N)	BIG SANDY HARBOR, KY	995,000	995,000
(FC)	BUCKHORN LAKE, KY	837,000	837,000
(FC)	CARR FORK LAKE, KY	1,005,000	1,005,000
(FC)	CAVE RUN LAKE, KY	660,000	660,000
(FC)	DEWEY LAKE, KY	1,789,000	1,789,000
(N)	ELVIS STAHR (HICKMAN) HARBOR, KY	517,000	517,000
(FC)	FISHTRAP LAKE, KY	1,126,000	1,126,000
(FC)	GRAYSON LAKE, KY	837,000	837,000
(N)	GREEN AND BARREN RIVERS, KY	1,386,000	1,386,000
(FC)	GREEN RIVER LAKE, KY	1,338,000	1,338,000
(N)	KENTUCKY RIVER, KY	989,000	989,000
	KENTUCKY RIVER L/D 5-14, KY	---	5,000,000
(MP)	LAUREL RIVER LAKE, KY	1,174,000	1,174,000
(N)	LICKING RIVER OPEN CHANNEL WORK, KY	17,000	17,000
(FC)	MARTINS FORK LAKE, KY	581,000	581,000
(FC)	MIDDLESBORO, KY	38,000	38,000
(FC)	NOLIN LAKE, KY	1,452,000	1,452,000
(N)	OHIO RIVER LOCKS AND DAMS, KY, IL, IN, OH, PA & WV	19,510,000	19,510,000
(N)	OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN, OH, PA & WV	3,462,000	3,462,000
(FC)	PAINTSVILLE LAKE, KY	771,000	771,000
(FC)	ROUGH RIVER LAKE, KY	1,276,000	1,276,000
(FC)	TAYLORSVILLE LAKE, KY	793,000	793,000
(MP)	WOLF CREEK DAM - LAKE CUMBERLAND, KY	5,024,000	5,024,000
(FC)	YATESVILLE LAKE KY	865,000	865,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	LOUISIANA		
(N)	ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	5,587,000	5,587,000
(N)	BARATARIA BAY WATERWAY, LA	135,000	135,000
(FC)	BAYOU BODCAU RESERVOIR, LA	402,000	402,000
(FC)	BAYOU PIERRE, LA	25,000	25,000
(N)	BAYOU TECHE, LA	239,000	239,000
(FC)	CADDO LAKE, LA	119,000	119,000
(N)	CALCASIEU RIVER AND PASS, LA	9,800,000	9,800,000
(N)	FRESHWATER BAYOU, LA	880,000	880,000
(N)	GULF INTRACOASTAL WATERWAY, LA	13,007,000	13,007,000
(N)	HOUMA NAVIGATION CHANNEL, LA	210,000	210,000
(N)	LAKE PROVIDENCE HARBOR, LA	285,000	285,000
(N)	MADISON PARISH PORT, LA	75,000	75,000
(N)	MERMENTAU RIVER, LA	690,000	690,000
(N)	MISSISSIPPI RIVER - BATON ROUGE TO GULF OF MEXICO, LA.	42,803,000	44,803,000
(N)	MISSISSIPPI RIVER - GULF OUTLET, LA	13,591,000	15,591,000
(N)	MISSISSIPPI RIVER, OUTLETS AT VENICE, LA	2,348,000	2,348,000
(N)	RED RIVER WATERWAY - MISSISSIPPI RIVER TO SHREVEPORT,	6,629,000	6,629,000
	REMOVAL OF AQUATIC GROWTH, LA	1,644,000	1,644,000
(FC)	WALLACE LAKE, LA	196,000	196,000
(N)	WATERWAY FROM INTRACOASTAL WATERWAY TO B DULAC, LA	20,000	20,000
	MAINE		
	NEW ENGLAND COASTAL DREDGED MATERIAL STUDY, ME & NH	---	500,000
	MARYLAND		
(N)	BALTIMORE HARBOR AND CHANNELS, MD & VA	12,852,000	12,852,000
(N)	BALTIMORE HARBOR, MD (DRIFT REMOVAL)	348,000	348,000
(N)	BALTIMORE HARBOR, MD (PREVENTION OF OBSTRUCTIVE DEPOSI	400,000	400,000
(N)	CHESTER RIVER, MD	70,000	70,000
(FC)	CUMBERLAND, MD AND RIDGELEY, WV	83,000	83,000
(N)	HONGA RIVER, TAR BAY, MD	70,000	70,000
(FC)	JENNINGS RANDOLPH LAKE, MD & WV	1,281,000	1,281,000
(N)	NANTICOKE AT NANTICOKE, MD	35,000	35,000
(N)	NORTHEAST RIVER, MD	60,000	60,000
(N)	RHODES POINT TO TYLERTON, MD	35,000	35,000
(N)	SLAUGHTER CREEK, MD	30,000	30,000
(N)	WICOMICO RIVER, MD	628,000	628,000
	MASSACHUSETTS		
(FC)	BARRE FALLS DAM, MA	403,000	403,000
(FC)	BIRCH HILL DAM, MA	489,000	489,000
(FC)	BUFFUMVILLE LAKE, MA	386,000	386,000
(N)	CAPE COD CANAL, MA	9,620,000	9,620,000
(FC)	CHARLES RIVER NATURAL VALLEY STORAGE AREAS, MA	182,000	182,000
(FC)	CONANT BROOK LAKE, MA	166,000	166,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	EAST BRIMFIELD LAKE, MA	401,000	401,000
(FC)	HODGES VILLAGE DAM, MA	400,000	400,000
(FC)	KNIGHTVILLE DAM, MA	667,000	667,000
(FC)	LITTLEVILLE LAKE, MA	430,000	430,000
(FC)	NEW BEDFORD, FAIRHAVEN AND ACUSHNET HURRICANE BARRIER,	186,000	186,000
(N)	NEWBURYPORT HARBOR, MA	482,000	482,000
(FC)	TULLY LAKE, MA	417,000	417,000
(FC)	WEST HILL DAM, MA	444,000	444,000
(FC)	WESTVILLE LAKE, MA	436,000	436,000
	MICHIGAN		
(N)	ALPENA HARBOR, MI	122,000	122,000
(N)	ARCADIA HARBOR, MI	53,000	53,000
(N)	BOLLES HARBOR, MI	61,000	61,000
(N)	CHANNELS IN LAKE ST. CLAIR, MI	170,000	170,000
(N)	CHARLEVOIX HARBOR, MI	246,000	246,000
(N)	CLINTON RIVER, MI	629,000	629,000
(N)	DETROIT RIVER, MI	5,074,000	5,074,000
	FLINT RIVER FLOOD CONTROL, MI	---	2,000,000
(N)	FRANKFORT HARBOR, MI	613,000	613,000
(N)	GRAND HAVEN HARBOR, MI	1,234,000	1,234,000
(N)	HARBOR BEACH HARBOR,MI	957,000	957,000
(N)	HARRISVILLE HARBOR, MI	174,000	174,000
(N)	HOLLAND HARBOR, MI	1,169,000	1,169,000
(N)	INLAND ROUTE, MI	223,000	223,000
(N)	KEWEENAW WATERWAY, MI	1,463,000	1,463,000
(N)	LAC LA BELLE, MI	80,000	80,000
(N)	LELAND HARBOR, MI	143,000	143,000
(N)	LITTLE LAKE HARBOR, MI	147,000	147,000
(N)	LUDINGTON HARBOR, MI	380,000	380,000
(N)	MANISTEE HARBOR, MI	673,000	673,000
(N)	MANISTIQUE HARBOR, MI	362,000	362,000
(N)	MARQUETTE HARBOR, MI	210,000	210,000
(N)	MENOMINEE HARBOR, MI & WI	82,000	82,000
(N)	MONROE HARBOR, MI	306,000	306,000
(N)	MUSKEGON HARBOR, MI	621,000	621,000
(N)	ONTONAGON HARBOR, MI	1,480,000	1,480,000
(N)	PENTWATER HARBOR, MI	168,000	168,000
(N)	POINT LOOKOUT HARBOR, MI	170,000	170,000
(N)	PORT AUSTIN HBR, MI	305,000	305,000
(N)	PORTAGE LAKE HARBOR, MI	92,000	92,000
(N)	PRESQUE ISLE HARBOR, MI	319,000	319,000
(N)	ROUGE RIVER, MI	800,000	800,000
(N)	SAGINAW RIVER, MI	2,336,000	2,336,000
(N)	SAGINAW RIVER, MI-DIKE DISPOSAL	356,000	356,000
(N)	SAUGATUCK HARBOR, MI	121,000	121,000
(FC)	SEBEWAING RIVER (ICE JAM REMOVAL), MI	12,000	12,000
(N)	SOUTH HAVEN HARBOR, MI	473,000	473,000
(N)	ST. CLAIR RIVER, MI	1,330,000	1,330,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	ST. JOSEPH HARBOR, MI	1,331,000	1,331,000
(MP)	ST. MARYS RIVER, MI	15,250,000	15,250,000
	MINNESOTA		
(FC)	BIGSTONE LAKE, WHETSTONE RIVER, MN & SD	199,000	199,000
(N)	DULUTH - SUPERIOR HARBOR, MN & WI	4,731,000	4,731,000
(N)	GRAND MARAIS HARBOR, MN	154,000	154,000
(FC)	LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	534,000	534,000
(N)	MINNESOTA RIVER, MN	175,000	175,000
(FC)	ORWELL LAKE, MN	283,000	283,000
(FC)	RED LAKE RIVER, MN	183,000	183,000
(N)	RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN	2,665,000	2,665,000
	SAUK LAKE, MN	---	40,000
(N)	WARROAD HARBOR, MN	558,000	558,000
	MISSISSIPPI		
(N)	BILOXI HARBOR, MS	88,000	88,000
(N)	CLAIBORNE COUNTY PORT, MS	78,000	78,000
(FC)	EAST FORK, TOMBIGBEE RIVER, MS	246,000	246,000
(N)	GULFPORT HARBOR, MS	1,995,000	1,995,000
(N)	MOUTH OF YAZOO RIVER, MS	152,000	152,000
(FC)	OKATIBBEE LAKE, MS	1,312,000	1,312,000
(N)	PASCAGOULA HARBOR, MS	4,571,000	4,571,000
(N)	PEARL RIVER, MS & LA	236,000	736,000
(N)	ROSEDALE HARBOR, MS	368,000	368,000
(N)	YAZOO RIVER, MS	79,000	79,000
	MISSOURI		
(N)	CARUTHERSVILLE HARBOR, MO	387,000	387,000
(MP)	CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO	5,270,000	5,870,000
(FC)	CLEARWATER LAKE, MO	2,011,000	2,011,000
(MP)	HARRY S. TRUMAN DAM AND RESERVOIR, MO	7,571,000	7,571,000
(FC)	LITTLE BLUE RIVER LAKES, MO	1,055,000	1,055,000
(FC)	LONG BRANCH LAKE, MO	719,000	919,000
(N)	MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	15,463,000	15,463,000
(FC)	POMME DE TERRE LAKE, MO	2,027,000	2,027,000
(FC)	SMITHVILLE LAKE, MO	1,017,000	1,017,000
(N)	SOUTHEAST MISSOURI PORT, MISSISSIPPI RIVER, MO	236,000	236,000
(MP)	STOCKTON LAKE, MO	2,636,000	2,636,000
(MP)	TABLE ROCK LAKE, MO	4,925,000	4,925,000
(FC)	UNION LAKE, MO	17,000	17,000
(FC)	WAPPAPELLO LAKE, MO	100,000	100,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	MONTANA		
(MP)	FT. PECK DAM AND LAKE, MT	3,522,000	3,522,000
(MP)	LIBBY DAM, LAKE KOOCANUSA, MT	5,136,000	5,136,000
	MISSOURI R BTWN FT PECK DAM, MT AND GAVINS PT DAM, SD	---	1,500,000
	NEBRASKA		
(MP)	GAVINS POINT DAM - LEWIS AND CLARK LAKE, NE & SD	4,535,000	4,535,000
(FC)	HARLAN COUNTY LAKE, NE	1,499,000	1,499,000
(MP)	MO R MASTER WTR CONTROL MANUAL, NE, IA, KS, MO, MT, ND	1,000,000	1,000,000
	MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD	---	200,000
(FC)	PAPILLION CREEK & TRIBUTARIES LAKES, NE	645,000	645,000
(FC)	SALT CREEK AND TRIBUTARIES, NE	763,000	763,000
	NEVADA		
(FC)	MARTIS CREEK LAKE, NV & CA	371,000	371,000
(FC)	PINE AND MATHEWS CANYONS DAMS, NV	118,000	118,000
	NEW HAMPSHIRE		
(FC)	BLACKWATER DAM, NH	386,000	386,000
(FC)	FRANKLIN FALLS DAM, NH	459,000	459,000
(FC)	HOPKINTON-EVERETT LAKES, NH	1,239,000	1,239,000
(FC)	OTTER BROOK LAKE, NH	450,000	450,000
(FC)	SURRY MOUNTAIN LAKE, NH	447,000	447,000
	NEW JERSEY		
(N)	BARNEGAT INLET, NJ	1,003,000	1,003,000
(N)	COLD SPRING INLET, NJ	769,000	769,000
(N)	DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	435,000	435,000
(N)	DELAWARE RIVER-PHILADELPHIA TO THE SEA, NJ, PA & DE	14,442,000	14,442,000
(N)	NEW JERSEY INTRACOASTAL WATERWAY, NJ	1,792,000	1,792,000
(N)	NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ	210,000	210,000
	PASSAIC RIVER FLOOD WARNING SYSTEM, NJ	---	350,000
(N)	RARITAN RIVER TO ARTHUR KILL CUT-OFF, NJ	980,000	980,000
(N)	SHOAL HARBOR AND COMPTON CREEK, NJ	205,000	205,000
(N)	SHREWSBURY RIVER, NJ-MAIN CHANNEL	55,000	55,000
	NEW MEXICO		
(FC)	ABIQUIU DAM, NM	1,256,000	1,256,000
(FC)	COCHITI LAKE, NM	1,725,000	1,725,000
(FC)	CONCHAS LAKE, NM	864,000	864,000
(FC)	GALISTEO DAM, NM	260,000	260,000
(FC)	JEMEZ CANYON DAM, NM	375,000	375,000
(FC)	SANTA ROSA DAM AND LAKE, NM	775,000	775,000
(FC)	TWO RIVERS DAM, NM	329,000	329,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	NEW YORK		
(FC)	ALMOND LAKE, NY	354,000	354,000
(FC)	ARKPORT DAM, NY	200,000	200,000
(N)	BAYRIDGE AND RED HOOK CHANNELS, NY	1,944,000	1,944,000
(N)	BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	2,011,000	2,011,000
(N)	BUFFALO HARBOR, NY	1,828,000	1,828,000
(N)	BUTTERMILK CHANNEL, NY	145,000	145,000
(N)	CATTARAUGUS CREEK HARBOR, NY	482,000	482,000
(N)	CONEY ISLAND CHANNEL, NY	770,000	770,000
(N)	DUNKIRK HARBOR, NY	290,000	290,000
(N)	EAST CHESTER CREEK, NY	70,000	70,000
(N)	EAST ROCKAWAY INLET, NY	764,000	764,000
(FC)	EAST SIDNEY LAKE, NY	347,000	347,000
(N)	GOWANUS CREEK CHANNEL, NY	427,000	427,000
(N)	GREAT SOUTH BAY, NY	387,000	387,000
(N)	HUDSON RIVER CHANNEL, NY	780,000	780,000
(N)	HUDSON RIVER, NY	3,203,000	3,203,000
(N)	IRONDEQUOIT BAY HBR, NY	339,000	339,000
(N)	JAMAICA BAY, NY	513,000	513,000
(N)	JONES INLET, NY	50,000	50,000
(N)	LONG ISLAND INTRACOASTAL WATERWAY, NY	578,000	578,000
(N)	MAMARONECK HARBOR, NY	50,000	50,000
(N)	MILTON HARBOR, NY	168,000	1,368,000
(FC)	MT. MORRIS LAKE, NY	1,332,000	1,332,000
(N)	NARROWS OF LAKE CHAMPLAIN, NY & VT	41,000	41,000
(N)	NEW YORK AND NEW JERSEY CHANNELS, NY	1,315,000	1,315,000
(N)	NEW YORK HARBOR, NY	6,923,000	6,923,000
(N)	NEW YORK HARBOR, NY (DRIFT REMOVAL)	4,199,000	4,199,000
(N)	NEW YORK HARBOR, NY (PREVENTION OF OBSTRUCTIVE DEPOSIT	720,000	720,000
(N)	NEWTOWN CREEK, NY	225,000	225,000
(N)	OSWEGO HARBOR, NY	398,000	398,000
(N)	ROCHESTER HARBOR, NY	769,000	769,000
(N)	SHINNECOCK INLET	2,416,000	2,416,000
(FC)	SOUTHERN NEW YORK PROJECTS, NY	2,186,000	2,186,000
(FC)	WHITNEY POINT LAKE, NY	399,000	399,000
(FC)	EDWARD MACDOWELL LAKE, NH	433,000	433,000
	NORTH CAROLINA		
(N)	ATLANTIC INTRACOASTAL WATERWAY, NC (WILMINGTON DISTRIC	5,345,000	5,345,000
(FC)	B. EVERETT JORDAN DAM AND LAKE, NC	1,070,000	1,070,000
(N)	BEAUFORT HARBOR, NC	400,000	400,000
(N)	BOGUE INLET AND CHANNEL, NC	776,000	776,000
(N)	CAPE FEAR RIVER ABOVE WILMINGTON, NC	923,000	923,000
(N)	CAROLINA BEACH INLET, NC	800,000	800,000
(N)	CHANNEL FROM BACK SOUND TO LOOKOUT BIGHT, NC	470,000	470,000
(FC)	FALLS LAKE, NC	960,000	960,000
(N)	LOCKWOODS FOLLY RIVER, NC	906,000	906,000
(N)	MANTEO (SHALLOWBAG) BAY, NC	6,014,000	6,500,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(N)	MASONBORO INLET AND CONNECTING CHANNEL, NC	1,741,000	2,100,000
(N)	MOREHEAD CITY HARBOR, NC	2,546,000	3,500,000
(N)	NEW RIVER INLET, NC	946,000	946,000
(N)	NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC	648,000	648,000
(N)	OCRACOKE INLET, NC	278,000	278,000
(N)	ROLLINSON CHANNEL, NC	389,000	389,000
(N)	SILVER LAKE HARBOR, NC	772,000	772,000
(N)	SMITHS CREEK, PAMLICO COUNTY, NC	548,000	548,000
(N)	STUMPY POINT BAY, NC	648,000	648,000
(FC)	W. KERR SCOTT DAM AND RESERVOIR, NC	1,726,000	1,726,000
(N)	WATERWAY CONNECTING PAMLICO SOUND AND BEAUFORT HARBOR,	270,000	270,000
(N)	WILMINGTON HARBOR, NC	3,975,000	4,400,000
	NORTH DAKOTA		
(FC)	BOWMAN-HALEY LAKE, ND	278,000	278,000
(MP)	GARRISON DAM, LAKE SAKAKAWEA, ND	8,212,000	8,212,000
(FC)	HOMME LAKE AND DAM, ND	239,000	239,000
(FC)	LAKE ASHTABULA AND BALDHILL DAM, ND	917,000	917,000
	LAKE SAKAKAWEA	---	50,000
(FC)	PIPESTEM LAKE, ND	378,000	378,000
	OHIO		
(FC)	ALUM CREEK LAKE, OH	549,000	549,000
(N)	ASHTABULA HARBOR, OH	952,000	952,000
(FC)	BERLIN LAKE, OH	1,849,000	1,849,000
(FC)	CAESAR CREEK LAKE, OH	806,000	806,000
(FC)	CLARENCE J. BROWN DAM, OH	600,000	600,000
(N)	CLEVELAND HARBOR, OH	5,495,000	5,495,000
(N)	CONNEAUT HARBOR, OH	652,000	652,000
(FC)	DEER CREEK LAKE, OH	516,000	516,000
(FC)	DELAWARE LAKE, OH	896,000	896,000
(FC)	DILLON LAKE, OH	563,000	563,000
(N)	FAIRPORT HARBOR, OH	57,000	57,000
(N)	HURON HARBOR, OH	42,000	42,000
(N)	LORAIN HARBOR, OH	965,000	965,000
(FC)	MASSILLON, OH	25,000	25,000
(FC)	MICHAEL J. KIRWAN DAM AND RESERVOIR, OH	799,000	799,000
(FC)	MOSQUITO CREEK LAKE, OH	651,000	651,000
(FC)	MUSKINGUM RIVER LAKES, OH	5,598,000	5,598,000
(FC)	NORTH BRANCH KOKOSING RIVER LAKE, OH	256,000	256,000
(FC)	PAINT CREEK LAKE, OH	547,000	547,000
(N)	PORTSMOUTH HARBOR, OH	75,000	75,000
(FC)	ROSEVILLE, OH	25,000	25,000
(N)	SANDUSKY HARBOR, OH	559,000	559,000
(N)	TOLEDO HARBOR, OH	7,174,000	7,574,000
(FC)	TOM JENKINS DAM, OH	279,000	279,000
(FC)	WEST FORK OF MILL CREEK LAKE, OH	416,000	416,000
(N)	WEST HARBOR, OH	347,000	347,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	WILLIAM H. HARSHA LAKE, OH	749,000	749,000
	OKLAHOMA		
(FC)	ARCADIA LAKE, OK	363,000	363,000
(FC)	BIRCH LAKE, OK	703,000	703,000
(MP)	BROKEN BOW LAKE, OK	1,695,000	1,695,000
(FC)	CANDY LAKE, OK	41,000	41,000
(FC)	CANTON LAKE, OK	1,543,000	1,543,000
(FC)	COPAN LAKE, OK	1,012,000	1,012,000
(MP)	EUFAULA LAKE, OK	4,490,000	4,490,000
(MP)	FORT GIBSON LAKE, OK	3,579,000	3,579,000
(FC)	FORT SUPPLY LAKE, OK	731,000	731,000
(FC)	GREAT SALT PLAINS LAKE, OK	348,000	348,000
(FC)	HEYBURN LAKE, OK	627,000	627,000
(FC)	HUGO LAKE, OK	1,500,000	1,500,000
(FC)	HULAH LAKE, OK	422,000	422,000
(FC)	KAW LAKE, OK	1,814,000	1,814,000
(MP)	KEYSTONE LAKE, OK	2,745,000	2,745,000
(FC)	OOLOGAH LAKE, OK	1,315,000	1,315,000
(FC)	OPTIMA LAKE, OK	514,000	514,000
(FC)	PENSACOLA RESERVOIR - LAKE OF THE CHEROKEES, OK	6,000	6,000
(FC)	PINE CREEK LAKE, OK	890,000	890,000
(MP)	ROBERT S. KERR LOCK & DAM AND RESERVOIRS, OK	2,926,000	2,926,000
(FC)	SARDIS LAKE, OK	904,000	904,000
(FC)	SKIATOOK LAKE, OK	1,301,000	1,301,000
(MP)	TENKILLER FERRY LAKE, OK	2,972,000	2,972,000
(FC)	WAURIKA LAKE, OK	1,318,000	1,318,000
(MP)	WEBBERS FALLS LOCK AND DAM, OK	2,557,000	2,557,000
(FC)	WISTER LAKE, OK	669,000	669,000
	OREGON		
(FC)	APPLEGATE LAKE, OR	602,000	602,000
(FC)	BLUE RIVER LAKE, OR	249,000	249,000
(MP)	BONNEVILLE LOCK AND DAM, OR	14,376,000	14,376,000
(N)	CHETCO RIVER, OR	684,000	684,000
(N)	COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA & PORTLA	9,245,000	9,245,000
(N)	COLUMBIA RIVER AT MOUTH, OR & WA	7,934,000	7,934,000
(N)	COLUMBIA RIVER BETWEEN VANCOUVER, WA & THE DALLES, OR.	370,000	370,000
(N)	COOS BAY, OR	5,100,000	5,100,000
(N)	COQUILLE RIVER, OR	399,000	399,000
(FC)	COTTAGE GROVE LAKE, OR	629,000	629,000
(MP)	COUGAR LAKE, OR	1,063,000	1,063,000
(N)	DEPOE BAY OR	2,000	2,000
(MP)	DETROIT LAKE, OR	1,892,000	1,892,000
(FC)	DORENA LAKE, OR	532,000	532,000
(FC)	FALL CREEK LAKE, OR	462,000	462,000
(FC)	FERN RIDGE LAKE, OR	652,000	652,000
(MP)	GREEN PETER FOSTER LAKES, OR	2,327,000	2,327,000

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CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(MP)	HILLS CREEK LAKE, OR	703,000	703,000
(MP)	JOHN DAY LOCK AND DAM, OR	14,400,000	14,400,000
(MP)	LOOKOUT POINT LAKE, OR	3,538,000	3,538,000
(MP)	LOST CREEK LAKE, OR	3,472,000	3,472,000
(MP)	MCNARY LOCK AND DAM, OR	10,689,000	10,689,000
(N)	PORT ORFORD, OR	401,000	401,000
(N)	ROGUE RIVER, OR	828,000	828,000
(N)	SIUSLAW RIVER, OR	847,000	847,000
(N)	SKIPANON CHANNEL, OR	353,000	353,000
(N)	TILLAMOOK BAY & BAR, OR	8,000	8,000
(N)	UMPQUA RIVER, OR	1,428,000	1,428,000
(N)	WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	749,000	749,000
(FC)	WILLAMETTE RIVER BANK PROTECTION, OR	169,000	169,000
(FC)	WILLOW CREEK LAKE, OR	444,000	444,000
(N)	YAQUINA BAY & HARBOR, OR	693,000	2,193,000
	PENNSYLVANIA		
(N)	ALLEGHENY RIVER, PA	8,367,000	11,367,000
(FC)	ALVIN R. BUSH DAM, PA	443,000	443,000
(FC)	AYLESWORTH CREEK LAKE, PA	172,000	172,000
(FC)	BELTZVILLE LAKE, PA	744,000	744,000
(FC)	BLUE MARSH LAKE, PA	1,550,000	1,550,000
(FC)	CONEMAUGH RIVER LAKE, PA	927,000	927,000
(FC)	COWANESQUE LAKE, PA	1,340,000	1,340,000
(FC)	CROOKED CREEK LAKE, PA	1,166,000	1,166,000
(FC)	CURWENSVILLE LAKE, PA	476,000	476,000
(FC)	EAST BRANCH CLARION RIVER LAKE, PA	1,002,000	1,002,000
(N)	ERIE HARBOR, PA	396,000	1,396,000
(FC)	FOSTER JOSEPH SAYERS DAM, PA	576,000	576,000
(FC)	FRANCIS E. WALTER DAM, PA	484,000	484,000
(FC)	GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	241,000	241,000
(FC)	JOHNSTOWN, PA	2,028,000	2,028,000
(FC)	KINZUA DAM AND ALLEGHENY RESERVOIR, PA	1,308,000	1,308,000
(FC)	LOYALHANNA LAKE, PA	974,000	974,000
(FC)	MAHONING CREEK LAKE, PA	715,000	715,000
(N)	MONONGAHELA RIVER, PA	14,803,000	14,803,000
(N)	OHIO RIVER LOCKS AND DAMS CONSTRUCTION, PA	11,164,000	11,164,000
(N)	OHIO RIVER OPEN CHANNEL, PA	120,000	120,000
(FC)	PROMPTON LAKE, PA	531,000	531,000
(FC)	PUNXSUTAWNEY, PA	192,000	192,000
(FC)	RAYSTOWN LAKE, PA	2,111,000	2,711,000
(N)	SCHUYLKILL RIVER, PA	105,000	105,000
(FC)	SHENANGO RIVER LAKE, PA	2,069,000	2,069,000
(FC)	STILLWATER LAKE, PA	261,000	261,000
(FC)	TIOGA-HAMMOND LAKES, PA	1,459,000	1,459,000
(FC)	TIONESTA LAKE, PA	1,077,000	1,077,000
(FC)	UNION CITY LAKE, PA	295,000	295,000
(FC)	WOODCOCK CREEK LAKE, PA	728,000	728,000
(FC)	YORK INDIAN ROCK DAM, PA	925,000	925,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	YOUGHIOGHENY RIVER LAKE, PA	1,807,000	1,807,000
	PUERTO RICO		
(N)	ARECIBO HARBOR, PR	495,000	495,000
(N)	SAN JUAN HARBOR, PR	1,070,000	1,070,000
	SOUTH CAROLINA		
(N)	ATLANTIC INTRACOASTAL WATERWAY, SC (CHARLESTON DISTRIC	2,075,000	2,075,000
(N)	CHARLESTON HARBOR, SC	3,708,000	3,708,000
(N)	COOPER RIVER, CHARLESTON HARBOR, SC	4,702,000	4,702,000
(N)	FOLLY RIVER, SC	240,000	240,000
(N)	GEORGETOWN HARBOR, SC	1,723,000	1,723,000
(N)	JEREMY CREEK, SC	3,000	3,000
(N)	LITTLE RIVER INLET, SC & NC	236,000	236,000
(N)	MURRELLS INLET, SC	134,000	134,000
(N)	PORT ROYAL HARBOR, SC	231,000	231,000
	SHEM CREEK, SC	---	300,000
(N)	SHIPYARD RIVER, SC	323,000	323,000
(N)	TOWN CREEK, SC	245,000	245,000
	SOUTH DAKOTA		
(MP)	BIG BEND DAM - LAKE SHARPE, SD	6,163,000	6,163,000
(FC)	COLD BROOK LAKE, SD	255,000	255,000
(FC)	COTTONWOOD SPRINGS LAKE, SD	187,000	187,000
(MP)	FT. RANDALL DAM - LAKE FRANCIS CASE, SD	8,359,000	8,359,000
(FC)	LAKE TRAVERSE AND BOIS DE SIOUX, SD & MN	542,000	542,000
(MP)	OAHE DAM-LAKE OAHE, SD & ND	9,388,000	9,388,000
	TENNESSEE		
(MP)	CENTER HILL LAKE, TN	5,424,000	5,424,000
(MP)	CHEATHAM LOCK AND DAM, TN	4,176,000	4,176,000
(MP)	CORDELL HULL DAM AND RESERVOIR, TN	3,566,000	3,566,000
(MP)	DALE HOLLOW LAKE, TN	3,502,000	3,502,000
(MP)	J. PERCY PRIEST DAM AND RESERVOIR, TN	3,602,000	3,602,000
(MP)	OLD HICKORY LOCK AND DAM, TN	5,253,000	5,253,000
(N)	TENNESSEE RIVER, TN	10,817,000	10,817,000
(N)	WOLF RIVER HARBOR, TN	674,000	674,000
	TEXAS		
(FC)	AQUILLA LAKE, TX	699,000	699,000
(FC)	ARK-RED RIVER CHLORIDE CONTROL-AREA VIII, TX	713,000	713,000
(FC)	BARDWELL LAKE, TX	1,048,000	1,048,000
(FC)	BELTON LAKE, TX	1,915,000	1,915,000
(FC)	BENBROOK LAKE, TX	1,411,000	1,411,000
(N)	BRAZOS ISLAND HARBOR, TX	3,146,000	3,146,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(FC)	BUFFALO BAYOU AND TRIBUTARIES, TX	1,717,000	1,717,000
(FC)	CANYON LAKE, TX	1,408,000	1,408,000
(N)	CHANNEL TO HARLINGEN, TX	700,000	700,000
(N)	CHANNEL TO PORT MANSFIELD, TX	100,000	100,000
(N)	CHANNEL TO VICTORIA - GIWW, TX	1,498,000	1,498,000
(N)	CHOCOLATE BAYOU - GIWW, TX	250,000	250,000
(FC)	COOPER LAKE AND CHANNELS, TX	739,000	739,000
(N)	CORPUS CHRISTI SHIP CHANNEL, TX	5,228,000	5,228,000
(MP)	DENISON DAM - LAKE TEXOMA, TX	6,257,000	6,257,000
(FC)	ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX	5,000	5,000
(FC)	FERRELLS BRIDGE DAM - LAKE O'THE PINES, TX	1,903,000	1,903,000
(N)	FREEPORT HARBOR, TX	2,198,000	2,198,000
(N)	GALVESTON HARBOR AND CHANNEL, TX	2,541,000	3,500,000
(FC)	GRANGER DAM AND LAKE, TX	1,161,000	1,161,000
(FC)	GRAPEVINE LAKE, TX	1,837,000	1,837,000
(N)	GREENS BAYOU, TX	342,000	342,000
(N)	GULF INTRACOASTAL WATERWAY, TX	13,316,000	13,316,000
(FC)	HORDS CREEK LAKE, TX	870,000	870,000
(N)	HOUSTON SHIP CHANNEL, TX	3,008,000	3,008,000
(FC)	JOE POOL LAKE, TX	672,000	672,000
(FC)	LAKE KEMP, TX	173,000	173,000
(FC)	LAVON LAKE, TX	2,094,000	2,094,000
(FC)	LEWISVILLE DAM, TX	2,169,000	2,169,000
(N)	MATAGORDA SHIP CHANNEL, TX	3,953,000	3,953,000
(N)	MATAGORDA SHIP CHANNEL TO RED BLUFF, TX	---	750,000
(FC)	NAVARRO MILLS LAKE, TX	1,193,000	1,193,000
(FC)	NORTH SAN GABRIEL DAM AND LAKE, GEORGETOWN, TX	1,249,000	1,249,000
(FC)	O. C. FISHER DAM AND LAKE, TX	1,012,000	1,012,000
(FC)	PAT MAYSE LAKE, TX	1,207,000	1,207,000
(FC)	PROCTOR LAKE, TX	1,274,000	1,274,000
(FC)	RAY ROBERTS LAKE, TX	664,000	719,000
(N)	SABINE-NECHES WATERWAY, TX	7,282,000	7,282,000
(MP)	SAM RAYBURN DAM AND RESERVOIR, TX	2,584,000	3,800,000
(FC)	SOMERVILLE LAKE, TX	2,342,000	2,342,000
(FC)	STILLHOUSE HOLLOW DAM, TX	1,332,000	1,332,000
(MP)	TOWN BLUFF DAM-STEINHAGEN LAKE-WILLIS HYDROPOWER, TX	1,315,000	1,390,000
(N)	TRINITY RIVER AND TRIBUTARIES, TX	1,060,000	1,060,000
(FC)	WACO LAKE, TX	1,893,000	1,893,000
(FC)	WALLISVILLE LAKE, TX	428,000	428,000
(MP)	WHITNEY LAKE, TX	2,762,000	2,762,000
(FC)	WRIGHT PATMAN DAM AND LAKE, TX	1,942,000	1,942,000
	VERMONT		
(FC)	BALL MOUNTAIN LAKE, VT	640,000	640,000
(FC)	NORTH HARTLAND LAKE, VT	477,000	477,000
(FC)	NORTH SPRINGFIELD LAKE, VT	493,000	493,000
(FC)	TOWNSHEND LAKE, VT	434,000	434,000
(FC)	UNION VILLAGE DAM, VT	373,000	373,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	VIRGINIA		
(N)	APPOMATTOX RIVER, VA	164,000	164,000
(N)	ATLANTIC INTRACOASTAL WATERWAY, VA	3,591,000	3,591,000
(N)	BONUM CREEK, VA	299,000	299,000
(N)	CHANNEL TO NEWPORT NEWS, VA	975,000	975,000
(N)	CHINCOTEAGUE INLET, VA	945,000	945,000
(FC)	GATHRIGHT DAM AND LAKE MOOMAW, VA	1,345,000	1,345,000
(N)	HAMPTON RDS, NORFOLK & NEWPORT NEWS HBR, VA (DRIFT REM	615,000	615,000
(N)	JAMES RIVER CHANNEL, VA	2,157,000	2,157,000
(MP)	JOHN H. KERR DAM AND RESERVOIR, VA & NC	7,061,000	7,061,000
(FC)	JOHN W. FLANNAGAN DAM AND RESERVOIR, VA	1,265,000	1,265,000
(N)	LAFAYETTE RIVER, VA	431,000	431,000
(N)	NORFOLK HARBOR AND CHANNELS, VA	7,593,000	7,593,000
(N)	NORFOLK HARBOR, VA (PREVENTION OF OBSTRUCTIVE DEPOSITS	102,000	102,000
(FC)	NORTH FORK OF POUND RIVER LAKE, VA	376,000	376,000
(N)	OYSTER CHANNEL, VA	73,000	73,000
(N)	PARKER CREEK, VA	353,000	353,000
(MP)	PHILPOTT LAKE, VA	1,969,000	1,969,000
(N)	QUINBY CREEK, VA	34,000	34,000
(N)	RUDEE INLET, VA	338,000	338,000
(N)	STARLINGS CREEK, VA	132,000	132,000
(N)	TANGIER CHANNEL, VA	30,000	30,000
(N)	THIMBLE SHOAL CHANNEL, VA	1,197,000	1,197,000
(N)	TYLERS BEACH, VA	100,000	100,000
(N)	WATERWAY ON THE COAST OF VIRGINIA, VA	1,341,000	1,341,000
	WASHINGTON		
(MP)	CHIEF JOSEPH DAM, WA	10,764,000	10,764,000
(N)	COLUMBIA RIVER AT BAKER BAY, WA & OR	333,000	333,000
(N)	COLUMBIA RIVER BETWEEN CHINOOK AND SAND ISLAND, WA	676,000	676,000
(MP)	COLUMBIA RIVER SYSTEM OPERATION REVIEW, WA, OR, ID & M	1,100,000	1,100,000
(N)	ELOCHOMAN SLOUGH, WA	108,000	108,000
(N)	EVERETT HARBOR AND SNOHOMISH RIVER, WA	937,000	937,000
(N)	GRAYS HARBOR AND CHEHALIS RIVER, WA	3,981,000	4,500,000
(FC)	HOWARD HANSON DAM, WA	1,338,000	1,338,000
(MP)	ICE HARBOR LOCK AND DAM, WA	6,053,000	6,053,000
(N)	LAKE WASHINGTON SHIP CANAL, WA	5,391,000	5,391,000
(MP)	LITTLE GOOSE LOCK AND DAM, WA	6,434,000	6,434,000
(MP)	LOWER GRANITE LOCK AND DAM, WA	5,329,000	5,329,000
(MP)	LOWER MONUMENTAL LOCK AND DAM, WA	6,321,000	6,321,000
(FC)	MILL CREEK LAKE, WA	660,000	660,000
(FC)	MT. ST. HELENS, WA	788,000	788,000
(FC)	MUD MOUNTAIN DAM, WA	1,949,000	1,949,000
(N)	PUGET SOUND AND TRIBUTARY WATERS, WA	788,000	788,000
(N)	QUILLAYUTE RIVER, WA	538,000	538,000
(N)	SEATTLE HARBOR, WA	462,000	462,000
(FC)	STILLAGUAMISH RIVER, WA	150,000	150,000
(FC)	TACOMA - PUYALLUP, WA	50,000	50,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
(MP)	THE DALLES LOCK AND DAM, WA	8,222,000	8,222,000
(N)	WILLAPA RIVER AND HARBOR, WA	533,000	533,000
	WEST VIRGINIA		
	CHARLESTON WATERFRONT PARK, WV	---	1,400,000
(FC)	BEECH FORK LAKE, WV	679,000	679,000
(FC)	BLUESTONE LAKE, WV	1,078,000	1,278,000
(FC)	BURNSVILLE LAKE, WV	1,241,000	1,241,000
(FC)	EAST LYNN LAKE, WV	1,052,000	1,052,000
(N)	ELK RIVER HARBOR, WV	314,000	314,000
(FC)	ELKINS, WV	6,000	6,000
(N)	KANAWHA RIVER LOCKS AND DAMS, WV	8,829,000	8,829,000
(N)	OHIO RIVER LOCKS AND DAMS HUNTINGTON, WV	14,196,000	14,196,000
(N)	OHIO RIVER OPEN CHANNEL WORK, HUNTINGTON, WV	1,833,000	1,833,000
(FC)	R. D. BAILEY LAKE, WV	1,322,000	1,322,000
(FC)	STONEWALL JACKSON LAKE, WV	892,000	892,000
(FC)	SUMMERSVILLE LAKE, WV	1,476,000	1,476,000
(FC)	SUTTON LAKE, WV	1,750,000	1,750,000
(N)	TYGART LAKE, WV	1,078,000	1,078,000
	WISCONSIN		
(N)	ALGOMA HARBOR, WI	256,000	256,000
(N)	ASHLAND HARBOR, WI	735,000	735,000
(N)	BIG SUAMICO HARBOR, WI	204,000	204,000
(FC)	EAU GALLE RIVER LAKE WISCONSIN, WI	436,000	436,000
(N)	FOX RIVER, WI	2,199,000	2,199,000
(N)	GREEN BAY HARBOR, WI	2,066,000	2,066,000
(N)	GREEN BAY HARBOR, WI - DIKE DISPOSAL	1,705,000	1,705,000
(N)	KEWAUNEE HARBOR, WI	290,000	290,000
(FC)	LA FARGE LAKE, WI	30,000	30,000
(N)	MANITOWOC HARBOR, WI	358,000	358,000
(N)	MILWAUKEE HARBOR, WI	1,618,000	1,618,000
(N)	SHEBOYGAN HARBOR, WI	425,000	425,000
(N)	STURGEON BAY, WI	536,000	536,000
	WYOMING		
(FC)	JACKSON HOLE LEVEES, WY	1,040,000	1,040,000
	MISCELLANEOUS		
	COASTAL INLET RESEARCH PROGRAM	3,500,000	---
	COST SHARE BEACH DISPOSAL (SECTION 933)	600,000	600,000
	DREDGING RESEARCH PROGRAM (DRP)	4,000,000	4,000,000
	ENVIRONMENTAL REVIEW GUIDE FOR OPERATIONS (ERGO)	4,000,000	2,500,000
	INSPECTION OF COMPLETED WORKS	7,330,000	7,330,000
	MONITORING OF COMPLETED COASTAL PROJECTS	2,000,000	2,000,000
	NATIONAL EMERGENCY PREPAREDNESS PROGRAM (NEPP)	8,000,000	7,000,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

TYPE OF PROJECT	PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE
	NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION....	3,931,000	---
	POLICY AND PROCEDURES OPTIONS FOR PROJECT O&M.....	100,000	100,000
	PROJECT CONDITION SURVEYS.....	10,252,000	9,000,000
	PROTECTION, CLEARING, AND STRAIGHTENING OF CHANNELS...	50,000	50,000
	RECREATION PARTNERSHIP INITIATIVES (RPI).....	1,000,000	200,000
	REMOVAL OF SUNKEN VESSELS.....	1,000,000	1,000,000
	REPAIR, EVALUATION, MAINTENANCE, AND REHABILITATION RE	6,000,000	6,000,000
	RIVER CONFLUENCE ICE RESEARCH.....	650,000	---
	SCHEDULING RESERVOIR OPERATIONS.....	3,150,000	3,150,000
	SURVEILLANCE OF NORTHERN BOUNDARY WATERS.....	3,537,000	3,537,000
	TECHNICAL ADVISORY FOR RESERVOIR MANAGEMENT.....	200,000	---
	WATER CONTROL RESEARCH PROGRAM.....	675,000	---
	WATERBORNE COMMERCE STATISTICS.....	4,079,000	4,079,000
	WETLANDS ACTION PLAN AND DEMONSTRATION PROGRAM.....	1,000,000	1,000,000
	WETLANDS RESEARCH PROGRAM.....	8,036,000	7,000,000
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE.....	-32,471,000	-51,066,000
	TOTAL, OPERATION AND MAINTENANCE.....	1,524,534,000	1,541,668,000

TYPE OF PROJECT:
(N) NAVIGATION
(BE) BEACH EROSION CONTROL
(FC) FLOOD CONTROL
(MP) MULTIPURPOSE, INCLUDING POWER

TITLE II

DEPARTMENT OF THE INTERIOR

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs and activities of the Bureau of Reclamation. Additional items of conference agreement are discussed below.

BUREAU OF RECLAMATION

GENERAL INVESTIGATIONS

Amendment No. 23: Appropriates $12,540,000 for General Investigations instead of $13,700,000 as proposed by the House and $12,390,000 as proposed by the Senate.

CONSTRUCTION PROGRAM

Amendment No. 24: Appropriates $470,568,000 for Construction Program as proposed by the House instead of $466,334,000 as proposed by the Senate.

Amendment No. 25: Provides that $154,868,000 shall be available for transfer to the Lower Colorado River Basin Development Fund as proposed by the Senate instead of $156,168,000 as proposed by the House. This amendment reflects the fact that the conference agreement provides $154,868,000 to continue construction of the Central Arizona Project as proposed by the Senate instead of $156,168,000 as proposed by the House.

Amendment No. 26: Restores House language stricken by the Senate that raises the authorized cost ceiling of the Trinity River Restoration Program of the Central Valley Project, California.

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *: Provided further, That pursuant to section 406(c)(2) of Public Law 101-628, the Secretary of the Interior is directed to reimburse, in an amount not to exceed $800,000, the City of Prescott, Arizona, for funding advanced by Prescott, Arizona, to the Bureau of Reclamation for hydrological studies required by section 406(c)(1) of Public Law 101-628: Provided further, That the prohibition against obligating funds for construction until after sixty days from the date the Secretary transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Bitter Root Project, Como Dam, Montana, to allow for an earlier start of emergency repair work.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate that directs the Secretary of the Interior to reimburse, in an amount not to exceed $800,000, the City of Prescott, Arizona, for funds advanced by the city to the Bureau of Reclamation for hydrological studies required by section 406(c)(1) of Public Law 101-628.

The conference agreement also includes language that will permit the Bureau of Reclamation to initiate safety of dams work at Como Dam, Bitter Root Project, Montana, immediately. The Commissioner of Reclamation transmitted the required Safety of Dams modification report for Como Dam to the Congress on August 17, 1992. In his transmittal letter, the Commissioner advises that "immediate modification measures are needed for Como Dam before the spring runoff of 1993 to ensure the safety of the public." In light of the emergency nature of the situation, the conferees agreed to include language in the Act that waives the required 60-day review period by the Congress so that work can begin immediately.

OPERATION AND MAINTENANCE

Amendment No. 28: Appropriates $274,760,000 for Operation and Maintenance instead of $284,010,000 as proposed by the House and $269,760,000 as proposed by the Senate.

The conference agreement includes funding for the projects and programs listed in the House and Senate reports.

Amendment No. 29: Restores House language stricken by the Senate that makes available $3,250,000 for environmental studies associated with the renewal of the Central Valley Project, California, water contracts and environmental compliance and deletes House language stricken by the Senate that provides that those funds shall be treated as capital expenses in accordance with Federal reclamation law.

LOAN PROGRAM

Amendment No. 30: Appropriates $3,502,000 for the Bureau of Reclamation Loan Program, excluding administrative expenses, as proposed by the Senate instead of $2,202,000 as proposed by the House. The conference agreement also provides $600,000 for administrative expenses of the Loan Program as proposed by the House and the Senate.

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$8,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides a loan obligation ceiling of $8,000,000 instead of $5,060,000 as proposed by the House and $6,000,000 as proposed by the Senate. The Bureau of Reclamation has advised the conferees that a loan obligation ceiling of $8,000,000 is necessary to carry out the fiscal year 1993 program.

Amendment No. 32: Deletes language proposed by the Senate that provides funds for the Ft. McDowell Indian Community, Arizona, project. Funds for this project are included in the amount appropriated in Amendment No. 30.

GENERAL ADMINISTRATIVE EXPENSES

Amendment No. 33: Deletes language proposed by the House and stricken by the Senate which provides that none of the funds appropriated in the Act may be expended to implement the transfer of the Central Valley Project to the State of California unless subsequently authorized by Congress. This provision is addressed in Amendment No. 34.

ADMINISTRATIVE PROVISIONS

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that none of the funds appropriated in the Act may be expended to implement the transfer of title or ownership of the Central Valley Project to the State of California unless subsequently authorized by Congress. The House bill contained the same provision under General Administrative Expenses.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 206. Subsection (a) of section 7 of the Federal Water Project Recreation Act (79 Stat. 216 16 U.S.C. 460l-18) is amended by deleting the Proviso from the first sentence and by changing the colon after the word "purposes" to a period.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate which removes the $100,000 limit on the Federal share of recreation facility development at Bureau of Reclamation operated water resources projects. The Senate language has been amended to make technical corrections.

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that directs the Secretary of the Interior to conduct an analysis of alternatives for the design, construction, and operation of the Sykeston Canal as a functional replacement for the Lonetree Reservoir feature of the Garrison Diversion Unit in North Dakota.

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
GENERAL INVESTIGATIONS		
ARIZONA		
TUCSON/PHOENIX WATER CONSERVATION AND EXCHANGE STUDY..	150,000	150,000
UPPER SAN PEDRO RIVER OPTIMIZATION STUDY.....	175,000	175,000
CALIFORNIA		
AMERICAN RIVER FOLSOM SOUTH OPTIMIZATION STUDY.....	75,000	75,000
DELTA WATER MANAGEMENT.....	---	50,000
OFFSTREAM STORAGE INVESTIGATION.....	---	50,000
PUTAH CREEK FLOW OPTIMIZATION INVESTIGATION.....	50,000	50,000
SACRAMENTO VALLEY RICELANDS/WETLANDS CONJUNCTIVE USE S	---	300,000
SAN JOAQUIN BASIN ACTION PLAN.....	50,000	50,000
SAN JOAQUIN RIVER BASIN RESOURCE MGMT. INITIATIVE.....	600,000	600,000
SAN JOAQUIN VALLEY CONVEYANCE.....	---	10,000
SOUTHERN CALIFORNIA COMPREHENSIVE WATER.....	165,000	165,000
COLORADO		
DOLORES RIVER WATER QUALITY IMPROVEMENT STUDY.....	125,000	125,000
UPPER ARKANSAS RIVER BASIN WATER QUALITY INVEST.....	200,000	200,000
UPPER GUNNISON-UNCOMPAHGRE BASIN PROJECT.....	70,000	70,000
IDAHO		
IDAHO RIVER SYSTEMS MANAGEMENT.....	150,000	150,000
MINIDOKA, NORTHSIDE PUMP. DIV DRAINWTR MGMT STUDY.....	120,000	120,000
KANSAS		
ARKANSAS RIVER WATER MGMT. IMPROVEMENT STUDY.....	50,000	50,000
MONTANA		
FLATHEAD RIVER BASIN STORAGE OPTIMIZATION STUDY.....	56,000	56,000
MUSSELSHELL RIVER WATER MANAGEMENT PLAN.....	80,000	80,000
NEW MEXICO		
MIDDLE RIO GRANDE ASSESSMENT/MGMT STUDY.....	150,000	150,000
NEW MEXICO REGIONAL WATER RESOURCES STUDY.....	100,000	100,000
PECOS RIVER BASIN FISH AND WILDLIFE.....	100,000	100,000
SAN JUAN - GALLUP WATER SUPPLY STUDY.....	---	300,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
OREGON		
GRANDE RONDE WATER OPTIMIZATION STUDY	150,000	150,000
JOSEPHINE COUNTY WATER MGMT IMPROVEMENT STUDY	100,000	100,000
OREGON STREAM RESTORATION PLANNING STUDY	100,000	100,000
OREGON SUBBASIN CONSERVATION PLANNING	100,000	100,000
OWYHEE PROJECT STORAGE OPTIMIZATION STUDY	75,000	75,000
UPPER DESCHUTES RIV BASIN WATER CONSERVATION PROJ	120,000	120,000
UPPER JOHN DAY WATER OPTIMIZATION PROJECT	120,000	120,000
WILLAMETTE RIV BASIN WATER OPTIMIZATION STUDY	125,000	125,000
SOUTH DAKOTA		
BLACK HILLS REGIONAL WATER MANAGEMENT STUDY	100,000	100,000
LEWIS AND CLARK RURAL WATER SUPPLY STUDY	---	100,000
TEXAS		
LOWER RIO GRANDE BASIN STUDY	185,000	185,000
RINCON BAYOU-NUECES MARSH WETLANDS	150,000	150,000
UTAH		
UTAH LAKE WATER MANAGEMENT STUDY	150,000	150,000
WEBER BASIN WATER QUALITY/WATERSHED	50,000	50,000
WYOMING		
WIND RIVER BASIN STUDY	175,000	175,000
VARIOUS		
BEAR RIVER BASIN WATER QUALITY/WATERSHED	50,000	50,000
COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM	1,115,000	1,465,000
DROUGHT INVESTIGATIONS	30,000	30,000
ENVIRONMENTAL & INTERAGENCY COORDINATION ACTIVITIES	3,140,000	2,700,000
FISH & WILDLIFE HABITAT PRESERVATION & ENHANCEMENT	375,000	250,000
FOUR CORNERS WATER ASSESSMENT	89,000	89,000
GENERAL PLANNING STUDIES	950,000	900,000
INVESTIGATION OF EXISTING PROJECTS	565,000	400,000
MINOR WORK ON COMPLETED INVESTIGATIONS	525,000	525,000
TECHNICAL ASSISTANCE TO STATES	1,375,000	1,375,000
UPPER SNAKE RIVER BASIN STORAGE OPTIMIZATION	50,000	50,000
WALLA WALLA RIVER STREAMFLOW IMPROVEMENT PROJECT	200,000	130,000
WETLANDS PRESERVATION/RESTORATION	50,000	50,000
REDUCTION FOR SAVINGS AND SLIPPAGE	---	-450,000
TOTAL, GENERAL INVESTIGATIONS	12,680,000	12,540,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
CONSTRUCTION PROGRAM		
CONSTRUCTION AND REHABILITATION AND COLORADO RIVER BASIN SALINITY CONTROL PROJECTS		
ARIZONA		
INDIAN WATER RIGHTS SETTLEMENT PROJECTS	1,090,000	1,090,000
CALIFORNIA		
CENTRAL VALLEY PROJECT:		
AUBURN-FOLSOM SOUTH UNIT	1,500,000	2,250,000
MISCELLANEOUS PROJECT PROGRAMS	10,000,000	10,800,000
SACRAMENTO RIVER DIVISION	5,592,000	10,592,000
SAN FELIPE DIVISION	---	150,000
SAN LUIS UINT	1,000,000	1,000,000
TRINITY RIVER RESTORATION PROGRAM	5,366,000	10,366,000
COLORADO		
GRAND VALLEY UNIT, TITLE II, CRBSCP	16,993,000	16,993,000
LOWER GUNNISON BASIN UNIT, TITLE II, CRBSCP	5,363,000	5,363,000
PARADOX VALLEY UNIT, TITLE II, CRBSCP	3,701,000	3,701,000
NEBRASKA		
NORTH LOUP DIVISION, P-SMBP	18,780,000	18,780,000
NORTH DAKOTA		
GARRISON DIVERSION UNIT, P-SMBP	30,000,000	30,000,000
OREGON		
UMATILLA BASIN PROJECT	---	11,000,000
SOUTH DAKOTA		
BELLE FOURCHE UNIT, P-SMBP	6,352,000	6,352,000
MNI WICONI PROJECT	---	5,000,000
WASHINGTON		
COLUMBIA BASIN PROJECT:		
IRRIGATION FACILITIES	2,110,000	3,410,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
VARIOUS		
BOULDER CANYON PROJECT, AZ-NV	10,159,000	10,159,000
COLORADO RIVER BASIN SALINITY CONTROL PROJ., TITLE I	8,634,000	8,634,000
SUBTOTAL, REGULAR CONSTRUCTION	126,640,000	155,640,000
DRAINAGE AND MINOR CONSTRUCTION:		
BOISE PROJECT, PAYETTE DIVISION, IDAHO	1,564,000	1,564,000
BRANTLEY PROJECT, NEW MEXICO	917,000	917,000
BUFFALO BILL DAM MODIFICATION, P-SMBP	320,000	320,000
COLORADO RIVER FRONT WORK & LEVEE SYSTEM, AR, CO	3,719,000	3,719,000
CULTURAL RESOURCES ACT., ID,ND,MT,OR,SE,WA,WY	300,000	300,000
FRYINGAN-ARKANSAS PROJECT, COLORADO	525,000	525,000
KLAMATH PROJECT, OREGON-CALIFORNIA	2,146,000	2,146,000
LOWER COLORADO WATER SUPPLY PROJECT	201,000	201,000
HEADGATE ROCK HYDROELECTRIC PROJECT	851,000	851,000
MINIDOKA PROJECT, IDAHO	175,000	175,000
MOUNTAIN PARK PROJECT, OKLAHOMA	25,000	25,000
NEWLANDS PROJECT, NEVADA	2,525,000	2,525,000
PICK-SLOAN MISSOURI BASIN PROGRAM:		
BOSTWICK DIVISION, NEBRASKA	---	1,100,000
EAST BENCH UNIT, MONTANA	50,000	50,000
FARWELL UNIT, NEBRASKA	425,000	425,000
OAHE UNIT, SOUTH DAKOTA	174,000	174,000
OWL CREEK UNIT, WYOMING	15,000	15,000
RECREATION FACILITIES AT EXISTING RESV, VARIOUS	48,000	48,000
SAN LUIS VALLEY PROJECT, CLOSED BASIN DIVISION	503,000	503,000
WETLANDS DEVELOPMENT, VARIOUS	3,200,000	3,500,000
YAKIMA FISH PASSAGE/PROTECTIVE FACILITIES, WA	550,000	550,000
SUBTOTAL, DRAINAGE AND MINOR CONSTRUCTION	18,233,000	19,633,000
SAFETY OF DAMS PROGRAMS:		
BIA - DAM SAFETY PROGRAM	12,000,000	---
BOISE PROJECT, DEER FLAT DAM, IDAHO	100,000	100,000
CENTRAL VALLEY PROJ, FOLSOM DAM, CALIFORNIA	5,951,000	5,951,000
DEPARTMENT OF INTERIOR DAM SAFETY PROGRAM	650,000	650,000
HYRUM PROJECT, UTAH	100,000	100,000
INITIATE SOD CORRECTION ACTION, VARIOUS	28,443,000	28,443,000
MODIFICATION REPORTS & PRECONSTRUCTION ACTIVITY	2,500,000	2,500,000
SALT RIVER PROJECT, BARTLETT DAM, ARIZONA	3,885,000	3,885,000
SALT RIVER PROJECT, HORSESHOE DAM, ARIZONA	2,429,000	2,429,000
SALT RIVER PROJECT, STEWART MTN. DAM, ARIZONA	1,958,000	1,958,000
SAN CARLOS IRRIGATION - COOLIDGE DAM, ARIZONA	18,480,000	18,480,000
SUBTOTAL, SAFETY OF DAMS	76,496,000	64,496,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
REHABILITATION AND BETTERMENT:		
MILK RIVER, GLASGOW DIVISION, MT	410,000	410,000
MILK RIVER, MALTA DIVISION, MT	50,000	50,000
OGDEN RIVER PROJECT, UTAH	1,234,000	1,234,000
SHOSHONE PROJECT, WYO	---	1,000,000
SARGENT UNIT, NE	---	450,000
WEBER BASIN PROJECT, UTAH	3,887,000	3,887,000
SUBTOTAL, REHABILITATION AND BETTERMENT	5,581,000	7,031,000
SCIENCE AND TECHNOLOGY:		
DESALTING TECHNOLOGY	1,000,000	1,000,000
GLOBAL CLIMATE CHANGE	2,308,000	2,308,000
GROUNDWATER RECHARGE DEMONSTRATION PROGRAM	2,408,000	2,408,000
WATER TECHNOLOGY/ENVIRONMENTAL RESEARCH	3,500,000	3,500,000
SUBTOTAL, SCIENCE AND TECHNOLOGY	9,216,000	9,216,000
TOTAL, CONSTRUCTION AND REHABILITATION AND COLORADO RIVER BASIN SALINITY CONTROL PROJECTS	236,166,000	256,016,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
COLORADO RIVER STORAGE PROJECT		
UPPER COLORADO RIVER BASIN FUND AND PARTICIPATING PROJECTS		
COLORADO		
ANIMAS-LA PLATA PROJECT	11,000,000	11,000,000
DOLORES PROJECT	35,098,000	35,098,000
UTAH		
CENTRAL UTAH PROJECT, BONNEVILLE UNIT	23,000,000	23,000,000
CENTRAL UTAH PROJECT, UINTAH UNIT	25,000	25,000
DRAINAGE & MINOR CONSTRUCTION:		
PARTICIPATING PROJECTS:		
DALLAS CREEK PROJECT	210,000	210,000
RECREATIONAL AND FISH AND WILDLIFE FACILITIES:		
RECREATIONAL FACILITIES	2,658,000	2,658,000
FISH AND WILDLIFE FACILITIES	6,960,000	6,960,000
TOTAL, COLORADO RIVER STORAGE PROJECT	78,951,000	78,951,000
COLORADO RIVER BASIN PROJECT		
CENTRAL ARIZONA PROJECT		
ARIZONA		
CENTRAL ARIZONA PROJECT, WATER DEVELOPMENT (LCRBDF)	156,168,000	154,868,000
CENTRAL ARIZONA PROJECT, NON-INDIAN DIST. SYSTEMS	100,000	100,000
CENTRAL ARIZONA PROJECT, SAFETY OF DAMS	18,823,000	18,823,000
TOTAL, COLORADO RIVER BASIN PROJECT	175,091,000	173,791,000
ASSOCIATED ITEMS		
UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS	-29,574,000	-38,190,000
TOTAL, CONSTRUCTION PROGRAM	460,634,000	470,568,000

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
LOAN PROGRAM		
ADMINISTRATION OF LOAN PROGRAM	---	600,000
EASTERN MUNICIPAL CALIFORNIA WATER DISTRICT NO. 3	1,000,000	2,202,000
FT. MCDOWELL COMMUNITY, AZ	---	1,300,000
TOTAL, LOAN PROGRAM	1,000,000	4,102,000

TITLE III

DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs and activities of the Department of Energy. Additional items of conference agreement are discussed below.

APPLICATION OF GENERAL REDUCTIONS

With regard to any general reductions contained in the Fiscal Year 1993 Energy and Water Development Appropriations Act, with the exception of activities specifically addressed by the Committees, the conferees recommend that the Department of Energy apply those reductions in the most prudent and practical manner. Any such reduction should be taken in a manner that is cost effective and generally least disruptive to the Department's missions and programs. Furthermore, the Department shall consult with and make their plans for these reductions available to the House and Senate Energy and Water Development Appropriations Subcommittees prior to implementing the reductions.

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$3,015,793,000 to remain available until expended, of which $94,800,000 shall be available only for the Bishop Science Center, State of Hawaii; the Ambulatory Research and Education Building, Oregon Health Sciences University; the Center for Energy and Environmental Resources, Louisiana State University, Baton Rouge, Louisiana; the Advanced Technologies Institute, University of Connecticut; the Biomedical Research Facility, University of Alabama at Birmingham; the Cancer Treatment Facility for the Indiana University School of Medicine at Indianapolis, Indiana; the Cancer Institute of New Jersey; the Northeast Environmental Resource and Renewal Facility, Mayfield, Pennsylvania; Center for Advanced Industrial Process, Washington State University, Washington; and the Hahnemann University Ambulatory Care and Teaching Center in Philadelphia, Pennsylvania.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Appropriates $3,015,793,000 for Energy Supply, Research and Development Activities instead of $2,947,633,000 as proposed by the House and $2,971,583,000 as proposed by the Senate.

SOLAR AND RENEWABLE ENERGY PROGRAMS

For solar buildings technology research the conferees recommend $3,000,000 including $1,000,000 in direct support of the PV buildings program and coordination of activities with the PV:BONUS Program. Funds are included for cost-shared violation of enhanced active solar water heating and cooling.

For solar thermal energy systems, the conferees recommend $27,000,000 as proposed by the Senate including $100,000 for capital equipment.

For photovoltaic energy systems, the conference recommendation provides $65,500,000 including an additional $1,200,000 in direct support of the PV:BONUS Program.

From within the available photovoltaic funds, an addition of $1,000,000 should be made available to the polycrystalline thin-film program for the industrial development of large-area modules by the private sector. Also, from within the available photovoltaic funds, the recommendation includes an additional $1,000,000 for the User Scale Applications of Photovoltaics project (USAPV) as provided by the House.

For biofuels energy systems, the conferees agree that the short rotation woody crops program should be continued at $4,000,000. The Committee has supported the management of this program by the Department's Oak Ridge National Laboratory and expects that this management authority will continue.

The conference agreement includes the fiscal year 1992 level of $2,500,000 to provide for the Midwest Plant Biotechnology Consortium. The consortium is directed to continue its practice of funding university research on a competitive basis, with a funding match provided by industry counterparts, to improve alternative renewable energy sources. The conferees have been pleased with the work of this regional alliance but, due to budgetary constraints, are unable to increase funding at this time. The conferees have been concerned with the Department's delay in granting funds to the Midwest Plant Biotechnology Consortium and direct the Department to expedite this process.

The conferees agree with the Senate on the use of $1,000,000 for ocean energy systems.

For geothermal programs, the conferees agree the Department should continue the cost-shared project to demonstrate the economic benefits of improved electric generators in geothermal projects at $2,000,000.

ELECTRIC ENERGY SYSTEMS AND STORAGE

The conference includes $4,500,000 for hydrogen research as proposed by the Senate. From within the amount provided for energy storage, $1,000,000 is for diurnal and industrial research and $1,100,000 is for the seasonal thermal energy storage program.

No funds are included for a superconducting magnetic energy storage system.

The conferees recognize that the superconducting magnetic energy storage (SMES) program represents a critical technology. Development of an SMES system offers the military a wide range of options for high-pulsed power, secure remote site-power source, heavy object electromagnetic launch research, and advanced materials research. In the civilian sector, SMES would be a valuable contributor to environmental protection, national competitiveness, and commercial market opportunities for U.S. firms. Its highly efficient energy storage capability would reduce dependence on foreign energy sources, and lower emissions of greenhouse gases. Accordingly, the conferees direct the Department of Energy to provide the Appropriations Committees of the House and Senate with a report on this program.

NUCLEAR ENERGY

For advanced reactor research and development, the conference recommendation provides a total of $60,039,000. The allowance includes $3,500,000 for the continuation of the funding for the University Research program in Robotics. The recommendations also includes $18,000,000 for the High Temperature Gas Reactor program, $23,000,000 for the Advanced Liquid Metal Reactor/Integral Fast Reactor (ALMR/IFR), $9,000,000 for the Liquid Metal Reactor (LMR), and $6,500,000 for the actinide recycle program.

The conference recommendation continues the Civilian Radioactive Waste Research and Development at the fiscal year 1992 rate of $4,700,000, of which $4,000,000 is to complete the cooperative demonstration project for transportable storage systems and dry spent fuel transfer being conducted by the Department.

LIQUEFIED GASEOUS FUELS SPILL TEST FACILITY

The conferees have included $1,000,000 to continue operational support for the Liquefied Gaseous Fuels Spill Test Facility for fiscal year 1993.

BIOLOGICAL AND ENVIRONMENTAL RESEARCH

The conferees are concerned with the lack of available domestically-produced radioisotopes in this Nation. A Department of Energy sponsored report published in 1991 indicated that the United States is approaching a critical shortage of these materials, which would seriously jeopardize the future of the biomedical industry in this Nation and endanger the treatment of millions of nuclear medicine patients. The Department of Energy is urged to address the situation by providing adequate funds to begin the one-year National Biomedical Tracer Facility Project Definition Phase, as outlined in the 1991 DOE report, in the fiscal year 1994 budget submission to Congress. The Department is also directed to report back to Congress by February 1, 1993, on the status of this action.

MAGNETIC FUSION

The conferees provide $339,710,000 for the magnetic fusion program. The conferees direct the Department of Energy to apply this reduction in a manner that is cost effective and least disruptive to the mission and priorities of the magnetic fusion program.

The conferees note with approval the recent agreement to proceed with the engineering design activity phase of the International Thermonuclear Experimental Reactor (ITER). The conferees provide funds to meet fully the U.S. commitment to ITER and direct the Department to provide a plan for selection of a U.S. candidate site for future construction of ITER.

The conferees recognize the technical progress that has been achieved in magnetic fusion energy here and abroad. The conferees direct the Department to assure that ITER, DT in TFTR, and the DIII-D program receive the highest funding priority within the magnetic fusion program. The conferees have also provided funds for design work leading to a steady-state advanced tokamak planned for operation as a national facility.

SUPPORTING RESEARCH

The managers concur with the direction in the Senate report to DOE that it proceed expeditiously with a decision regarding construction of the Advanced Neutron Source (ANS). The managers are concerned that after making a substantial investment in research and preconstruction activities in the ANS over the course of several years, DOE is presently evaluating the need for a new high flux research reactor such as the ANS versus an accelerator-based system. The Congress has consistently expressed its support for the ANS and the managers urge DOE to take into account that support and the substantial Federal commitment already made to the ANS in making its decision about proceeding with the project.

The conference agreement includes $94,800,000 for new energy, educational and medical facilities. The distribution of this funding is to be made as follows: $10,000,000 for the Bishop Science Center, State of Hawaii; $10,000,000 for the Ambulatory Research and Education Building, Oregon Health Sciences University; $10,000,000 for the Center for Energy and Environmental Resources, Louisiana State University, Baton

Rouge, Louisiana; $10,000,000 for the Advanced Technologies Institute, University of Connecticut; $10,000,000 for the Biomedical Research Facility, University of Alabama at Birmingham; $10,000,000 for the Cancer Treatment Facility for the Indiana University School of Medicine at Indianapolis, Indiana; $10,000,000 for the Cancer Institute of New Jersey; $6,800,000 for the Northeast Environmental Resource and Renewal Facility, Mayfield, Pennsylvania; $8,000,000 for the Center for Advanced Industrial Process, Washington State University, Washington; and $10,000,000 for the Hahnemann University Ambulatory Care and Teaching Center in Philadelphia, Pennsylvania.

POLICY AND MANAGEMENT

The conferees agree with the funding of policy and management as proposed by the Senate. The recommendation includes an increase of $2,356,000 to $5,215,000 for support of planning, analysis, and technology evaluation and ADP support for cross-cutting and market sector activities related to solar and renewable energy program to become available from within the funds under the jurisdiction of that office. These additional funds are to be derived from the solar activities as described by the Senate.

ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conferees agree that the funding for the West Valley Demonstration project is included at the budget request of $134,000,000.

Amendment No. 38: Deletes language proposed by the Senate providing planning funds for an energy research facility.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$1,286,320,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $1,286,320,000 for Uranium Supply and Enrichment Activities instead of $1,335,320,000 as proposed by the House and $1,321,320,000 as proposed by the Senate.

As proposed by the Senate, the conferees direct that the Department rescope the demonstration program and continue efforts related to supporting AVLIS deployment in fiscal year 1993 and that $7,500,000 of the $70,000,000 appropriated in fiscal year 1993 for AVLIS be redirected to support predeployment activities. Specifically, the Department/corporation is directed to competitively select a single commercial deployment contractor, as per the Secretary's 1990 plan, as soon as possible.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

Amendment No. 40: Appropriates $1,417,784,000 for General Science and Research Activities instead of $998,884,000 as proposed by the House and $1,460,784,000 as proposed by the Senate.

The conferees agree with the Senate with regard to the asymmetric B meson production facility (B-Factory) and the $2,500,000 for high energy physics research eliminated by the House.

The conferees recommend $517,000,000 for the Superconducting Super Collider (SSC), a level $133,000,000 less than the budget request, for this high-priority national project.

Construction of the SSC is the highest priority in particle physics today and absolutely critical for progress into the 21st century. The SSC is the next logical step in high energy physics, springing from human ambition to expand scientific knowledge and technological capability.

The conferees recognize the importance of the SSC to the Nation's technological health. More than just an investment in U.S. scientific leadership, the SSC is the impetus for new directions in industry, education, and economic growth. Over 100 American universities and nearly 900 American scientists are preparing to do research utilizing the SSC. By the end of fiscal year 1992, SSC educational programs will have directly reached more than 30,000 students and educators. More than 6,000 jobs across the country have been created by the SSC, including new opportunities for engineers, technicians, construction, and other workers experiencing reduced job opportunities as a result of cutbacks in the defense industry.

The SSC laboratory and the Department of Energy have maintained the baseline cost outlined in the Superconducting Super Collider cost and schedule baseline, presented to the Congress in January 1991. Critical path milestones are being met, including industrial assembly of superconducting magnets, occupation of the magnet development laboratory, and completion of the cryogenic facility. The accelerator systems string test building is completed and magnets have been installed and all testing has been successful. The conferees are deeply concerned that any further reductions in Federal appropriations will jeopardize this substantial progress.

The conferees recognize the historically international character of high energy physics research and the fact that the Superconducting Super Collider will be used by scientists from many nations. The Secretary of Energy is encouraged to continue with efforts seeking significant foreign investment in the construction of the project.

The SSC is the largest and most important science project ever conceived and undertaken by mankind. Americans have led the world in basic science research for most of this century, with researchers winning 156 Nobel Prizes in physics, chemistry, physiology, and medicine—nearly twice as many as Germany, France, and Japan combined.

However, this country's investments in basic research and scientific facilities produced far more than Nobel Prizes. No nation in history has ever been blessed with high returns on investment in fundamental science and technology as the United States of America has been. The conferees believe that the SSC represents an investment in the future that will make the American people more productive and raise the quality of life. And the conferees believe that the amount of money we are spending on the SSC is not too large because of this investment in science, in industry, in education, and in America. We have not been making enough investment for our country. Investment in the SSC is an investment in the future of America.

Medicine and high energy physics are not remote from each other. X-rays used to determine the structure of the AIDS virus came from electron synchrotons that were first used in high energy physics research; doctors will use excess protons produced by SSC's linear accelerators to destroy cancerous tumors with fewer side effects than traditional radiation therapy; and diagnostic techniques used in medicine have been greatly improved through computerized axial tomography (CAT) and magnetic resonance imaging (MRI). These are but a few of the byproducts of previous high energy physics investment.

Some people raise questions as to the value of fundamental research on the nature of matter. Knowing about the elements of matter is to know what is central to science, central to our being, central to the whole future of technology, and central to the future of scientific endeavor in the world.

As previously stated, the Superconducting Super Collider is the next logical, meaningful, and significant step in the progress of high energy physics; it is planned to be the largest and most powerful particle accelerator ever built. It will consist of four increasingly powerful booster accelerators that will propel a beam of protons up to an energy level of two trillion electron volts before inserting it into two separate rings located in an underground tunnel 54 miles in circumference. The two beams of protons will each be accelerated to an energy level of 20 trillion electron volts—more than twenty times the energy available anywhere else in the world. The counter-rotating beams will then be brought into collisions that will be studied in huge detectors located in underground interaction regions. By examining the debris from the collisions, which will occur at the rate of 100 million per second, scientists will learn much about the fundamental particles and forces that compose the world around us.

Since the Department of Energy introduced its report on the Superconducting Super Collider cost and schedule baseline, the SSC has remained on time and within budget. Key dates in the schedule are being met. All key SSC laboratory and Department of Energy positions are filled. The magnet industrialization program has been successful, meeting its milestones on or ahead of time in order to complete the accelerator systems string test in the summer of 1992. Technology transfer from Fermilab and Brookhaven National Laboratory to General Dynamics and Westinghouse is proceeding on schedule; they have built and successfully tested 50 millimeter dipole magnets. The magnet development laboratory and central facility are both completed and in use. The string test building is completed and magnets are being installed for testing. Two large detector collaborations have been organized and are well underway in the planning and design of the experimental program.

The SSC is currently the largest construction project underway in the United States. The research and construction work surrounding the SSC is generating jobs and economic activity across a wide range of large industry, manufacturing, and academic institutions around the country.

The conferees agree with funding the Los Alamos Meson Physics Facility (LAMPF) in Atomic Energy Defense Activities as proposed by the Senate.

Amendment No. 41: Deletes language proposed by the House requiring Presidential certification with regard to the Superconducting Super Collider.

Amendment No. 42: Deletes language proposed by the House providing for transfers from the Superconducting Super Collider Trust Fund.

NUCLEAR WASTE DISPOSAL FUND

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as

amended, including the acquisition of real property or facility construction or expansion, $275,071,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: Provided, That of the amount herein appropriated, within available funds, not to exceed $5,000,000 may be provided to the State of Nevada, for the sole purpose in the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: Provided further, That of the amount herein appropriated, not more than $6,000,000 may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds herein provided among the affected units of local government shall be determined by the Department of Energy (DOE) and made available to the State and affected units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, each entity shall provide certification to the DOE, that all funds expended from such direct payment monies have been expended for activities as defined in Public Law 97-425, as amended. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: Provided further. That none of the funds herein appropriated may be used for litigation expenses: Provided further, That grant funds are not to be used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That of the amount appropriated herein, up to $3,700,000 shall be available for infrastructure studies and other research and development work to be carried out by the Universities in Nevada, Reno, and Las Vegas, and the Desert Research Institute, and at least $750,000 to continue funding for the Mobile Sampling Platform developed and operated by the Environmental Research Center at the University of Nevada, Las Vegas. Funding to the universities will be administered by the DOE through a cooperative agreement.

In paying the amounts determined to be appropriate as a result of the decision in Consolidated Edison Company of New York v. Department of Energy 870 F.2d 694 (D.C. Cir. 1989), the Department of Energy shall pay interest at a rate to be determined by the Secretary of the Treasury and calculated from the date the amounts were deposited into the Nuclear Waste Fund. Such payments may be made by credits to future utility payments into the Fund.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees continue to be concerned with the spiralling cost estimates for the characterization of Yucca Mountain. The conferees believe these excessive costs stem in large part from a misallocation of emphasis away from Yucca Mountain and towards headquarters. The conferees are also concerned with the explosive growth which has been proposed for the management and operations (M&O) contract at OCRWM, particularly given the higher than average annual employee cost of the current M&O contractor. The conferees are concerned that the M&O contractor is assuming responsibility more appropriately left to the national laboratories or other DOE contractors. Finally, the conferees believe that the Department's budget submission requests more money than is necessary for the monitored retrievable storage facility and the waste transportation program.

While the conferees are reluctant to give specific line item direction in this year's appropriations bill, OCRWM should not assume that this restraint will continue. Absent meaningful progress in the characterization of Yucca Mountain, a significant reduction in the size and expense of the M&O contractor, and a redirection in programmatic emphasis, the Committees are prepared to undertake this responsibility in future appropriations bills.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of $4,523,249,000 named in said amendment, insert: *$4,568,749,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment appropriates $4,568,749,000 for Weapons Activities instead of $4,548,749,000 as proposed by the House and $4,523,249,000 as proposed by the Senate. The amendment deletes language proposed by the House and stricken by the Senate which provided funds for nuclear nonproliferation activities and the reduced enrichment test reactor program. The amendment also restores House language deleted and restored by the Senate pertaining to the consolidation of nonnuclear facilities of the Department of Energy.

Within available funds for research and development, the conferees have provided $64,500,000 for operation of the Los Alamos Meson Physics Facility in New Mexico.

The managers recognize the increasingly important role played by DOE weapons production facilities in technology commercialization and transfer activities. With the end of the Cold War, these facilities can become equal partners with other DOE laboratories in this important effort to enhance U.S. competitiveness.

In the statement of managers accompanying the Fiscal Year 1992 Energy and Water Development Appropriations Bill, the conferees cited the technology transfer proposal between Sandia National Laboratory and the Diagnostic Instrumentation and Analysis Laboratory as being a "prime example of the technology transfer effort that is needed at DOE." The conferees are concerned that the Department virtually ignored this clear intent for many months, but acknowledge that some progress has apparently been made. The conferees direct the Department to expedite its work toward reaching an agreement on this proposal, and have included $3,000,000 for fiscal year 1993 technology transfer work at DIAL.

The conferees agree that a total of $12,057,000 is available for the krypton fluoride program conducted by the Naval Research Laboratory (NRL) and the Los Alamos National Laboratory. Funding of $5,457,000 is provided for NRL with the remainder to be allocated between the laboratories after a review of the program by the Department.

The House report accompanying the Fiscal Year 1992 Energy and Water Development Appropriations Bill contained a directive that the Secretary of Energy pay the contractor not less than $3,400,000 nor more than $10,000,000 before December 31, 1991, to cover the close out and transition costs associated with DOE contract DE-03-87DP10560. Recent information brought to the Committee's attention indicates that additional funds may be needed in connection with this matter as a result of negotiated settlement or litigation. Concerns have also been raised that any required additional funds would seriously disrupt the ICF program. Therefore, the conferees recommend that, without prejudice to any negotiations or litigation, any required additional funds are to be derived from other sources available to the Department. In order to avoid further delays and costs to the ICF program, the conferees encourage the Department to commence settlement negotiations with the contractor as soon as possible.

The conferees agree with the House report language concerning efforts by the Department to ease the impacts on workers and communities of reductions in employment and other changes in the defense nuclear weapons production complex. The conferees also note that, since the adoption of that report, the full House and Senate Committees on Armed Services have each approved virtually identical statutory provisions in the Defense authorization bill for fiscal year 1993 concerning those subjects. Therefore, the conferees direct the Department to use its best efforts, consistent with existing statutory authority, to address and mitigate the effects of down-sizing and other changes in the nuclear weapons complex on defense nuclear workers and neighboring communities.

NEW PRODUCTION REACTOR

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$34,028,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $34,028,000 instead of $171,800,000 as proposed by the House and $170,028,000 as proposed by the Senate.

In addition, the program has available an estimated $150,000,000 in unobligated balances from prior fiscal years, for a total obligational availability of $184,028,000.

A reduction in tritium requirements has allowed the Department to defer efforts on the design and construction of a new tritium reactor. The conference agreement allocates $154,028,000 for closeout of the New Production Reactor program, including $18,000,000 for research on the accelerator production of tritium. Funds are available for use as necessary for operating expenses, capital equipment, and construction.

The conference agreement provides $30,000,000 under the New Production Reactor program to continue work beyond the termination phase of the two existing NPR design teams to address key technical risks and initiation of detailed design of two electric power producing reactor concepts including an Advanced Light Water Reactor, such as the AP-600, and the Modular High Temperature Gas Reactor to undertake the added mission of plutonium disposal. This will capitalize on the opportunity to quickly and efficiently study means to reduce the plutonium stockpile by burning it in reactors. The large inventories of plutonium pose a significant storage and safeguarding challenge

which may be resolved by using the plutonium to fuel electrical power producing reactors at a DOE reservation. Electrical revenues would offset capital and O&M costs.

These funds would help realize this opportunity by continuing design activities and by focusing them on such reactors. $15,000,000 is provided to develop each advanced conceptual design of alternate technologies. The cost of this work can and should be minimized by refocusing the existing program, by using the existing design teams with in-place experienced personnel, procedures and working relations with all of the national laboratories, thereby avoiding additional costs of completing this work and the inefficiencies of new design teams.

In the statement of the managers accompanying the fiscal year 1992 Energy and Water Development Appropriations conference report, the conferees directed that the Department close out all work associated with light water reactor target development during fiscal year 1992. Accordingly, none of the funds provided under this appropriation account, nor any prior year unobligated balances, may be used for any light water reactor target activities during fiscal year 1993.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$4,831,547,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $4,831,547,000 instead of $4,603,009,000 as proposed by the House and $4,802,047,000 as proposed by the Senate.

The conferees expect the Secretary to provide adequate Federal personnel to improve contractor oversight of the Environmental Restoration and Waste Management program and to augment and allocate Federal staff at the field office and headquarters level to accomplish this. There is much concern that inadequate contractor oversight is responsible for the continually increasing cost estimates for this program.

The conference agreement includes funding for the TMI fuel storage project in the nondefense environmental restoration and waste management program.

The conferees have not provided additional funding for the accelerator transmutation of waste in the technology development program. The Department may use $5,000,000 of weapons research and development funds for the laboratory work in this area.

The conference agreement does not approve the Senate report language urging the Department to delay the environmental restoration management contract at Hanford.

MATERIALS PRODUCTION AND OTHER DEFENSE PROGRAMS

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$2,584,301,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $2,584,301,000 instead of $2,550,901,000 as proposed by the House and $2,523,301,000 as proposed by the Senate.

The conference agreement provides $327,715,000 for verification and control technology activities which is an increase of $97,715,000 over the fiscal year 1992 funding of $230,000,000. This will provide increased funding for a technology development program at the national laboratories to support implementation of nuclear nonproliferation initiatives.

The conferees have included $45,000,000 for the Office of Intelligence as proposed by the House.

DEFENSE NUCLEAR WASTE DISPOSAL

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that establishes a Defense Nuclear Waste Disposal appropriation of $100,000,000. These funds will provide for the Department's cost for the disposal of defense high level waste in a Federal nuclear waste repository.

DEPARTMENTAL ADMINISTRATION

The conferees strongly support the Department's efforts to improve financial and project management. Ongoing reviews have resulted in the identification and correction of irregular financial management practices. The conferees believe that a significant expansion of the Chief Financial Officer's financial examination and audit program under the Federal Financial Managers Act would provide substantial benefits in improving financial management and accountability.

The conferees have provided the budget request of $1,300,000 for the reduced enrichment test reactor program. The Department is directed to prepare a report which provides a full description of all research and test reactors in foreign countries which could be converted to use low enriched uranium, the interest of each country in the conversion program, and a schedule and total cost estimate by year for the fuel development program. This report should be available for review during the hearings on the Department's fiscal year 1994 budget.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION

The conferees have provided $417,100,000 in new borrowing authority for fiscal year 1993 for the Bonneville Power Administration (BPA). This amount includes $44,300,000 in upfront funding from the non-Federal participants in the Third A.C. Intertie since it is unlikely that non-Federal funds will be available soon enough in fiscal year 1993 for BPA to incur the planned obligations. When BPA receives the $44,300,000 from the non-Federal participants, the conferees expect these funds to be used to reduce BPA's outstanding debt to the Treasury.

Each year Bonneville's budget request for new borrowing authority is reviewed and approved by the Congress. The conferees expect Bonneville to adhere to the total amount of new borrowing authority provided by the conference agreement, and expect to be informed of any exceptional circumstances which would necessitate the need for BPA to borrow in excess of this amount.

WESTERN AREA POWER ADMINISTRATION

Amendment No. 49: Appropriates $326,634,000 as proposed by the House instead of $336,634,000 as proposed by the Senate.

FEDERAL ENERGY REGULATORY COMMISSION

Amendment No. 50: Appropriates $158,639,000 for salaries and expenses of the Federal Energy Regulatory Commission as proposed by the Senate instead of $142,801,000 as proposed by the House.

Amendment No. 51: Appropriates $158,639,000 for revenues of the Federal Energy Regulatory Commission as proposed by the Senate instead of $142,801,000 as proposed by the House.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

Amendment No. 52: Deletes language proposed by the Senate concerning the use of trust funds for the Superconducting Super Collider.

Amendment No. 53: Deletes language proposed by the Senate concerning implementation of an environmental restoration management contract at the Hanford, Washington, site.

Amendment No. 54: Deletes language proposed by the Senate concerning the acquisition of components for the Superconducting Super Collider.

Department of Energy

	Budget Estimate	Conference
ENERGY SUPPLY RESEARCH AND DEVELOPMENT		
I. Solar applications		
A. Solar building technology research - OE	2,000,000	3,000,000
B. Photovoltaic energy systems		
Operating expenses	62,500,000	64,500,000
Capital equipment	1,000,000	1,000,000
Subtotal, Photovoltaic energy systems	63,500,000	65,500,000
C. Solar thermal energy systems		
Operating expenses	26,900,000	26,900,000
Capital equipment	100,000	100,000
Subtotal, Solar thermal energy systems	27,000,000	27,000,000
D. Biofuels energy systems		
Operating expenses	44,800,000	44,800,000
Capital equipment	3,550,000	3,550,000
Subtotal, Biofuels energy systems	48,350,000	48,350,000
E. Wind energy systems		
Operating expenses	21,100,000	23,100,000
Capital equipment	900,000	900,000
Subtotal, Wind energy systems	22,000,000	24,000,000
F. Ocean energy systems - OE	---	1,000,000
Subtotal, Solar applications	162,850,000	168,850,000

Department of Energy

	Budget Estimate	Conference
II. Other solar energy		
A. International solar energy program - OE	2,000,000	2,000,000
B. Solar technology transfer - OE	2,000,000	2,000,000
C. National Renewable Energy Laboratory		
Capital equipment	50,000	50,000
Construction:		
General plant projects	2,348,000	2,348,000
91-E-100 Solar energy research facility SERF	4,157,000	4,157,000
Subtotal, Construction	6,505,000	6,505,000
Subtotal, National Renewable Energy Laboratory	6,555,000	6,555,000
D. Resource assessment		
Operating expenses	1,110,000	1,110,000
Capital equipment	90,000	90,000
Subtotal, Resource assessment	1,200,000	1,200,000
E. Program support - OE	948,000	948,000
F. Program direction - OE	5,872,000	5,872,000
Subtotal, Other solar energy	18,575,000	18,575,000
TOTAL, SOLAR ENERGY	181,425,000	187,425,000
(Operating expenses)	(169,230,000)	(175,230,000)
(Capital equipment)	(5,690,000)	(5,690,000)
(Construction)	(6,505,000)	(6,505,000)

Department of Energy

	Budget Estimate	Conference
GEOTHERMAL		
II. Geothermal technology development - OE	22,500,000	21,500,000
III. Program direction - OE	1,000,000	1,000,000
IV. Capital equipment	900,000	900,000
TOTAL, GEOTHERMAL	24,400,000	23,400,000
(Operating expenses)	(23,500,000)	(22,500,000)
(Capital equipment)	(900,000)	(900,000)
HYDROPOWER		
I. Small scale hydropower development - OE	960,000	960,000
II. Program direction - OE	90,000	90,000
TOTAL, HYDROPOWER	1,050,000	1,050,000
ELECTRIC ENERGY SYSTEMS AND STORAGE		
I. Electric energy systems		
A. Electric field effects research - OE	7,500,000	6,000,000
B. Reliability research - OE	3,100,000	3,100,000
C. System and materials research - OE	21,900,000	21,900,000
D. Program direction - OE	700,000	700,000
E. Capital equipment	600,000	600,000
Subtotal, Electric energy systems	33,800,000	32,300,000
II. Energy storage systems		
A. Battery storage - OE	4,000,000	4,000,000
B. Thermal and chemical storage - OE	1,500,000	5,500,000
C. Program direction - OE	500,000	500,000
D. Capital equipment	300,000	300,000
Subtotal, Energy storage systems	6,300,000	10,300,000
TOTAL, ELECTRIC ENERGY SYSTEMS AND STORAGE	40,100,000	42,600,000
(Operating expenses)	(39,200,000)	(41,700,000)
(Capital equipment)	(900,000)	(900,000)

Department of Energy

	Budget Estimate	Conference
NUCLEAR		
I. Nuclear energy R & D		
A. Light water reactor - OE	58,700,000	58,700,000
B. Advanced reactor R & D		
Operating expenses	49,039,000	59,039,000
Capital equipment	1,000,000	1,000,000
Subtotal, Advanced reactor R & D	50,039,000	60,039,000
C. Space reactor power systems		
Operating expenses	30,000,000	30,000,000
D. Advanced radioisotope power system		
Operating expenses	46,840,000	45,000,000
Capital equipment	5,000,000	5,000,000
Subtotal, Advanced radioisotope power system	51,840,000	50,000,000
E. Space exploration initiative		
Operating expenses	10,000,000	---

Department of Energy

	Budget Estimate	Conference
F. Facilities		
Operating expenses	89,665,000	88,665,000
Capital equipment	2,200,000	2,200,000
Construction:		
GPN-102 GPP	1,365,000	1,365,000
93-E-200 Modifications to reactors	300,000	300,000
93-E-202 Analytical Lab. upgrades, ANL	1,500,000	1,500,000
89-N-115 Fire safety improvements, ANL	35,000	35,000
Subtotal, Construction	3,200,000	3,200,000
Subtotal, Facilities	95,065,000	94,065,000
G. Program direction - OE	13,950,000	13,950,000
Subtotal, Nuclear energy R & D	309,594,000	306,754,000
(Operating expenses)	(298,194,000)	(295,354,000)
(Capital equipment)	(8,200,000)	(8,200,000)
(Construction)	(3,200,000)	(3,200,000)
II. Civilian waste R & D		
A. Spent fuel storage R&D - OE	590,000	4,590,000
B. Program direction - OE	110,000	110,000
Subtotal, Civilian waste R & D	700,000	4,700,000
TOTAL, NUCLEAR	310,294,000	311,454,000
(Operating expenses)	(298,894,000)	(300,054,000)
(Capital equipment)	(8,200,000)	(8,200,000)
(Construction)	(3,200,000)	(3,200,000)

Department of Energy

	Budget Estimate	Conference
ENVIRONMENT, SAFETY AND HEALTH		
I. Environment, safety and health		
Operating expenses	165,070,000	158,070,000
Capital equipment	1,600,000	1,600,000
TOTAL, ENVIRONMENT, SAFETY AND HEALTH	166,670,000	159,670,000
OFFICE OF NUCLEAR SAFETY		
I. Nuclear safety		
Operating expenses	20,490,000	---
Capital equipment	50,000	---
TOTAL, OFFICE OF NUCLEAR SAFETY	20,540,000	---
LIQUIFIED GASEOUS SPILL TEST FACILITY		
I. Spill test facility - OE	---	1,000,000

Department of Energy

	Budget Estimate	Conference
ENVIRONMENT R & D		
I. Biological and environmental research		
Operating expenses	344,700,000	344,700,000
Capital equipment	27,500,000	27,500,000
Construction:		
GP-E-120 General plant projects	3,500,000	3,500,000
93-E-337 Structural biology addition, NSLS	1,800,000	1,800,000
91-E-310 Biomedical isotope facility	600,000	600,000
Subtotal, Construction	5,900,000	5,900,000
Subtotal, Biological and environmental research	378,100,000	378,100,000
II. Program direction - OE	6,600,000	6,600,000
General reduction	---	-28,000,000
TOTAL, ENVIRONMENT R & D	384,700,000	356,700,000
(Operating expenses)	(351,300,000)	(323,300,000)
(Capital equipment)	(27,500,000)	(27,500,000)
(Construction)	(5,900,000)	(5,900,000)

Department of Energy

	Budget Estimate	Conference
FUSION		
I. Fusion energy		
A. Confinement systems	182,780,000	182,780,000
B. Development and technology	67,550,000	67,550,000
C. Applied plasma physics	62,450,000	62,450,000
D. Planning and projects	4,800,000	4,800,000
E. Inertial fusion energy	8,150,000	8,150,000
F. Program direction - OE	8,800,000	8,800,000
G. Capital equipment	20,980,000	20,980,000
H. Construction:		
GPE-900 General plant projects, var. locations	2,000,000	2,000,000
Infrastructure:		
92-E-340 Fire & safety protection improve, PPPL	2,200,000	2,200,000
Subtotal, Construction	4,200,000	4,200,000
General reduction	---	-20,000,000
Total, Fusion energy	359,710,000	339,710,000
(Operating expenses)	(334,530,000)	(314,530,000)
(Capital equipment)	(20,980,000)	(20,980,000)
(Construction)	(4,200,000)	(4,200,000)

Department of Energy

	Budget Estimate	Conference
SUPPORTING RESEARCH AND TECHNICAL ANALYSIS		
I. Basic energy sciences		
A. Materials sciences	290,227,000	290,227,000
B. Chemical sciences	175,400,000	175,400,000
C. Applied mathematical sciences	91,000,000	91,000,000
D. Engineering and geosciences	39,540,000	39,540,000
E. Advanced energy projects	11,900,000	11,900,000
F. Energy biosciences	27,600,000	27,600,000
G. Program direction - OE	8,400,000	8,400,000
H. Capital equipment	46,300,000	46,300,000
I. Construction:		
GPE-400 General plant projects	5,500,000	5,500,000
93-E-305 Accelerator and reactor improvements	7,626,000	7,626,000
89-R-402 6-7 GeV syn. radiation source, ANL	110,407,000	110,407,000
Facilities	---	94,800,000
Subtotal, Construction	123,533,000	218,333,000
General reduction	---	-49,000,000
Subtotal, Basic energy sciences	813,900,000	859,700,000
(Operating expenses)	(644,067,000)	(595,067,000)
(Capital equipment)	(46,300,000)	(46,300,000)
(Construction)	(123,533,000)	(218,333,000)

Department of Energy

	Budget Estimate	Conference
II. Energy oversight, research analy. and univ support		
A. Energy research analyses - OE	4,020,000	4,020,000
B. University and science education programs - OE		
1. Laboratory coop science centers	36,563,000	25,563,000
2. University program	9,750,000	20,750,000
3. University reactor fuel assistance	3,730,000	3,730,000
4. University research instrumentation	5,647,000	5,647,000
Subtotal, University & science education programs	55,690,000	55,690,000
C. ER laboratory tech transfer	15,080,000	10,080,000
D. Advisory and oversight - OE	16,218,000	10,218,000
Subtotal, Energy oversight, res analy, and univ sup	91,008,000	80,008,000
III. Multiprogram energy laboratories - facility sup		
A. Multiprogram general purpose facilities		
Construction:		
Infrastructure:		
93-E-310 Upgrade site mech util, ph II (LBL)	800,000	800,000
93-E-311 Upgrade lab space support sys.(ANL)	3,080,000	3,080,000
93-E-313 Elec system upgrade, phase II (ANL)	3,000,000	3,000,000
93-E-314 Sitewide conv. substation feeder (SLAC)	2,220,000	2,220,000
93-E-316 Underground power & comm system upgrade phase I (BNL)	1,400,000	1,400,000
93-E-325 Potable water system upgrade phase I (BNL)	3,500,000	3,500,000
93-E-326 Lab addition Building 205 (ANL)	620,000	620,000

Department of Energy

	Budget Estimate	Conference
93-E-327 Safety & support services fac (LBL)	2,980,000	2,980,000
93-E-328 Central research & support building (ORNL)	4,400,000	4,400,000
93-E-329 Roofing improvements (ORNL)	4,024,000	4,024,000
93-E-332 Materiels handling center (BNL)	3,270,000	3,270,000
93-E-333 Applied science center-phase I(BNL)	500,000	500,000
93-E-336 HVAC mech sys upgr phase I (PNL)	1,000,000	1,000,000
92-E-309 Sanitary system mod phase I - (BNL)	2,762,000	2,762,000
92-E-312 Roof replacement - phase I - (LBL)	500,000	500,000
92-E-321 Fire safety improve (ANL)	1,117,000	1,117,000
92-E-322 East canyon electrical safety (LBL)	1,507,000	1,507,000
92-E-323 Upgrade steam distrib. (ORNL)	5,607,000	5,607,000
92-E-324 Safety comp. mods., 326 bldg (PNL)	6,000,000	6,000,000
92-E-329 Electrical substation upgrade (ANL)	4,470,000	4,470,000
92-E-328 Tec. & admin. ser. fac (AMES)	1,557,000	1,557,000
91-E-323 Building 90 seism rehab (LBL)	422,000	422,000
90-R-112 Measurements and controls support facility, ORNL	464,000	464,000
88-R-806 Environmental health & safety project, LBL	1,500,000	1,500,000
Subtotal, Multiprogram general purpose facilities	56,700,000	56,700,000

Department of Energy

	Budget Estimate	Conference
B. Multiprogram energy labs - tiger team report		
Capital equipment	3,000,000	3,000,000
Construction:		
Infrastructure:		
93-E-315 Roof replacement, Phase I (BNL)	1,130,000	1,130,000
93-E-317 Life safety code compliance (PNL)	1,000,000	1,000,000
93-E-320 Fire & safety improvements Phase II (ANL)	1,870,000	1,870,000
93-E-323 Fire & safety system upgrade Phase I (LBL)	1,500,000	1,500,000
93-E-324 Hazardous materials safeguards Phase I (LBL)	1,500,000	1,500,000
Subtotal, Construction	7,000,000	7,000,000
Subtotal, Multiprogram energy labs - tiger team	10,000,000	10,000,000
General reduction	---	-40,000,000
Subtotal, Multiprogram energy laboratories - fac sup	66,700,000	26,700,000
(Capital equipment)	(3,000,000)	(3,000,000)
(Construction)	(63,700,000)	(63,700,000)
TOTAL, SUPPORTING RESEARCH AND TECHNICAL ANALYSIS	971,608,000	966,408,000
(Operating expenses)	(735,075,000)	(635,075,000)
(Capital equipment)	(49,300,000)	(49,300,000)
(Construction)	(187,233,000)	(282,033,000)

Department of Energy

	Budget Estimate	Conference
POLICY AND MANAGEMENT		
I. Policy and management		
A. Policy and management - ER	1,913,000	1,913,000
B. Policy and management - NE	35,100,000	35,100,000
C. Policy and management - CE	2,859,000	2,859,000
TOTAL, POLICY AND MANAGEMENT	39,872,000	39,872,000

Department of Energy

	Budget Estimate	Conference
ENERGY APPLICATIONS		
I. Technical information management program		
Operating expenses	14,300,000	14,300,000
Capital equipment	700,000	700,000
Subtotal, Technical information management program	15,000,000	15,000,000
II. In-house energy management		
Operating expenses	3,590,000	3,590,000
Construction:		
IHE - 500 Modifications for energy mgmt	17,360,000	17,360,000
Subtotal, In-house energy management	20,950,000	20,950,000
TOTAL, ENERGY APPLICATIONS	35,950,000	35,950,000

Department of Energy

	Budget Estimate	Conference
ENVIRONMENTAL RESTORATION AND WASTE MGMT (NON-DEFENSE)		
I. Corrective activities		
A. Nuclear energy		
Operating expenses	247,000	247,000
B. Energy research		
Operating expenses	1,193,000	1,193,000
Construction:		
92-E-601 Melton Valley LLLW collection and transfer system upgrade (ORNL)	15,900,000	15,900,000
91-E-307 Remedial alternative for 800 area sanitary landfill, (ANL)	501,000	501,000
91-E-601 Canal water treatment plant/rehabilitation (ANL)	827,000	827,000
Infrastructure:		
91-E-304 Sanit wastewater treatment plant improvements, (ANL)	532,000	532,000
Subtotal, Construction	17,760,000	17,760,000
Subtotal, Energy research	18,953,000	18,953,000
Subtotal, Corrective activities	19,200,000	19,200,000
(Operating expenses)	(1,440,000)	(1,440,000)
(Construction)	(17,760,000)	(17,760,000)

Department of Energy

	Budget Estimate	Conference
II. Environmental restoration		
Operating expenses:		
1. Facilities and sites	215,241,000	215,241,000
2. Formerly utilized sites, remedial action projects	40,900,000	40,900,000
3. Uranium program mill tailings, remedial action projects	143,100,000	143,100,000
4. Uranium mill tailings, groundwater restoration project	4,600,000	4,600,000
Subtotal, Environmental restoration	403,841,000	403,841,000
(Operating expenses)	(403,841,000)	(403,841,000)
III. Waste management		
Operating expenses:		
1. Waste operations	107,875,000	107,875,000
2. West valley	134,000,000	134,000,000
3. Low level waste	9,000,000	9,000,000
Subtotal, Operating expenses	250,875,000	250,875,000
Capital equipment	5,027,000	5,027,000
Construction:		
GP-E-600 General plant projects	18,768,000	18,768,000
93-E-631 Hazardous waste management upgrade II, BNL	700,000	700,000
93-E-632 Laboratory floor drain collection system upgrades, BNL	959,000	959,000
93-E-633 Upgrade sanitary sewer system (ORNL)	2,000,000	2,000,000
93-E-900 Long-term storage TMI-2 fuel, INEL	---	2,720,000
91-E-305 Waste minimization fac. upgrade (BNL)	53,000	53,000
91-E-306 Hazardous waste treatment fac. (PNL)	102,000	102,000
91-E-600 Rehab of waste management bld 306, ANL	1,729,000	1,729,000
91-E-602 Hazardous, radioactive and mixed waste storage facility (ANL)	1,231,000	1,231,000

Department of Energy

	Budget Estimate	Conference
Infrastructure:		
91-E-322 329 Building compliance (PNL).....	2,489,000	2,489,000
Subtotal, Construction.....	28,031,000	30,751,000
Subtotal, Waste management.....	283,933,000	286,653,000
(Operating expenses).....	(250,875,000)	(250,875,000)
(Capital equipment).....	(5,027,000)	(5,027,000)
(Construction).....	(28,031,000)	(30,751,000)
TOTAL, ENVIRON RESTOR AND WASTE MGMT (NON-DEFENSE)....	706,974,000	709,694,000
(Operating expenses).....	(656,156,000)	(656,156,000)
(Capital equipment).....	(5,027,000)	(5,027,000)
(Construction).....	(45,791,000)	(48,511,000)
Subtotal, Energy supply research and development.....	3,243,293,000	3,174,933,000
Lease purchase adjustment.....	1,560,000	1,560,000
Use of prior year balances.....	-34,000,000	-104,300,000
Education programs.....	-22,400,000	-52,400,000
Geothermal resources development fund.....	---	-4,000,000
TOTAL, ENERGY SUPPLY RESEARCH AND DEVELOPMENT.....	3,188,453,000	3,015,793,000
(Operating expenses).....	(2,797,417,000)	(2,527,287,000)
(Capital equipment).....	(120,847,000)	(120,797,000)
(Construction).....	(270,189,000)	(367,709,000)

Department of Energy

	Budget Estimate	Conference
URANIUM ENRICHMENT		
I. Uranium enrichment activities		
A. Gaseous diffusion operations and support		
Operating expenses	1,013,681,000	1,013,681,000
Capital equipment	10,100,000	10,100,000
Construction:		
GP-N-501 GPP	9,000,000	9,000,000
93-U-200 UF6 cylinders and storage yards	5,863,000	5,863,000
92-U-200 Sanitary water system upgrading	4,500,000	4,500,000
91-U-201 Refurbish int. purge fac., GDP, Portsmouth	2,000,000	2,000,000
91-U-207 Roof upgrading, GDP, Portsmouth	11,000,000	11,000,000
91-U-208 S & S upgrading, GDP, Portsmouth	3,950,000	3,950,000
90-N-501 Cooling tower mods	1,496,000	1,496,000
89-N-501 UF6 cylinders	1,723,000	1,723,000
87-N-502 Coding tower upgrade, GDP, Paducah	1,300,000	1,300,000
Subtotal, Construction	40,832,000	40,832,000
Subtotal, Gaseous diffusion operations and support	1,064,613,000	1,064,613,000
B. Atomic vapor laser isotope separation		
Operating expenses	97,700,000	67,700,000
Capital equipment	2,000,000	2,000,000
Construction:		
GP-N-600 General plant projects	300,000	300,000
Subtotal, Atomic vapor laser isotope separation	100,000,000	70,000,000

Department of Energy

	Budget Estimate	Conference
D. Corrective activities		
Operating expenses	4,316,000	4,316,000
Construction:		
GP-N-205 General plant projects	1,450,000	1,450,000
91-U-206 Reduction of PCB contamination	23,981,000	23,981,000
Subtotal, Construction	25,431,000	25,431,000
Subtotal, Corrective activities	29,747,000	29,747,000
E. Environmental restoration - OE	155,700,000	155,700,000
F. Waste management		
Operating expenses	26,220,000	26,220,000
Construction:		
GP-N-210 General plant projects	3,800,000	3,800,000
93-U-201 Solid waste landfill	400,000	400,000
93-U-202 Mixed waste storage	1,000,000	1,000,000
Subtotal, Construction	5,200,000	5,200,000
Subtotal, Waste management	31,420,000	31,420,000
G. Program direction - OE	9,840,000	9,840,000
Subtotal, Uranium enrichment activities	1,391,320,000	1,361,320,000
(Operating expenses)	(1,307,457,000)	(1,277,457,000)
(Capital equipment)	(12,100,000)	(12,100,000)
(Construction)	(71,763,000)	(71,763,000)

Department of Energy

	Budget Estimate	Conference
Revenues	-1,462,000,000	-1,462,000,000
Use of prior year balances	---	-75,000,000
TOTAL, URANIUM ENRICHMENT ACTIVITIES	-70,680,000	-175,680,000
(Operating expenses)	(-154,543,000)	(-259,543,000)
(Capital equipment)	(12,100,000)	(12,100,000)
(Construction)	(71,763,000)	(71,763,000)

Department of Energy

	Budget Estimate	Conference
GENERAL SCIENCE AND RESEARCH		
I. High energy physics		
A. Physics research - OE	145,900,000	145,900,000
B. Facility operations		
Operating expenses	281,909,000	281,909,000
Capital equipment	69,090,000	69,090,000
Construction:		
GP-E-103 General plant projects, various locations	12,835,000	12,835,000
93-G-301 Accelerator improvements & mods	15,095,000	15,095,000
92-G-302 Fermilab main injector	30,000,000	15,000,000
Subtotal, Construction	57,930,000	42,930,000
Subtotal, Facility operations	408,929,000	393,929,000
C. High energy technology - OE	69,425,000	69,425,000
D. SSC laboratory research - OE	2,500,000	---
E. Other capital equipment	4,130,000	4,130,000
Subtotal, High energy physics	630,884,000	613,384,000
(Operating expenses)	(499,734,000)	(497,234,000)
(Capital equipment)	(73,220,000)	(73,220,000)
(Construction)	(57,930,000)	(42,930,000)

Department of Energy

	Budget Estimate	Conference
II. Nuclear physics		
A. Medium energy physics - OE	111,400,000	58,000,000
B. Heavy ion physics - OE	67,900,000	67,900,000
C. Low energy physics - OE	26,100,000	26,100,000
D. Nuclear theory - OE	14,800,000	14,800,000
E. Capital equipment	30,330,000	29,330,000
F. Construction:		
GP-E-300 General plant projects, various locations	3,500,000	3,500,000
93-G-302 Accelerator improvements & mods	3,200,000	3,200,000
91-G-300 Relativistic heavy ion collider	71,400,000	71,400,000
87-R-203 Continuous electron beam accelerator facility, Newport News, VA	33,000,000	33,000,000
Subtotal, Construction	111,100,000	111,100,000
G. Other capital equipment - CE	1,870,000	1,870,000
Subtotal, Nuclear physics	363,500,000	309,100,000
(Operating expenses)	(220,200,000)	(166,800,000)
(Capital equipment)	(32,200,000)	(31,200,000)
(Construction)	(111,100,000)	(111,100,000)

Department of Energy

	Budget Estimate	Conference
III. General science program direction - OE	8,300,000	8,300,000
IV. Superconducting super collider		
Operating expenses	116,828,000	116,828,000
Capital equipment	63,000,000	63,000,000
Construction:		
90-R-106 Superconducting super collider	470,172,000	370,172,000
General reduction	---	-33,000,000
Subtotal, Superconducting super collider	650,000,000	517,000,000
Use of prior year balances	---	-30,000,000
TOTAL, GENERAL SCIENCE AND RESEARCH	1,652,684,000	1,417,784,000
(Operating expenses)	(845,062,000)	(726,162,000)
(Capital equipment)	(168,420,000)	(167,420,000)
(Construction)	(639,202,000)	(524,202,000)

Department of Energy

	Budget Estimate	Conference
ISOTOPE PRODUCTION AND DISTRIBUTION FUND		
Isotope production	1,500,000	5,000,000

Department of Energy

	Budget Estimate	Conference
ATOMIC ENERGY DEFENSE ACTIVITIES		
WEAPONS ACTIVITIES		
I. Research and development		
A. Research and development - core		
Operating expenses	1,044,600,000	1,098,100,000
Capital equipment	83,120,000	84,120,000
Construction:		
GPD-101 General plant projects, various locations	21,000,000	21,000,000
Infrastructure:		
92-D-102 Nuclear weapons research, development and testing facilities revitalization, phase IV, various locations	35,000,000	35,000,000
90-D-102 Nuclear weapons research, development, and testing facilities revitalization, phase III, various locations	50,120,000	50,120,000
88-D-106 Nuclear weapons research, development, and testing facilities revitalization, phase II, various locations	34,400,000	34,400,000
Subtotal, Infrastructure	119,520,000	119,520,000
Subtotal, Construction	140,520,000	140,520,000
Subtotal, Research and development - core	1,268,240,000	1,322,740,000
B. Inertial fusion		
Operating expenses	174,300,000	181,300,000
Capital equipment	20,700,000	31,010,000
Subtotal, Inertial fusion	195,000,000	212,310,000

Department of Energy

	Budget Estimate	Conference
C. Safeguards and security		
Construction:		
Infrastructure:		
88-D-104 Safeguards and security upgrade, phase II, LANL, Los Alamos, NM	1,000,000	1,000,000
Subtotal, Research and development	1,464,240,000	1,536,050,000
II. Testing		
A. Weapons program		
Operating expenses	429,500,000	375,000,000
Capital equipment	31,100,000	31,100,000
Construction:		
GP-D-101 General plant projects, various locations	7,650,000	7,650,000
Infrastructure:		
93-D-102 Nevada support facility, North Las Vegas, NV	2,000,000	2,000,000
Subtotal, Construction	9,650,000	9,650,000
Subtotal, Weapons program	470,250,000	415,750,000

Department of Energy

	Budget Estimate	Conference
B. Safeguards and security		
Construction:		
Infrastructure:		
85-D-105 Combined device assembly facility, Nevada Test Site, NV	3,610,000	3,610,000
Subtotal, Testing	473,860,000	419,360,000
Subtotal, Research, development and testing	1,938,100,000	1,955,410,000
(Operating expenses)	(1,648,400,000)	(1,654,400,000)
(Capital equipment)	(134,920,000)	(146,230,000)
(Construction)	(154,780,000)	(154,780,000)
III. Production and surveillance		
Operating expenses	2,172,600,000	2,142,600,000
Capital equipment	80,685,000	80,685,000
Construction:		
Production base:		
Facilities capability assurance program:		
Infrastructure:		
88-D-122 Facilities capability assurance program (FCAP), various locations	87,100,000	87,100,000
Production support facilities:		
GPD-121 General plant projects, various locations	27,350,000	27,350,000
86-D-130 Tritium loading facility replacement, Savannah River Plant, Aiken, SC	4,865,000	4,865,000
Subtotal, Production support facilities	32,215,000	32,215,000
Subtotal, Production base - construction	119,315,000	119,315,000

Department of Energy

	Budget Estimate	Conference
Environment, safety and health:		
93-D-122 Life safety upgrades, Y-12 Plant, Oak Ridge, TN	2,700,000	2,700,000
Infrastructure:		
92-D-122 Health, physics/environmental projects, RFP, Golden, CO	5,300,000	5,300,000
92-D-123 Plant fire/security alarm system replacement, RFP, Golden, CO	8,700,000	8,700,000
92-D-126 Replace emergency notification systems, various locations	10,900,000	10,900,000
90-D-126 Environmental, safety and health enhancements, various locations	9,200,000	9,200,000
91-D-127 Criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, CO	6,300,000	6,300,000
Subtotal, Infrastructure	40,400,000	40,400,000
Subtotal, Environment, safety and health	43,100,000	43,100,000
Subtotal, Construction	162,415,000	162,415,000
Use of prior year balances (Operating expenses)	---	-26,570,000
Use of prior year balances (Plant & capital equipment)	---	-15,500,000
Subtotal, Production and surveillance	2,415,700,000	2,343,630,000

Department of Energy

	Budget Estimate	Conference
IV. Program direction		
Operating expenses	325,909,000	325,909,000
Capital equipment	3,930,000	3,930,000
Construction:		
93-D-123 Complex - 21, various locations	26,000,000	26,000,000
Subtotal, Program direction	355,839,000	355,839,000
Use of prior year balances	-87,550,000	-86,130,000
TOTAL, WEAPONS ACTIVITIES	4,622,089,000	4,568,749,000
(Operating expenses)	(4,059,359,000)	(4,010,209,000)
(Capital equipment)	(219,535,000)	(215,345,000)
(Construction)	(343,195,000)	(343,195,000)

Department of Energy

	Budget Estimate	Conference
NEW PRODUCTION REACTORS		
I. New production reactors		
Operating expenses	130,800,000	184,028,000
Use of prior year balances (Operating expenses)	---	-150,000,000
Use of prior year balances (Plant & capital equipment)	-126,772,000	---
TOTAL, NEW PRODUCTION REACTORS	4,028,000	34,028,000
(Operating expenses)	(130,800,000)	(34,028,000)
(Capital equipment)	---	---
(Construction)	(-126,772,000)	---

Department of Energy

	Budget Estimate	Conference
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT		
I. Corrective activities		
A. Environmental management		
Operating expenses	2,431,000	2,431,000
Construction:		
GP-D-171 General plant projects	528,000	528,000
Subtotal, Environmental management	2,959,000	2,959,000
B. Defense programs		
Operating expenses	7,386,000	7,386,000
Capital equipment	1,120,000	1,120,000
Construction:		
GP-D-171 General plant projects	1,720,000	1,720,000
92-D-403 Tank upgrades project, LLNL	10,100,000	10,100,000
90-D-103 Environment, safety and health improvements, weapons R&D complex, LANL	6,315,000	6,315,000
Infrastructure:		
92-D-402 Sanitary sewer system rehab. LLNL	5,500,000	5,500,000
Subtotal, Construction	23,635,000	23,635,000
Subtotal, Defense programs	32,141,000	32,141,000
Subtotal, Corrective activities	35,100,000	35,100,000
(Operating expenses)	(9,817,000)	(9,817,000)
(Capital equipment)	(1,120,000)	(1,120,000)
(Construction)	(24,163,000)	(24,163,000)

Department of Energy

	Budget Estimate	Conference
II. Environmental restoration		
Operating expenses:		
1. Facilities and sites	1,448,427,000	1,448,427,000
III. Waste management		
Waste operations - OE	2,252,037,000	2,252,037,000
Capital equipment	132,749,000	132,749,000
Construction:		
GP-D-171 General plant projects	81,037,000	81,037,000
93-D-173 Long-term storage TMI-2 fuel, INEL	2,720,000	---
93-D-174 Plant drain waste water treatment upgrades, Y-12	1,800,000	1,800,000
93-D-175 Industrial waste compact fac., Y-12	2,200,000	2,200,000
93-D-176 Oak Ridge reservation storage facility, Oak Ridge, TN	4,000,000	4,000,000
93-D-177 Disposal of K-1515 sanitary water treatment plant waste, K-25	1,500,000	1,500,000
93-D-178 Building 374 liquid waste treatment facility, RF	2,700,000	2,700,000
93-D-180 Environmental monitoring-RCRA groundwater monitoring installation, RL	8,700,000	8,700,000
93-D-181 Radioactive waste line replacement, RL	350,000	350,000
93-D-182 Replace of cross-site trans system, RL	4,495,000	4,495,000
93-D-183 Multi-tank waste storage facility, RL.	10,300,000	10,300,000
93-D-184 325 facility compliance/renov., RL	1,500,000	1,500,000
93-D-186 200 area unsecured core area fabrication shop, RL	1,000,000	1,000,000
93-D-187 High level waste removal from filled waste tanks, SR	2,000,000	2,000,000
93-D-188 New sanitary landfill, SR	2,000,000	2,000,000

Department of Energy

	Budget Estimate	Conference
92-D-171 Mixed waste receiving and storage facility, LANL	3,000,000	3,000,000
92-D-172 Hazardous waste treatment and processing facility, Pantex Plant	1,900,000	1,900,000
92-D-173 NOx abatement facility, ID	7,000,000	7,000,000
92-D-177 Tank 101-AZ waste retrieval system, RL	3,000,000	3,000,000
92-D-180 Inter-Area line upgrade, SR	3,170,000	3,170,000
92-D-188 Waste management ES&H, and compliance activities, various locations	1,000,000	1,000,000
91-D-171 Waste receiving and processing facility, module 1, Richland, WA	21,800,000	21,800,000
91-D-172 High-level waste tank farm replacement, Idaho chemical processing plant, INEL, ID	57,530,000	57,530,000
91-D-173 Hazardous low-level waste processing tanks, Savannah River Site, SC	15,300,000	15,300,000
90-D-176 Transuranic (TRU) waste facility, Savannah River, SC	5,000,000	5,000,000
90-D-177 RWMC transuranic (TRU) waste characterization and storage facility, ID	41,700,000	41,700,000
89-D-122 Production waste storage facilities, Y-12 plant, Oak Ridge, TN	4,200,000	4,200,000
89-D-172 Hanford environmental compliance, Richland, WA	49,950,000	49,950,000
89-D-173 Tank farm ventilation upgrade, Richland, WA	7,000,000	7,000,000
89-D-174 Replacement high level waste evaporator, Savannah River, SC	15,795,000	15,795,000
89-D-175 Hazardous waste/mixed waste disposal facility, Savannah River, SC	7,900,000	7,900,000
88-D-173 Hanford waste vitrification plant (HWVP), Richland, WA	81,471,000	81,471,000
87-D-180 Buriel ground expansion, SR	8,800,000	8,800,000

Department of Energy

	Budget Estimate	Conference
87-D-181 Diversion box and pump pit containment buildings, Savannah River, SC.....	1,904,000	1,904,000
81-T-105 Defense waste processing facility, SR.....	32,600,000	32,600,000
86-D-103 Decontamination and waste treatment facility, LLNL, Livermore, CA.....	2,755,000	2,755,000
83-D-148 Non-radioactive hazardous waste management, Savannah River, SC.....	10,330,000	10,330,000

Department of Energy

	Budget Estimate	Conference
Infrastructure:		
93-D-172 Electrical upgrade, INEL	1,000,000	1,000,000
93-D-185 Landlord program safety compliance, phase II, RL	849,000	849,000
92-D-181 INEL Fire and life safety improvements ID	8,000,000	8,000,000
92-D-182 INEL sewer system upgrade, ID	3,700,000	3,700,000
92-D-183 INEL transportation complex, ID	5,860,000	5,860,000
92-D-184 Hanford infrastructure underground storage tanks, RL	3,700,000	3,700,000
92-D-185 Road, ground, and lighting safety improvements, 300/1100 areas, RL	6,500,000	6,500,000
92-D-187 300 area electrical distribution conversion & safety improvements, Phase II, RL	1,724,000	1,724,000
91-D-175 300 area electrical distribution conversion and safety improvements, Phase I, RL	981,000	981,000
90-D-174 Decontamination laundry facility, Richland, WA	7,442,000	7,442,000
90-D-175 Landlord program safety compliance-I, Richland, WA	4,753,000	4,753,000
Subtotal, Infrastructure	44,509,000	44,509,000
Subtotal, Construction	553,916,000	551,196,000
Subtotal, Waste management	2,938,702,000	2,935,982,000
(Operating expenses)	(2,252,037,000)	(2,252,037,000)
(Capital equipment)	(132,749,000)	(132,749,000)
(Construction)	(553,916,000)	(551,196,000)

Department of Energy

	Budget Estimate	Conference
IV. Technology development		
Operating expenses	300,700,000	320,700,000
Capital equipment	16,200,000	16,200,000
Construction:		
91-EM-100 Environmental & molecular sciences laboratory, Richland, Washington	28,500,000	28,500,000
Subtotal, Technology development	345,400,000	365,400,000
V. Transportation Management		
Operating expenses	19,335,000	19,335,000
Capital equipment	465,000	465,000
Subtotal, Transportation Management	19,800,000	19,800,000
VI. Facility transition		
Operating expenses	17,861,000	17,861,000
VII. Program direction		
Operating expenses	48,136,000	48,136,000
Capital equipment	2,664,000	2,664,000
Subtotal, Program direction	50,800,000	50,800,000
Subtotal, Defense Environ restoration and waste mgmt	4,856,090,000	4,873,370,000
Use of prior year balances	-30,598,000	-41,823,000
New Production Reactor balances	-20,000,000	---
TOTAL, DEFENSE ENVIRONMENTAL RESTOR AND WASTE MGMT	4,805,492,000	4,831,547,000
(Operating expenses)	(4,045,715,000)	(4,074,490,000)
(Capital equipment)	(153,198,000)	(153,198,000)
(Construction)	(606,579,000)	(603,859,000)

Department of Energy

	Budget Estimate	Conference
MATERIALS PRODUCTION AND OTHER DEFENSE PROGRAMS		
MATERIALS PRODUCTION		
I. Reactor operations		
Operating expenses	553,209,000	553,209,000
Construction:		
Environment, safety and health:		
Infrastructure:		
92-D-141 Reactor seismic improvement, Savannah River, SC	5,000,000	5,000,000
90-D-150 Reactor safety assurance, Phase I, II, and III, Savannah River, SC	4,210,000	4,210,000
Subtotal, Infrastructure	9,210,000	9,210,000
89-D-148 Improved reactor confinement system, Savannah River, SC	4,240,000	4,240,000
86-D-152 Reactor electrical distribution system, Savannah River, SC	5,647,000	5,647,000
85-D-145 Fuel production facility, Savannah River, SC	17,000,000	17,000,000
Subtotal, Construction	36,097,000	36,097,000
Subtotal, Reactor operations	589,306,000	589,306,000

Department of Energy

	Budget Estimate	Conference
II. Processing of nuclear materials		
Operating expenses	491,992,000	491,992,000
Construction:		
Environment, safety and health:		
Infrastructure:		
92-D-142 Nuclear material processing training center, Savannah River, SC	11,700,000	11,700,000
90-D-141 Idaho chemical processing plant fire protection, Idaho National Engineering Laboratory, Idaho Falls, ID	1,553,000	1,553,000
Subtotal, Infrastructure	13,253,000	13,253,000
92-D-140 F&H canyon exhaust upgrades, Savannah River, SC	12,500,000	12,500,000
Subtotal, Construction	25,753,000	25,753,000
Subtotal, Processing of nuclear materials	517,745,000	517,745,000

Department of Energy

	Budget Estimate	Conference
III. Supporting services		
Operating expenses	308,736,000	307,136,000
Construction:		
Programmatic projects:		
GP-D-146 General plant projects, various locations	32,260,000	32,260,000
93-D-148 Replace high level drain line Savannah River, SC	800,000	800,000
93-D-153 Uranium recovery hydrogen fluoride upgrade, Y-12 Plant, OR	2,400,000	2,400,000
Infrastructure:		
93-D-147 Domestic water system upgrades Phase I, Savannah River, SC	1,000,000	1,000,000
93-D-152 Environmental modification for production facilities, Savannah River, SC	2,000,000	2,000,000
92-D-150 Operations support facilities, Savannah River, SC	4,100,000	4,100,000
92-D-153 Engineering support facility, Savannah River, SC	3,500,000	3,500,000
86-D-149 Productivity retention program, Phases I, II, III, IV, V and VI, various locations	11,651,000	11,651,000
Subtotal, Infrastructure	22,251,000	22,251,000
Subtotal, Programmatic projects	57,711,000	57,711,000

Department of Energy

	Budget Estimate	Conference
Environment, safety and health:		
Infrastructure:		
92-D-143 Health Protection Instrumentation Calibration Facility, Savannah River, SC.....	8,000,000	8,000,000
90-D-149 Plant wide fire protection, phases I and II, Savannah River, SC.....	39,685,000	39,685,000
Subtotal, Environment, safety and health.....	47,685,000	47,685,000
Safeguards and security:		
Infrastructure:		
89-D-140 Additional separations safeguards, Savannah River, SC.....	13,104,000	13,104,000
Subtotal, Construction.....	118,500,000	118,500,000
Subtotal, Supporting services.....	427,236,000	425,636,000
V. Capital equipment.....	80,900,000	80,900,000
VI. Program direction.....	66,538,000	66,538,000
Subtotal, Materials Production.....	1,681,725,000	1,680,125,000
(Operating expenses).....	(1,420,475,000)	(1,418,875,000)
(Capital equipment).....	(80,900,000)	(80,900,000)
(Construction).....	(180,350,000)	(180,350,000)
General reduction.....	---	-5,000,000
Anticipated savings.....	---	-40,000,000
Use of prior year balances.....	---	-31,082,000
TOTAL, MATERIALS PRODUCTION.....	1,681,725,000	1,604,043,000
(Operating expenses).....	(1,420,475,000)	(1,342,793,000)
(Capital equipment).....	(80,900,000)	(80,900,000)
(Construction).....	(180,350,000)	(180,350,000)

Department of Energy

	Budget Estimate	Conference
OTHER NATIONAL SECURITY PROGRAMS		
I. Verification and control technology		
Operating expenses	406,215,000	301,215,000
Capital equipment	11,500,000	16,500,000
Construction:		
90-D-186 Center for national security and arms control, Sandia National Laboratories Albuquerque, NM	10,000,000	10,000,000
Subtotal, Verification and control technology	427,715,000	327,715,000
II. Nuclear safeguards and security		
Operating expenses	96,837,000	86,837,000
Capital equipment	5,327,000	5,327,000
Construction:		
GPD-186 General plant projects, Central Training Academy, Albuquerque, NM	2,000,000	2,000,000
Subtotal, Nuclear safeguards and security	104,164,000	94,164,000
III. Security investigations - OE	58,289,000	58,289,000
IV. Security evaluation		
Operating expenses	15,150,000	15,150,000
V. Office of Nuclear Safety		
Operating expenses	---	25,490,000
Capital equipment	---	50,000
Subtotal, Office of Nuclear Safety	---	25,540,000
TOTAL, OTHER NATIONAL SECURITY PROGRAMS	605,318,000	520,858,000
(Operating expenses)	(576,491,000)	(486,981,000)
(Capital equipment)	(16,827,000)	(21,877,000)
(Construction)	(12,000,000)	(12,000,000)

Department of Energy

	Budget Estimate	Conference
NAVAL REACTORS		
I. Naval reactors development		
A. Plant development - OE	105,000,000	105,000,000
B. Reactor development - OE	306,300,000	306,300,000
C. Reactor operation and evaluation - OE	206,000,000	206,000,000
D. Capital equipment	60,400,000	60,400,000
E. Construction		
GP-N-101 General plant projects, various locations	8,500,000	8,500,000
90-N-102 Expended core facility dry cell project, naval reactors facility, ID	13,600,000	13,600,000
90-N-103 Advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, ID	500,000	500,000
Infrastructure:		
93-D-200 Engineering services facilities Knolls Atomic Power Laboratory, Niskayuna, NY	2,200,000	2,200,000
92-D-200 Laboratories facilities upgrades, various locations	7,500,000	7,500,000
90-N-104 Facilities renovations, Knolls Atomic Power Laboratory, Niskayuna, NY	2,900,000	2,900,000
Subtotal, Infrastructure	12,600,000	12,600,000
Subtotal, Construction	35,200,000	35,200,000
F. Program direction	17,100,000	17,100,000
Subtotal, Naval reactors development	730,000,000	730,000,000

Department of Energy

	Budget Estimate	Conference
II. Enrichment materials		
Operating expenses	77,000,000	77,000,000
TOTAL, NAVAL REACTORS	807,000,000	807,000,000
(Operating expenses)	(711,400,000)	(711,400,000)
(Capital equipment)	(60,400,000)	(60,400,000)
(Construction)	(35,200,000)	(35,200,000)
Savannah river pension refund	-400,000,000	-400,000,000
Anticipated savings	-29,423,000	---
Education programs	22,400,000	52,400,000
TOTAL, MATERIALS PROD. AND OTHER DEF. PROGRAMS	2,687,020,000	2,584,301,000
(Operating expenses)	(2,301,343,000)	(2,193,574,000)
(Capital equipment)	(158,127,000)	(163,177,000)
(Construction)	(227,550,000)	(227,550,000)
Defense nuclear waste disposal	---	100,000,000
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	12,118,629,000	12,118,625,000
(Operating expenses)	(10,537,217,000)	(10,312,301,000)
(Capital equipment)	(530,860,000)	(531,720,000)
(Construction)	(1,050,552,000)	(1,174,604,000)

Department of Energy

	Budget Estimate	Conference
DEPARTMENTAL ADMINISTRATION		
I. Administrative operations		
A. Office of the secretary - salaries and expenses.	3,365,000	2,886,000
B. General management - personnel compensation and benefits	180,453,000	159,360,000
C. General management - other expenses		
1. Travel	6,809,000	5,477,000
2. Services	160,936,000	180,936,000
3. Capital equipment	9,225,000	6,862,000
Subtotal, Other expenses	176,970,000	193,275,000
D. Program support		
1. Policy analysis and system studies	6,687,000	4,351,000
2. Consumer affairs	49,000	47,000
3. Public affairs	200,000	55,000
4. International policy studies	2,960,000	1,660,000
5. Office of minority economic impact	3,701,000	3,640,000
Subtotal, Program support	13,597,000	9,753,000
Subtotal, Administrative operations	374,385,000	365,274,000
II. Cost of work for others	74,636,000	40,382,000
Subtotal, Departmental administration	449,021,000	405,656,000
Miscellaneous revenues	-318,381,000	-318,381,000
TOTAL, DEPARTMENTAL ADMINISTRATION	130,640,000	87,275,000
(Operating expenses)	(121,415,000)	(80,413,000)
(Capital equipment)	(9,225,000)	(6,862,000)

Department of Energy

	Budget Estimate	Conference
OFFICE OF THE INSPECTOR GENERAL		
Office of the inspector general.....	30,362,000	30,362,000

Department of Energy

	Budget Estimate	Conference
ALASKA POWER ADMINISTRATION		
I. Operation and maintenance		
A. Power marketing		
1. Operating expenses	3,777,000	3,777,000
2. Use of prior year balances	-200,000	-200,000
TOTAL, ALASKA POWER ADMINISTRATION	3,577,000	3,577,000
SOUTHEASTERN POWER ADMINISTRATION		
I. Operation and maintenance		
A. Power marketing		
1. Operating expenses	2,849,000	2,849,000
2. Purchase power and wheeling	23,786,000	31,562,000
3. Use of prior year balances	-2,000,000	-2,000,000
TOTAL, SOUTHEASTERN POWER ADMINISTRATION	24,635,000	32,411,000

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Department of Energy

	Budget Estimate	Conference
SOUTHWESTERN POWER ADMINISTRATION		
I. Operation and maintenance		
A. Power marketing		
1. Operating expenses	18,102,000	18,102,000
2. Purchase power and wheeling	7,333,000	7,333,000
3. Construction	10,659,000	10,659,000
4. Use of prior year balances	-14,187,000	-14,187,000
TOTAL, SOUTHWESTERN POWER ADMINISTRATION	21,907,000	21,907,000
WESTERN AREA POWER ADMINISTRATION		
I. Operation and maintenance		
A. Power marketing		
1. Construction and rehabilitation	112,790,000	112,790,000
2. System operation and maintenance	123,868,000	123,868,000
3. Purchase power and wheeling	115,293,000	115,293,000
4. Use of prior year balances	-4,800,000	-25,317,000
5. Transfer of permanent authority from Dept. of Interior (non-add)	(6,563,000)	(6,563,000)
TOTAL, WESTERN AREA POWER ADMINISTRATION	347,151,000	326,634,000

Department of Energy

	Budget Estimate	Conference
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission	163,639,000	158,639,000
FERC revenues	-163,639,000	-158,639,000
NUCLEAR WASTE DISPOSAL FUND		
Nuclear waste disposal fund	391,976,000	275,071,000
GEOTHERMAL RESOURCES DEVELOPMENT FUND		
Program direction	-4,000,000	---

Department of Energy

	Budget Estimate	Conference
ENERGY AND WATER DEVELOPMENT ACCOUNTS:		
Energy supply research and development		
Operating expenses	2,797,417,000	2,527,287,000
Plant and capital equipment	391,036,000	488,506,000
Total, Energy supply research and development	3,188,453,000	3,015,793,000
Uranium enrichment		
Operating expenses	1,307,457,000	1,202,457,000
Plant and capital equipment	83,863,000	83,863,000
Subtotal, Uranium enrichment	1,391,320,000	1,286,320,000
Revenues	-1,462,000,000	-1,462,000,000
Total, Uranium enrichment	-70,680,000	-175,680,000
General science and research activities		
Operating expenses	845,062,000	726,162,000
Plant and capital equipment	807,622,000	691,622,000
Total, General science and research activities	1,652,684,000	1,417,784,000
Isotope production and distribution fund	1,500,000	5,000,000

Department of Energy

	Budget Estimate	Conference
Atomic energy defense activities		
Weapons activities		
Operating expenses	4,059,359,000	4,010,209,000
Plant and capital equipment	562,730,000	558,540,000
Total, Weapons activities	4,622,089,000	4,568,749,000
New production reactors		
Operating expenses	130,800,000	34,028,000
Plant and capital equipment	-126,772,000	---
Total, New production reactors	4,028,000	34,028,000
Defense environmental restoration & waste mgmt.		
Operating expenses	4,045,715,000	4,074,490,000
Plant and capital equipment	759,777,000	757,057,000
Total, Def. environmental restor. & waste mgmt	4,805,492,000	4,831,547,000
Materials production and other defense programs		
Operating expenses	2,301,343,000	2,193,574,000
Plant and capital equipment	385,677,000	390,727,000
Total, Materials production & other def. programs	2,687,020,000	2,584,301,000
Defense nuclear waste disposal	---	100,000,000
Total, Atomic energy defense activities	12,118,629,000	12,118,625,000
Departmental administration		
Operating expenses	121,415,000	80,413,000
Plant and capital equipment	9,225,000	6,862,000
Total, Departmental administration	130,640,000	87,275,000
Office of the inspector general	30,362,000	30,362,000

Department of Energy

	Budget Estimate	Conference
Power marketing administrations:		
Alaska power administration	3,577,000	3,577,000
Southeastern power administration	24,635,000	32,411,000
Southwestern power administration	21,907,000	21,907,000
Western area power administration	347,151,000	326,634,000
Total, Power marketing administrations	397,270,000	384,529,000
Federal energy regulatory commission	---	---
Nuclear waste disposal fund	391,976,000	275,071,000
Geothermal resources development fund	-4,000,000	---
TOTAL, ENERGY AND WATER DEVELOPMENT ACCOUNTS	17,836,834,000	17,158,759,000

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

Amendment No. 55: Appropriates $190,000,000 as proposed by the Senate instead of $185,000,000 as proposed by the House.

The conference agreement provides for only the following allocations of fiscal year 1993 funds.

A total of $36,000,000 is provided for corridor construction in Alabama, and a total of $47,000,000 is provided for Corridor L in West Virginia.

The conferees have provided $5,000,000 to initiate the design, engineering, and construction required for a water resources development project in Ritchie County, West Virginia, and $5,000,000 for a water resources development project in Cullman County, Alabama.

The conferees have provided $5,000,000 for local access roads in Mississippi including funds for the access road at Holly Springs, Mississippi.

The conferees have included $400,000 to continue the tourism development work being conducted in accordance with Senate report 101-378 accompanying the fiscal year 1991 appropriations Act.

TENNESSEE VALLEY AUTHORITY

Amendment No. 56: Deletes language proposed by the Senate limiting the funds which could be transferred from the Alabama Elk River Development Agency Trust fund.

The conference agreement provides $1,500,000 from the trust fund for the Elkmont Rural Village to be administered solely by the Alabama Elk River Development Agency. Of the remaining funds, up to $1,500,000 is available for the cooperative, cost-shared development of a Telecommunications Rural Application Center in a ten-county area of south central Tennessee and northern Alabama. Any funds remaining in the trust fund after providing for these activities are to be available for other TVA programs.

TITLE V

GENERAL PROVISIONS

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 507. (a) Hereafter, funds made available by this Act or any other Act for fiscal year 1993 or for any other fiscal year may be available for conducting a test of a nuclear explosive device only if the conduct of that test is permitted in accordance with the provisions of this section.

(b) No test of a nuclear weapon may be conducted before March 1, 1993.

(c) On and after March 1, 1993, a test of a nuclear weapon may be conducted—

(1) only if—

(A) the President has submitted the annual report required under subsection (d);

(B) 90 days have elapsed after the submittal of that report in accordance with that subsection; and

(C) Congress has not agreed to a joint resolution described in subsection (d)(3) within that 90-day period; and

(2) only if the test is conducted during the period covered by the report.

(d)(1) Not later than March 1, of each year beginning after 1992, the President shall submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, in classified and unclassified forms, a report containing the following matters:

(A) A schedule for resumption of the Nuclear Testing Talks with Russia.

(B) A plan for achieving a multilateral comprehensive ban on the testing of nuclear weapons on or before September 30, 1996.

(C) An assessment of the number and type of nuclear warheads that will remain in the United States stockpile of active nuclear weapons on September 30, 1996.

(D) For each fiscal year after fiscal year 1992, an assessment of the number and type of nuclear warheads that will remain in the United States stockpile of nuclear weapons and that—

(i) will not be in the United States stockpile of active nuclear weapons;

(ii) will remain under the control of the Department of Defense; and

(iii) will not be transferred to the Department of Energy for dismantlement.

(E) A description of the safety features of each warhead that is covered by an assessment referred to in subparagraph (C) or (D).

(F) A plan for installing one or more modern safety features in each warhead identified in the assessment referred to in subparagraph (C), as determined after an analysis of the costs and benefits of installing such feature or features in the warhead, should have one or more of such features.

(G) An assessment of the number and type of nuclear weapons tests, not to exceed 5 tests in any period covered by an annual report under this paragraph and a total of 15 tests in the 4-fiscal year period beginning with fiscal year 1993, that are necessary in order to ensure the safety of each nuclear warhead in which one or more modern safety features are installed pursuant to the plan referred to in subparagraph (F).

(H) A schedule, in accordance with subparagraph (G), for conducting at the Nevada test site, each of the tests enumerated in the assessment pursuant to subparagraph (G).

(2) The first annual report shall cover the period beginning on the date on which a resumption of testing of nuclear weapons is permitted under subsection (c) and ending on September 30, 1994. Each annual report thereafter shall cover the fiscal year following the fiscal year in which the report is submitted.

(3) For the purposes of paragraph (1), "joint resolution" means only a joint resolution introduced after the date on which the Committees referred to in that paragraph receive the report required by that paragraph the matter after the resolving clause of which is as follows: "The Congress disapproves the report of the President on nuclear weapons testing, dated ." (the blank space being appropriately filled in).

(4) No report is required under this subsection after 1996.

(e)(1) Except as provided in paragraphs (2) and (3), during a period covered by an annual report submitted pursuant to subsection (d), nuclear weapons may be tested only as follows:

(A) Only those nuclear explosive devices in which modern safety features have been installed pursuant to the plan referred to in subsection (d)(1)(F) may be tested.

(B) Only the number and types of tests specified in the report pursuant to subsection (d)(1)(G) may be conducted.

(2)(A) One test of the reliability of a nuclear weapon other than one referred to in paragraph (1)(A) may be conducted during any period covered by an annual report, but only if—

(i) within the first 60 days after the beginning of that period, the President certifies to Congress that it is vital to the national security interests of the United States to test the reliability of such a nuclear weapon; and

(ii) within the 60-day period beginning on the date that Congress receives the certification, Congress does not agree to a joint resolution described in subparagraph (B).

(B) For the purposes of subparagraph (A), "joint resolution" means only a joint resolution introduced after the date on which the Congress receives the certification referred to in that subparagraph the matter after the resolving clause of which is as follows: "The Congress disapproves the testing of a nuclear weapon covered by the certification of the President dated." (The blank space being appropriately filled in).

(3) The President may authorize the United Kingdom to conduct in the United States, within a period covered by an annual report, one test of a nuclear weapon if the President determines that it is in the national interests of the United States to do so. Such a test shall be considered as one of the tests within the maximum number of tests that the United States is permitted to conduct during that period under paragraph (1)(B).

(f) No underground test of nuclear weapons may be conducted by the United States after September 30, 1996, unless Russia or another country has conducted a nuclear explosive test after this date and such test is inimical to the security interests of the United States as certified by the President in written explanation to the Congress, and after 60 days have elapsed from the date of submission of the certification, the prohibition on United States nuclear testing is lifted.

In addition, no underground testing of nuclear weapons may be conducted by the United States after September 30, 1996, unless the President determines that it is in the urgent national interest for the purpose of safety only, to conduct nuclear explosive testing, and such certification and proposals thereon are included in the President's annual message and budget submitted to the Congress in January for the ensuing fiscal year: Provided, That such testing shall not occur until after October 1 of the fiscal year for which such certification and budget proposal are submitted.

(g) In the computation of the 90-day period referred to in subsection (c)(1) and the 60-day period referred to in subsection (e)(2)(A)(ii), the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded.

(h) In this section, the term "modern safety feature" means any of the following features:

(1) An insensitive high explosive (IHE).

(2) Fire resistant pits (FRP).

(3) An enhanced detonation safety (ENDS) system.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 508. Notwithstanding any other provision of this Act, $5,000,000 of the funds appropriated in Title I shall be available for the Central Maine Water Supply Project, to remain available until September 30, 1993, and to become available only upon enactment into law of authorizing legislation.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate that provides $5,000,000 for the Central Maine Water Supply Project, subject to authorization. The Senate language has been amended to delete the reference to Title II since the conferees understand that if this project is authorized, it will fall within the jurisdiction of the Corps of Engineers.

Amendment No. 59: Deletes language proposed by the Senate expressing the sense of the Senate on Low-Level Radioactive Waste Policy.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1993 recommended by the Committee of Conference, with comparisons to the fiscal year 1992 amount, the 1993 budget estimates, and the House and Senate bills for 1993 follow:

New budget (obligational) authority, fiscal year 1992	$21,839,500,000
Budget estimates of new (obligational), authority fiscal year 1993	22,419,288,000
House bill, fiscal year 1993	21,324,064,000
Senate bill, fiscal year 1993	22,005,446,000
Conference agreement, fiscal year 1993	22,005,643,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1992	+166,143,000
Budget estimates of new (obligational) authority, fiscal year 1993	−413,645,000
House bill, fiscal year 1993	+681,579,000
Senate bill, fiscal year 1993	+197,000

TOM BEVILL,
VIC FAZIO,
LINDSAY THOMAS,
JIM CHAPMAN,
DAVID E. SKAGGS, (except No. 37)
BERNARD J. DWYER,
JAMIE L. WHITTEN,
JOHN T. MYERS,
CARL D. PURSELL,
DEAN A. GALLO,
JOSEPH M. MCDADE,
Managers on the Part of the House.

J. BENNETT JOHNSTON,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
JIM SASSER,
DENNIS DECONCINI,
HARRY REID,
MARK O. HATFIELD,
JAKE GARN,
THAD COCHRAN,
PETE V. DOMENICI,
ARLEN SPECTER,
DON NICKLES,
Managers on the Part of the Senate.

PERSONAL EXPLANATION

Mr. SANTORUM. Mr. Speaker, I was inadvertently added as a cosponsor to House Joint Resolution 503, the National Military Families Recognition Day. I have spoken about this with the bill's sponsor, Representative MIKE ESPY, and would like the RECORD to reflect my desire to have had my name withdrawn as a cosponsor to the legislation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SERRANO (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. PAYNE of Virginia (at the request of Mr. GEPHARDT) for today on account of medical reasons.

Mr. BARNARD (at the request of Mr. GEPHARDT) on September 15 and 16 on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. SOLOMON, for 15 minutes, today.

(The following Members (at the request of Mrs. KENNELLY) to revise and extend their remarks and include extraneous material:)

Mr. TAUZIN, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. MINK, for 60 minutes, today.

Mr. HOAGLAND, for 60 minutes each day, on September 17, and October 1 and 2.

Mr. SAVAGE, for 60 minutes, on September 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DUNCAN) and to include extraneous material:)

Mr. RHODES.

Mr. BROOMFIELD in two instances.

Mr. HOUGHTON.

Mr. ROTH.

Mr. MICHEL.

Mr. STUMP.

Mr. SAXTON.

Mr. EMERSON.

Mr. BLILEY.

Mr. DREIER of California.

Mrs. MORELLA.

(The following Members (at the request of Mrs. KENNELLY) and to include extraneous material:)

Mr. LANTOS.

Mr. MCMILLEN of Maryland.

Mr. MATSUI.

Mr. TRAXLER in two instances.

Mr. TOWNS.

Mr. FASCELL in two instances.

Mrs. KENNELLY.

Mr. JACOBS.

Mr. FEIGHAN in two instances.

Mr. CLAY.

Mr. CONYERS.

Mr. COLEMAN of Texas.

Mr. SKELTON.

Mr. WILSON.

Mr. HERTEL in two instances.

Mr. BERMAN.

Mr. FALEOMAVAEGA in four instances.

Mr. HUGHES.

Ms. OAKAR.

Mr. LIPINSKI in four instances.

Mr. YATES.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2099. An act to amend the Immigration and Nationality Act to designate special inquiry officers as immigration judges and to provide for the compensation of such judges, and for other purposes; to the Committee on the Judiciary.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 323. An act 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.

S.J. Res. 303. Joint resolution to designate October 1992 as "National Breast Cancer Awareness Month."

ADJOURNMENT

Mrs. MINK. Mr. Speaker, pursuant to House Resolution 567, I move that the House do now adjourn in memory of the late Honorable WALTER B. JONES.

The motion was agreed to; accordingly (at 7 o'clock and 11 minutes p.m.) pursuant to House Resolution 567, the House adjourned until tomorrow, Wednesday, September 16, 1992, at 2 p.m., in memory of the late Honorable WALTER B. JONES of North Carolina.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4248. A communication from the President of the United States, transmitting an amendment to the fiscal year 1993 request for appropriations for the Department of Energy, pursuant to 31 U.S.C. 1107 (No. 102-388); to the Committee on Appropriations and ordered to be printed.

4249. A letter from the Inspector General, Department of State, transmitting a copy of the Department's report, "Special Review of International Organizations' Hiring Practices"; to the Committee on Appropriations.

4250. A letter from the Director, Office of Dependents Schools, transmitting the annual test report for school year 1991-92 for the overseas dependents' schools administered by the Department, pursuant to 20 U.S.C. 924; to the Committee on Education and Labor.

4251. A letter from the Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Juvenile Justice and Delinquency Prevention for fiscal year 1991, pursuant to 42 U.S.C. 5617; to the Committee on Education and Labor.

4252. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4253. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4254. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that the Court will open the October 1992 Term on Monday, October 5, 1992, at 10 a.m.; to the Committee on the Judiciary.

4255. A letter from the Office of Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation to ensure the continuing access of law enforcement to the content of wire and electronic communications when authorized by law, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

4256. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the need for tracking systems on vessels transporting municipal or commercial wastes, pursuant to 33 U.S.C. 2621; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

4257. A letter from the Administrator, Federal Aviation Administration, transmitting the report of progress on developing and certifying the Traffic Alert and Collision Avoidance System [TCAS], pursuant to Public Law 100-223, section 203(b) (101 Stat. 1518); jointly, to the Committees on Public Works and Transportation and Science, Space, and Technology.

4258. A letter from the Assistant Secretary (Civil Works), Department of the Army, transmitting a list of wetlands enhancement opportunities associated with the construction and operation of the Army Corps of Engineers projects, pursuant to Public Law 101-640, section 409 (104 Stat. 4648); jointly, to the Committees on Public Works and Transportation, Merchant Marine and Fisheries, and Agriculture.

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. BEVILL: Committee of conference. Conference Report on H.R. 5373 (Rep. 102-866). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 918. Referral to the Committee on Merchant Marine and Fisheries extended for a period ending not later than September 16, 1992.

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. FRANK of Massachusetts:

H.R. 5935. A bill to amend title 31, United States Code, with respect to the receipt of compensation by executive branch employees for outside speaking, teaching, and writing that relates to official duties, and for other purposes; jointly, to the Committees on Post Office and Civil Service, the Judiciary, and Government Operations.

By Mr. COOPER (for himself, Mr. ANDREWS of Texas, Mr. STENHOLM, Mr. MCCURDY, Mr. GLICKMAN, Mr. CARPER, Mr. CLEMENT, Mr. COX of Illinois, Mr. DOOLEY, Mr. HUBBARD, Mr. LIPINSKI, Mr. MCMILLEN of Maryland, Mr. MONTGOMERY, Mr. PAYNE of Virginia, Mr. PETERSON of Florida, Mr. RAY, and Mr. SWETT):

H.R. 5936. A bill to contain health care costs and improve access to health care through accountable health plans and managed competition, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, Education and Labor, and the Judiciary.

By Mr. ANDERSON (for himself, Mr. LEVINE of California, Mr. DIXON, Mr. BERMAN, and Mr. ROYBAL):

H.R. 5937. A bill to establish a demonstration program to encourage the full restoration of the Ballona Wetlands, Los Angeles, California, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mrs. SCHROEDER, Mrs. LLOYD, Mr. FORD of Michigan, Mr. SIKORSKI, Mr. BRUCE, Mr. ROWLAND, Mr. TOWNS, Mr. STUDDS, Mr. SCHEUER, Mr. WYDEN, Mr. RICHARDSON, Mr. SYNAR, and Mr. BILIRAKIS):

H.R. 5938. A bill to amend to Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts:

H.R. 5939. A bill to amend title 31, United States Code, to establish an interest penalty for failure to make prompt payments under service contracts with small business concerns; to the Committee on Government Operations.

By Mr. HOCHBRUECKNER (for himself, Mr. SCHEUER, and Mr. DOWNEY):

H.R. 5940. A bill to provide for the payment of sums in lieu of taxes with respect to certain property seized by the United States; to the Committee on the Judiciary.

By Mr. HUGHES:

H.R. 5941. A bill to designate tributaries of the Maurice River in the State of New Jersey as components of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. JACOBS:

H.R. 5942. A bill to amend the Internal Revenue Code of 1986 to permit certain volunteer fire departments to issue tax-exempt bonds for purposes of acquiring ambulances or other emergency response vehicles; to the Committee on Ways and Means.

By Mr. JONES of Georgia:

H.R. 5943. A bill to amend the Internal Revenue Code of 1986 to encourage employers to provide drug and alcohol abuse treatment programs to their employees by providing a credit for the cost of such programs; to the Committee on Ways and Means.

By Mr. KOSTMAYER (for himself, Mr. BOEHLERT, Mr. SIKORSKI, Mr. JONTZ, and Mr. WALSH):

H.R. 5944. A bill to designate certain public lands in the States of Idaho, Montana, Oregon, Washington, and Wyoming as wilderness, wild and scenic rivers, national park and preserve study areas, wild land recovery areas, and biological connecting corridors, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Merchant Marine and Fisheries, and Agriculture.

By Mr. PANETTA:

H.R. 5945. A bill to provide that a special census be conducted, without charge to a requesting State, county, or other unit of government, if necessary to correct a significant undercount in a decennial census which is due, in whole or in part, to a natural disaster or similar situation; to the Committee on Post Office and Civil Service.

By Mr. REGULA:

H.R. 5946. A bill to amend the National Literacy Act of 1991 to establish in the Department of Labor an Office of Workplace Education to provide workplace education services to small businesses and to provide grants to States to improve the productivity of those businesses; to the Committee on Education and Labor.

By Mr. RHODES (for himself and Mr. STUMP):

H.R. 5947. A bill amending the Metric Conversion Act of 1975 to prohibit the expenditure of Federal funds for highway signs expressed solely in metric system measurements; jointly, to the Committees on Science, Space, and Technology and Public Works and Transportation.

By Mr. STUMP (for himself and Mr. RHODES):

H.R. 5948. A bill to prohibit the expenditure of Federal funds for constructing or modifying highway signs that are expressed only in metric system measurements; to the Committee on Public Works and Transportation.

By Mr. VENTO (for himself, Mr. LAGOMARSINO, Mr. ALLEN, Mr. DAVIS, Mr. HANSEN, Mr. CAMPBELL of Colorado, Mr. ALLARD, and Mr. PANETTA):

H.R. 5949. A bill to amend certain general authorities relating to the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WILSON:

H.R. 5950. A bill to repeal the act entitled "An Act to designate the building located at 1515 Sam Houston Street in Liberty, Texas, as the 'M.P. Daniel and Thomas F. Calhoon, Senior, Post Office Building'", approved May 17, 1990; to the Committee on Post Office and Civil Service.

By Mr. BERMAN (for himself, Mr. LEVINE of California, Mr. KASICH, Mr. OBEY, Mr. GREEN of New York, Mrs. LOWEY of New York, and Mr. MAZZOLI):

H.J. Res. 548. Joint resolution to prohibit the proposed sale to Saudi Arabia of F-15 aircraft; to the Committee on Foreign Affairs.

By Mr. SCHUMER:

H.J. Res. 549. Joint resolution prohibiting the proposed sale of F-15 fighter jets to Saudi Arabia until that country renounces and no longer observes the boycott of Israel by Arab countries; to the Committee on Foreign Affairs.

By Mr. TOWNS:

H.J. Res. 550. Joint resolution designating the week beginning October 18, 1992, as "National Radon Action Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON (for himself, Mr. DREIER of California, and Mr. EMERSON):

H. Res. 565. Resolution to amend the Rules of the House of Representatives to ensure a more orderly, deliberative, and accountable legislative process; to the Committee on Rules.

By Mr. FASCELL:

H. Res. 566. Resolution calling for the United States to host the 1998 Plenipotentiary Conference of the International Telecommunications Union; to the Committee on Foreign Affairs.

By Mr. ROSE:

H. Res. 567. Resolution expressing sorrow of the House at the death of the Honorable Walter B. Jones; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. EDWARDS of Texas introduced a bill (H.R. 5951) for the relief of Jung Ja Golden; which was referred 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. 127: Mr. PALLONE.

H.R. 423: Mr. COLEMAN of Texas.

H.R. 682: Mrs. LOWEY of New York.

H.R. 919: Mr. RINALDO.

H.R. 1049: Mr. JEFFERSON.

H.R. 1147: Mr. MCEWEN.

H.R. 1245: Mr. ANTHONY.

H.R. 1502: Mr. UPTON and Mr. HYDE.

H.R. 1541: Mr. CALLAHAN.

H.R. 1726: Mr. FAWELL.

H.R. 1820: Mr. FISH and Mrs. LLOYD.

H.R. 1886: Mr. MILLER of California.

H.R. 2126: Mr. LANCASTER.

H.R. 2349: Mr. ERDREICH.

H.R. 2772: Mr. WILSON, Mr. FORD of Michigan, Mr. MCMILLEN of Maryland, and Mr. RAVENEL.

H.R. 3216: Mr. WYLIE.

H.R. 3769: Mr. COLEMAN of Texas.

H.R. 3915: Mr. CARPER, Mr. GINGRICH, and Mr. SISISKY.

H.R. 3920: Mr. FISH.

H.R. 4124: Mr. MINETA.

H.R. 4141: Mr. FROST and Mr. RINALDO.

H.R. 4427: Mr. SKAGGS and Mrs. MORELLA.

H.R. 4491: Mr. FISH, Mrs. VUCANOVICH, Mr. ZELIFF, Mr. LAGOMARSINO, Mr. ROGERS, Mr. PAXON, Mr. ATKINS, and Mr. MORAN.

H.R. 4498: Mrs. COLLINS of Michigan and Mr. FISH.

H.R. 4595: Mr. FISH.

H.R. 4716: Mr. SISISKY.

H.R. 4725: Mr. PASTOR, Mrs. MINK, Mr. SANDERS, Mr. BEVILL, and Mr. LAGOMARSINO.

H.R. 4754: Mr. BENNETT.

H.R. 4929: Mr. FISH.

H.R. 5028: Mrs. COLLINS of Michigan, Ms. HORN, and Mr. BUSTAMANTE.

H.R. 5106: Mr. BORSKI.

H.R. 5216: Mr. MCCOLLUM, Mr. SMITH of Texas, Mr. WISE, Mr. HYDE, and Mr. DOWNEY.

H.R. 5331: Mr. HUGHES, Mr. ZELIFF, Mr. SABO, Mr. MORRISON, Mr. MURPHY, Mr. FRANK of Massachusetts, and Mr. JOHNSON of South Dakota.

H.R. 5360: Mr. SHAYS and Mrs. SCHROEDER.

H.R. 5374: Mr. TOWNS.

H.R. 5501: Mr. HOBSON, Mr. PAXON, Mr. RITTER, Mr. SKEEN, Mr. SCHAEFER, Mr. GALLEGLY, Mr. SOLOMON, Mr. EWING, and Mr. WELDON.

H.R. 5538: Mrs. LLOYD.

H.R. 5570: Mr. ZELIFF.

H.R. 5600: Mr. KILDEE.

H.R. 5625: Mr. LAGOMARSINO.

H.R. 5681: Mr. FORD of Michigan, Mr. DELLUMS, and Mr. POSHARD.

H.R. 5745: Mr. GOODLING, Mr. HASTERT, Mr. GILLMOR, Mr. CALLAHAN, Mr. LAGOMARSINO, and Mr. VALENTINE.

H.R. 5768: Mr. SKEEN and Mr. KASICH.

H.R. 5773: Mr. DORNAN of California, Mr. EWING, Mr. BALLENGER, Mr. IRELAND, Mr. CAMP, Mr. HANCOCK, Mr. SANTORUM, Mr. OXLEY, and Mr. RAVENEL.

H.R. 5777: Mr. MILLER of California, Mr. CAMPBELL of Colorado, Mr. RHODES, Mr. HORTON, Mr. BEREUTER, and Mr. PETERSON of Minnesota.

H.R. 5792: Mr. MINETA.

H.R. 5798: Mrs. COLLINS of Illinois, Mr. WAXMAN, Mr. SYNAR, Mr. BARNARD, Mr. LANTOS, Mr. WISE, Mr. OWENS of New York, Mr. BUSTAMANTE, Mr. MARTIN, Mr. PAYNE of New Jersey, Mrs. MINK, Mr. THORNTON, Mr. PETERSON of Minnesota, Mr. SANDERS, Mr. ABERCROMBIE, Mr. BLACKWELL, Mr. BOEHLERT, Mrs. COLLINS of Michigan, Mr. DELLUMS, Mr. DE LUGO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. JEFFERSON, Mr. LIPINSKI, Mr. MAZZOLI, Mr. MFUME, Ms. NORTON, Mr. NOWAK, Mr. OLVER, Mr. PASTOR, Mr. SERRANO, Mr. SAWYER, Mr. STAGGERS, Ms. WATERS, and Mr. WHEAT.

H.R. 5800: Mr. SCHULZE.

H.R. 5812: Mr. TOWNS and Mr. LANCASTER.

H.R. 5832: Mr. EDWARDS of California, Mr. ROYBAL, Mr. HOCHBRUECKNER, Mr. LANCASTER, Mr. KENNEDY, and Mr. BILBRAY.

H.R. 5862: Mr. LENT, Mr. ANNUNZIO, Mr. BRYANT, Mr. COYNE, Mr. STARK, Mr. VANDER JAGT, Mr. WALSH, Mr. WELDON, Mr. EVANS, Mr. MCNULTY, Mr. FROST, and Mr. GUARINI.

H.R. 5863: Ms. MOLINARI.

H.R. 5887: Mr. OWENS of New York.

H.J. Res. 152: Mr. KENNEDY, Mr. TALLON, Mr. LEWIS of Georgia, Mr. JEFFERSON, Mr. ROBERTS, Mr. GILMAN, and Mr. SHUSTER.

H.J. Res. 238: Mr. DORGAN of North Dakota, Mr. ATKINS, Mr. FRANKS of Connecticut, Mr. KLECZKA, Mr. PALLONE, Mr. LEVINE of California, Mr. HERTEL, Mr. RHODES, Mr. SLATTERY, Mr. YOUNG of Florida, Mr. KLUG, and Mr. WHEAT.

H.J. Res. 325: Mr. DEFAZIO, Ms. NORTON, Mr. MFUME, Mr. SANGMEISTER, Mr. WYDEN, Mr. SERRANO, and Mr. MARKEY.

H.J. Res. 399: Mr. GUARINI, Mr. RAY, Mr. TRAFICANT, and Mr. SCHEUER.

H.J. Res. 455: Mr. STOKES, Mr. PETRI, Mr. STUMP, and Mr. GILLMOR.

H.J. Res. 461: Mr. FOGLIETTA, Mr. ABERCROMBIE, and Mr. BORSKI.

H.J. Res. 467: Mr. BAKER, Mr. BEILENSON, Mr. CHANDLER, Mr. DELLUMS, Mr. FAZIO, Mr. FORD of Tennessee, Mr. GALLO, Mr. GOODLING, Mr. JONES of Georgia, Mr. MFUME, Mr. SAVAGE, Mr. SHAYS, Mr. STALLINGS, Mr. VENTO, Mr. WILSON, Mr. WISE, Mr. HOYER, Mr. SPRATT, and Mr. EWING.

H.J. Res. 476: Mr. LUKEN, Mr. GOODLING, Mr. KILDEE, Mr. EWING, Mr. STUMP, Mr. PARKER, Mr. YATES, Mr. DORNAN of California, Mr. FASCELL, Mr. ROBERTS, Mr. HENRY, Mr. GILCHREST, Mr. GALLEGLY, Mr. GINGRICH, Mr. PICKETT, Mr. HEFNER, Mr. HANSEN, Mr. KOSTMAYER, Mr. BENNETT; Mrs. MEYERS of Kansas, Mr. MURTHA, Mr. CONYERS, Mr. TORRES, Mr. GEKAS, and Mr. BOUCHER.

H.J. Res. 478: Mrs. KENNELLY, Mr. JENKINS, Mr. HAMILTON, Mr. HOAGLAND, Mr. BLILEY, Mrs. BYRON, Mr. CALLAHAN, Mr. CUNNINGHAM, Mr. DANNEMEYER, Mr. DICKINSON, Mr. DOOLITTLE, Mr. DREIER of California, Mr. EDWARDS of Oklahoma, Mr. FIELDS, Mr. GILLMOR, Mr. GINGRICH, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GOODLING, Mr. GOSS, Mr. HANCOCK, Mr. HANSEN, Mr. HOUGHTON, Mr. KOLBE, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LOWERY of California, Mr. MCCANDLESS, Mr. MINETA, Mr. MYERS of Indiana, Mr. PACKARD, Mr. RHODES, Mr. RICHARDSON, Mr. RINALDO, Mr. SCHULZE, Mr. SMITH of Oregon, Mr. THOMAS of California, Mr. VENTO, Mr. WYLIE, Mr. YATRON, Mr. YOUNG of Florida, and Mr. DARDEN.

H.J. Res. 495: Mr. BOUCHER, Mr. TORRICELLI, Mr. FAZIO, Mrs. MEYERS of Kansas, Mr. BILBRAY, Mr. HUNTER, Mrs. COLLINS of Illinois, Mr. RAY, Mr. FAWELL, Mr. WELDON, and Mr. MILLER of Washington.

H.J. Res. 503: Mrs. BENTLEY, Mr. SANTORUM, Ms. SLAUGHTER, Mr. APPLEGATE, Mr. WELDON, Mr. JOHNSON of South Dakota, Mr. INHOFE, Mr. DE LA GARZA, Mr. JENKINS, Mr. LOWERY of California, Mr. NAGLE, Ms. OAKAR, Mr. HAYES of Louisiana, Mr. KLUG, Mr. SMITH of Florida, Mrs. BOXER, Mr. FORD of Tennessee, Mr. EDWARDS of California, Mr. RAMSTAD, Mr. VALENTINE, Mrs. LLOYD, Mr. TORRES, and Mr. DYMALLY.

H.J. Res. 520: Mr. GILCHREST.

H.J. Res. 523: Mr. BROOMFIELD, Mr. BORSKI, Mr. BURTON of Indiana, Mr. COYNE, Mr. BILIRAKIS, Mr. CLEMENT, Mr. ESPY, Mr. GALLO, Mr. GILCHREST, Mr. GOODLING, Mr. LAGOMARSINO, and Mr. KILDEE.

H.J. Res. 531: Mr. LIPINSKI, Mr. PAYNE of New Jersey, Mr. ACKERMAN, Ms. NORTON, Mr. MCCLOSKEY, Mr. MCMILLEN of Maryland, Mr. TALLON, Mr. ESPY, Mr. GILMAN, Mr. ANNUNZIO, Mr. TOWNS, Mr. TORRICELLI, Mr. BERMAN, Mr. LEVIN of Michigan, Mrs. UNSOELD, Mr. DE LUGO, Mr. VENTO, Mr. GUARINI, Mr. SCHUMER, Mr. MAZZOLI, Mr. FALEOMAVAEGA, Mr. PASTOR, Mr. LAGOMARSINO, Mr. LEACH, Mr. LEWIS of California, Mr. MONTGOMERY, Mr. MURPHY, Mr. OBERSTAR, Mr. OLVER, Mr. PERKINS, Mr. SCHEUER, Mr. ROYBAL, Mr. FAWELL, Mr. OWENS of Utah, Mr. BROWN, Mr. FASCELL, Mr. SHAYS, and Mr. ALEXANDER.

H.J. Res. 538: Mr. HOBSON, Mr. PASTOR, Mr. WALSH, Mr. CLAY, Mr. ROYBAL, Mr. GUARINI, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. RHODES, Mr. HANSEN, Mr. DOWNEY, Mr. BEILENSON, Mr. NATCHER, Mr. FORD of Michigan, Mr. GREEN of New York, Ms. PELOSI, and Mr. SAWYER.

H.J. Res. 543: Mr. BERMAN, Mr. MOORHEAD, Mr. MANTON, Mr. ANDREWS of New Jersey, Mr. BLAZ, Ms. LONG, Mr. NATCHER, Mr. DYMALLY, Mr. MAZZOLI, Mr. SCHAEFER, Mr. VANDER JAGT, Mr. ESPY, Mr. HAMILTON, Mr. STAGGERS, Mr. HAYES of Louisiana, Mr. MYERS of Indiana, Mr. CLEMENT, Mr. CALLAHAN, Mr. HARRIS, Mr. DORNAN of California, Mr. BORSKI, Mr. HOCHBRUECKNER, Mr. GUNDERSON, Mr. COLEMAN of Texas, Mr. CHAPMAN, Mr. MCEWEN, Mr. BLILEY, Mr. MOODY, Mr. NEAL of Massachusetts, Mr. HUTTO, Mr. ORTON, Mr. PAYNE of New Jersey, Mr. QUILLEN, Mr. PETERSON of Florida, Mr. ROEMER, Mr. LEVINE of California, Mr. GORDON, Mr. MCHUGH, Mr. MCMILLEN of Maryland, Mr. MARTINEZ, Mr. HEFNER, Mr. PACKARD, Mr. SHARP, Mr. SCHEUER, Mr. PERKINS, Mr. HANSEN, Mr. OBEY, Mr. PANETTA, Mrs. KENNELLY, Mr. NOWAK, Mr. JOHNSON of South Dakota, Mr. WALSH, Mr. MONTGOMERY, Mr. MURPHY, Mr. SAWYER, Mr. GILCHREST, Mr. GUARINI, Mr. ASPIN, Mr. DWYER of New Jersey, Mr. BREWSTER, Mr. GEREN of Texas, Mr. HUNTER, Mr. ROYBAL, Mr. HUBBARD, Mr. FROST, Mr. KASICH, Mr. TORRES, Mr. RHODES, Mr. HAYES of Illinois, Mr. GILMAN, Mr. HALL of Texas, Mr. LEHMAN of Florida, Mr. MCGRATH, and Mr. COOPER.

H.J. Res. 547: Mr. DWYER of New Jersey, Mr. FEIGHAN, Mr. MARTINEZ, Mr. MONTGOMERY, Mr. LAGOMARSINO, Mr. WYLIE, Mr. OWENS of Utah, Mr. MOORHEAD, Mr. MFUME, Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. RAVENEL, Mr. RAY, Mr. RIGGS, Mr. ROE, Mr.

OBERSTAR, Mr. BALLENGER, Mr. MCEWEN, Ms. PELOSI, Mr. JEFFERSON, Mr. TAUZIN, Mr. TRAFICANT, Mr. TALLON, Mr. LANTOS, Mr. LEVINE of California, Mr. ANDREWS of Maine, Ms. OAKAR, Mr. ABERCROMBIE, Mr. MORAN, Mr. PRICE, Mr. ROYBAL, Mr. NATCHER, Mr. PASTOR, Mr. WALSH, Mr. PICKETT, Mrs. BYRON, Mr. LEWIS of Georgia, Mrs. MYERS of Kansas, Mr. SAVAGE, Mr. TAYLOR of North Carolina, and Mr. SHAYS.

H. Con. Res. 11: Mr. YOUNG of Alaska.

H. Con. Res. 334: Mr. HOCHBRUECKNER, Mr. PORTER, Mr. HORTON, Mr. HUGHES, and Mr. SHAYS.

H. Con. Res. 358: Mr. BOUCHER.

H. Res. 204: Mr. SUNDQUIST.

H. Res. 515: Mr. PETERSON of Florida, Mr. SCHUMER, Mr. WOLPE, Mr. STARK, Mr. MATSUI, and Mr. COLEMAN of Texas.

H. Res. 538: Mr. RITTER, Mr. MILLER of Washington, Mr. SAXTON, Mr. TORRICELLI, Mr. LEVINE of California, Mr. MARTINEZ, Mr. APPLEGATE, Mr. LEVIN of Michigan, Mr. SISISKY, Mr. SCHUMER, Mr. KASICH, Mr. FAWELL, Mr. HUGHES, and Mr. BUSTAMANTE.

EXTENSIONS OF REMARKS

REPORT BY THE WORKING GROUP OF THE INTERPARLIAMENTARY UNION

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. FEIGHAN. Mr. Speaker, the Interparliamentary Union, the world's oldest and largest parliamentary association held its 88th interparliamentary conference in Stockholm, Sweden last week.

Representatives from 101 nations, including the United States, attended this meeting and participated in a variety of debates and discussions on strengthening the United Nations, the Third World debt crisis, the impact of mass migration of peoples and an emergency item on the situation in Bosnia-Hercegovina.

One of the products of the conference was a report by the Working Group of the Twelve Plus, a caucus of parliamentary democracies from Western and Central Europe plus the United States, Canada, Australia, and New Zealand, on possible reforms to the IPU's conference format.

As president of the U.S. group, I have shared my concerns with the IPU Secretariat over the factors that hamper U.S. participation in IPU conference, primarily the scheduling of conferences when both the U.S. House and Senate are in session. I am pleased to see that several related recommendations are included in the working group's report. Given the tremendous changes now underway in the world, the IPU, representing the elected parliamentary leadership of the majority of the world's people, now has an historic opportunity to play a pivotal role in shaping priorities in the post-cold war world.

I am hopeful that the working group's recommendations will enhance the ability of the IPU to seize that opportunity. A copy of the report follows:

REPORT ON POSSIBLE CHANGES AND IMPROVEMENTS IN THE FORMAT OF IPU CONFERENCES

(Report presented at the meeting of the Twelve Plus Working Group in Stockholm on September 5, 1992)

(Federal Republic of Germany, Italy, Canada, Sweden and the United Kingdom)

REPORT ON POSSIBLE CHANGES AND IMPROVEMENTS IN THE FORMAT OF IPU CONFERENCES

The Twelve Plus Working Group has the mandate to deal with possible changes and improvements in the format of IPU Conferences and to submit a corresponding report at the meeting of the Twelve Plus Group in Stockholm on September 5, 1992.

At the 87th IPU Conference held in Yaoundé in April 1992 the members of the Working Group discussed options for reorganizing the IPU and arrived at the conclusions and recommendations listed below.

With regard to reorganization of the IPU the Working Group wishes to underscore the following objectives:

(1) giving the work of the IPU a larger measure of political relevance and response,

(2) cutting costs in connection with the organization of IPU Conferences and

(3) easing the burden on the small IPU Secretariat

With regard to the format of IPU Conferences the Working Group wishes to make recommendations on the following points: conference frequency, conference duration, conference dates, conference schedule (plenary and committee work), conference themes, and new areas of IPU activity.

CONFERENCE FREQUENCY

At the present time IPU Conferences are held in accordance with the following schedule: two IPU Conferences of 6 days duration per year as well as one meeting of the IPU Council and the Executive Committee in connection with each of the two IPU Conferences. The existing structure based on the holding of two IPU Conferences per year has existed since the reorganization carried out in 1984. Prior to that the IPU had restricted itself to holding one ten-day conference per year and a preparatory meeting of about half a conference's size during a week in spring.

The holding of two IPU Conferences, attended in each case by a relatively large number of people, constitutes a considerable cost factor in the IPU budget. Special or regional conferences attended by smaller numbers of people would give the IPU an opportunity to work more effectively on specific topics and in this way to achieve a larger measure of political relevance and a greater international response.

WORKING GROUP RECOMMENDATIONS

(1) That one IPU Conference of the present size be held per year but with a different procedural structure;

(2) That a meeting of the IPU Council and the Executive Committee be convened in connection with the annual IPU Conference;

(3) That one theme-related regional or special conference be held per year for a limited group of participants consisting of specialists or representatives of the region in question; and

(4) That at least one further meeting of the Executive Committee be held in Geneva.

DURATION OF CONFERENCES

The duration of IPU Conferences is six days. In addition to this, meetings of the Executive Committee, the Twelve Plus Group and the Group of Women Parliamentarians take place a few days before the actual Conference begins. For the members of the Executive Committee as well as for the persons attending the meetings of the Twelve Plus Group the duration of IPU Conferences amounts to eight or nine days. Many parliamentarians are unable to attend Conferences for the full period of six or nine days, since their duties in their respective national parliaments prevent them from being away for longer periods of time.

WORKING GROUP RECOMMENDATIONS

(1) That the Conference agenda be streamlined by shortening plenary debates and assigning theme-related work to the relevant committees;

(2) That the duration of regional or special conferences be definitely limited to a maximum of five days;

(3) That the meeting of women parliamentarians be integrated into the normal agenda of the IPU Conferences; and

(4) That plenary debates be shortened at regional or special conferences in favour of hearings and expert discussions.

SCHEDULING OF CONFERENCES

Since 1984 the IPU Conferences have been held in spring (March or April) and in autumn (September or October). A number of IPU delegations—particularly members of the U.S. Congress—regularly have scheduling problems when conferences are held in March, September or October.

WORKING GROUP RECOMMENDATIONS

(1) That the IPU Conference be held in the present format in mid-April (if possible in connection with the Easter recess); and

(2) That the regional or special conference be held in autumn.

CONFERENCE AGENDA (PLENARY AND COMMITTEE WORK)

At present a great deal of time is taken up at the IPU Conferences with plenary debates in which the speakers generally read out prepared statements. As a result of the long lists of speakers it is frequently necessary to extend the meetings on into the evening hours. All told, the plenary debates in their present form contribute little towards genuine discussion and dialogue among the parliamentarians.

In contrast to this, little time remains for work in the four Conference committees. Discussions of focal topics rarely take place in the committees. Substantive work is generally assigned to the drafting committees comprised in each case of fewer than fifteen parliamentarians. In order to be able to involve a larger number of parliamentarians in substantive activities, the work carried out in the committees should be intensified at the expense of long and unproductive plenary debates.

WORKING GROUP RECOMMENDATIONS

(1) That the plenary debate be limited to a general debate on the political, economic and social situation in the world, connected with an emergency debate;

(2) That substantive work and debates on focal conference topics be assigned to the relevant committees;

(3) That the general debate during the IPU Spring Conference be held in part parallel to committee work;

(4) That the committees be convened only during the IPU Spring Conference;

(5) That a focal topic be discussed in each of the committees without a resolution necessarily being formulated but that the results of the discussion be summed up by the committee rapporteurs at the final plenary session;

(6) That the committee meetings be held in the form of a seminar with hearings and expert discussions with a view to strengthening parliamentary debate as well as dialogue with experts;

(7) That substantive preparations be made for regional or special conferences in the relevant committee meetings at the IPU Spring Conference;

(8) That ad hoc committees be formed at the theme-related regional or special con-

ferences held in autumn for the purpose of discussing the different aspects of the theme in question;

(9) That IPU Council meetings held at conferences be streamlined and shortened in duration to half a day;

(10) That day time sessions start punctually and no evening and night sessions be held; and

(11) That parliamentarians whose names were duly entered on the list of speakers and who were not able to speak owing to lack of time be given an opportunity to have their speeches included in the record of the proceedings.

CONFERENCE TOPICS

With regard to agenda items at IPU Conferences, the failure to formulate concise topics of current interest is often the result of an effort made to select topics on which a general consensus can be achieved. In order to evoke a stronger international response the IPU should deal in the future to an increased extent with briefly formulated topics of current interest and of major importance in the international sphere.

WORKING GROUP RECOMMENDATIONS

(1) That topics be formulated which are timely, concise, relevant and opportune;

(2) That the focal topics for the IPU Spring Conferences be identified in the relevant committees and that decisions on topics for regional or special conferences continue to be made by the IPU Council;

(3) That the supplementary agenda item be established by the IPU Council;

(4) That the practice of formulating reports, position statements or resolutions on the different focal topics in the committees, drafting committees or ad hoc committees be continued; and

(5) That resolution texts in the traditional sense not be formulated if these texts do not contain new and independent thinking on the part of IPU parliamentarians on the topic in question.

NEW AREAS OF ACTIVITY FOR THE IPU

In order to achieve a larger measure of political importance in the international sphere the IPU should dedicate itself to new areas of activity to a greater extent in the future. The IPU, which is currently providing effective support under a technical cooperation programmed for the establishment of representative institutions in numerous new democracies, should dedicate itself in the future to two further areas of activity in particular, i.e. the monitoring of elections as well as more intensive cooperation with the United Nations.

WORKING GROUP RECOMMENDATIONS

(1) That the IPU be developed into a parliamentary counterpart to the United Nations since both organisations are complementary in role and activities;

(2) that parliamentarians seek to stimulate new ideas and prospects for the future of the United Nations and, at the same time, support the wide-ranging UN-activities from a parliamentary standpoint; and

(3) That IPU parliamentarians be sent on election-monitoring missions to a greater extent with a view to supporting the democratization processes taking place in many parts of the world.

TRIBUTE TO MARTIN CALDERON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize Martin A. Calderon, an outstanding young individual who achieved the rank of Eagle Scout on July 9, 1992.

Martin's scouting career began when he joined Cub pack, sponsored by St. Stephen Catholic Church in Chicago, at the age of seven. He graduated 4 years later to Scout Troop 286 sponsored by the St. Paul Catholic Church.

Less than 2 percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those Scouts demonstrating extraordinary leadership abilities. Martin has held a number of leadership positions, including patrol leader, senior patrol leader, and junior assistant scoutmaster. His eagle project was planning and supervising renovation of the church courtyard.

Martin recently graduated from Kelly High School in Chicago. He was a member of the computer club and was secretary of the senior committee. In addition, Martin served as a peer tutor assisting other students. Martin intends to further his education and enter the medical field.

In light of the commendable leadership and courageous activities performed by this fine young man, I ask my colleagues to join me in honoring Martin Calderon for attaining the highest honor in Scouting—the rank of eagle. I wish him the best in all his endeavors.

GERMAN HERITAGE AND CULTURAL FESTIVAL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. PALLONE. Mr. Speaker, on Saturday, September 12, 1992, the Garden State Arts Center in Holmdel, NJ, was the site of the annual German Heritage and Cultural Festival. The event attracted thousands of people from throughout New Jersey and the New York metropolitan area for a celebration of centuries of cultural achievement, and a tribute to the accomplishments and contributions of people of German descent on both sides of the Atlantic. It was a great pleasure for me to be among those in attendance at this celebration of pride.

German-Americans account for one of the major ethnic groups in the United States. People of German descent make their home in every region of our country, and everywhere they have settled they have enhanced our society through their dedication to hard work and family. The central New Jersey area has a large and vibrant German-American community, and the annual German Festival at the Arts Center has developed into a major occasion for members of this community to rediscover their roots and traditions, to make new acquaintances and renew old friendships. It is also an occasion for people from other ethnic groups to learn about the achievements of the German people. German culture, both in the serious realms of music, literature and the arts, as well as in the lively folk customs, food and drink, provide a tremendous source of inspiration and enjoyment.

The past few years have witnessed both excitement and tumult in Germany. The fall of the Berlin Wall and German reunification has been one of the major events of our time. Millions of Americans looked on with joy and admiration as the wall, a symbol of Communist oppression and foreign dominance, finally crumbled under the force of a people's desire for freedom and self-determination. While we welcome the removal of the iron curtain across the heart of Germany, we must keep in our hearts the memory of those brave people who lost their lives trying to escape to a better life in the West. Future generations in Germany, America, and throughout the world must never forget their example of sacrifice in the search for freedom.

Since the end of the Second World War, relations between Germany and the United States have been of tremendous importance to both countries and both peoples. I hope that, after the fun and excitement of Saturday's German Festival, we will renew our respect for the fine traditions of the German people as we look forward to a future German-American relationship based on shared values of peace, freedom, human rights, and democracy.

TRIBUTE TO NATIONAL HISPANIC HERITAGE MONTH

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. TRAXLER. Mr. Speaker, September 18 marks the beginning of National Hispanic Month, and I would like to take this moment to pay tribute to the rich cultural heritage of the Hispanic population. Many Hispanic-Americans live in the Eighth Congressional District and the State of Michigan. Our lives have been enriched by the contributions of Hispanic-Americans who have shared their culture with all citizens of Michigan and our country.

Since America's discovery, Hispanic Americans have played an important role in the development of the United States. From the earliest colonial time to the present, Hispanics have participated in our defense of liberty and freedom. They are part of our country's political, social, cultural, economic, religious, and education fabric. Hispanic Heritage Month is a special time to display the achievements of music, dance, art, food, and dress. It is a wonderful opportunity for Michigan residents to appreciate the talents of these artists.

As we look toward our future, I do not want to forget our ties to the past and our historic roots. America has always been a melting pot and we are a rich Nation for that reason. I salute National Hispanic Heritage Month, and I invite all Michiganders to take part in this important recognition of Hispanic-Americans.

TRIBUTE TO GAIL DUNCAN-CAMPAGNE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. HERTEL. Mr. Speaker, I rise today to pay tribute to an outstanding community and business leader, Gail Duncan-Campagne, who has been named as the 1992 March of Dimes Alexander Macomb Citizen of the Year. Ms. Campagne has demonstrated continued involvement in community, civic, and political affairs.

When Gail graduated with her bachelor's degree in child development from Central Michigan University, she probably never envisioned herself becoming the president of Jerome-Duncan Ford. Originally, she went to work at the dealership on a temporary basis, until a position opened up in her field of social work. She then continued to earn her master's degree from Oakland University. When it became clear that the automobile business was her career of choice, Gail pursued her degree at the National Auto Dealers Association Dealer Candidate Academy and graduated in 1983.

While committed to her career and the success of Jerome-Duncan Ford, Gail still found time to become active and participate in many community organizations. She is the past president and board of director member of the Sterling Heights Chamber of Commerce, member of the Utica Business and Professional Women's Club, advisory board member of the Girl Scouts of Macomb County, and a lifetime and charter member of the Greater Utica Optimist Club. Most recently, she has been named to the board of directors of St. Joseph's Mercy Hospital and cochair of the 1992 Utica 175th anniversary celebration.

In addition to her full work load and civic commitments, Gail is a devoted wife and mother. She and her husband, Paul, are the proud parents of Kristen and Whitney, and care for their Old English Sheepdog, Michelob.

Mr. Speaker, it gives me great pleasure to join together with her friends and family in honoring Gail Duncan-Campagne as she is recognized by the March of Dimes as the 1992 Alexander Macomb Citizen of the Year.

MR. DENKTASH, GIVE PEACE A CHANCE ON CYPRUS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. BROOMFIELD. Mr. Speaker, the current bloodshed in former Yugoslavia has drawn the attention of the world from another tragedy that has been going on for 18 years; the cruel division and occupation of Cyprus.

In 1974, Turkey invaded Cyprus and conducted its own form of ethnic cleansing by forcing the displacement of 160,000 Greek Cypriots from their homes in the north and denying them access to their ancestral villages. Since then, 30,000 Turkish Cypriot soldiers have occupied northern Cyprus in clear violation of international law.

With the support of the U.S. and several European countries, U.N. Secretary General Boutros Boutros-Ghali recently ended a series of meetings designed to bring the two sides to the dispute together to reach an understanding to end the dispute and to show them a map of the U.N. plan for a future Cyprus.

As I have said on many occasions, Rauf Denktash, the leader of the Turkish-Cypriot community, is not serious about peace on that troubled island. As in the past, he dragged his feet at the high-level meetings, claimed that the Secretary General was against him, and even threatened to boycott future talks.

Continued meetings are scheduled to begin in late October in New York and I hope that Mr. Denktash will attend. Should he continue to be unreasonable about the need for compromise, maximum pressure should be brought on him. Ankara, one key to peace on Cyprus, should again urge Denktash to be serious and fully committed to finding a solution to this long-standing problem.

I recommend the following New York Times article to my colleagues in the Congress who share my interest in finding a way to solve the Cyprus dilemma.

[From the New York Times, Sept. 5, 1992]

"ETHNIC CLEANSING," CYPRIOT STYLE

Alas, a month of direct talks at the United Nations between Greek and Turkish Cypriot leaders has gotten nowhere. An achievable "set of ideas" for uniting this dismembered island had been put forward by Secretary General Boutros Boutros-Ghali. But Rauf Denktash, speaking for Cyprus's Turkish enclave, shredded all proposals for power-sharing and justice for refugees.

So Cyprus remains a cruelly divided economic slum. Such is the dirty legacy of "ethnic cleansing," which occurred in Cyprus long before Bosnia.

After independence in 1960, Cyprus's Greek and Turkish communities proved unable to live under a common roof. Reciprocal folly led in 1974 to Turkey's armed intervention and a brutal population exchange that displaced 160,000 Greek Cypriots and 45,000 Turkish Cypriots. Since then, an unrecognized Turkish Cypriot ministate has been kept alive by Turkish subsidies and soldiers, while United Nations blue helmets patrol a buffer zone.

Eager to end a costly peacekeeping operation, Mr. Boutros-Ghali came up with a suggested map giving the Turkish side 28.2 percent of the island; it currently occupies 38 percent. The plan was accepted by George Vassiliou, leader of the Greek Cypriots, who speaks for about 80 percent of the island's inhabitants. But it was rejected by Mr. Denktash, who speaks for only 19 percent.

In Cyprus, forcible partition has entrenched communal grievances. And as elsewhere, each side anxiously leans on a foreign big brother. Greece, preoccupied with Balkan turbulence, now presses for compromise on Cyprus. Turkey hinted to President Bush that it was prepared to do the same. Mr. Denktash, it appears, didn't get the message from Ankara.

The Cyprus talks will resume in October. A solution would enable Greek and Turkish Cypriots to enjoy political equality in a bizonal federation, thereby making the island a model rather than a warning. But that can only happen if Mr. Boutros-Ghali and the Security Council finally turn widespread disgust with this interminable dispute to their diplomatic advantage.

ACDA'S ORIGINAL MANDATE MORE IMPORTANT THAN EVER

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. FASCELL. Mr. Speaker, as an original cosponsor of the legislation establishing the U.S. Arms Control and Disarmament Agency in 1961, I have maintained a strong interest in the agency's development and contribution to national security and arms control efforts worldwide. I requested an historical overview of the agency with particular emphasis on the intended role for the ACDA Director. Amy F. Woolf, specialist in national defense in the Foreign Affairs and National Defense Division of the Congressional Research Service fulfilled this request. Her memorandum makes an important contribution to the discussion of the agency's changing role in the post-cold war arms control environment.

This memorandum cites the following problems the establishment of ACDA was meant to resolve: lack of continuity in U.S. arms control and disarmament policy; the lack of coordination in arms control and disarmament policy development; and the lack of coordinated or balanced research on related issues.

President John Kennedy envisioned an agency that would have the necessary expertise and resources for research, development, and policy planning in the area of arms control and disarmament. One year after its creation in 1961, ACDA had already begun to demonstrate its ability to fulfill these expectations; ACDA's focus on verification of Soviet compliance with disarmament agreements proved a valuable contribution to the national security of this country.

As the world community replaces the cold war mindset of mutual assured destruction with a more sane and humane concept that emphasizes disarmament, it is imperative that we actively support the U.S. Arms Control and Disarmament Agency in its continuing efforts to implement its mission and meet the challenges of its charter. ACDA was created as a new agency of peace to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament. In the emerging world order, nonproliferation and disarmament concerns will be primary. ACDA has the mandate and the opportunity to play a leading role in this endeavor.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, August 14, 1992.

To: Hon. Dante Fascell. Attention: Dave Barton

From: Amy F. Woolf, Specialist in National Defense, Foreign Affairs and National Defense Division.

Subject: The Intended Role of the Director of ACDA.

This memorandum responds to your request for information about the role intended for the Director of the Arms Control and Disarmament Agency (ACDA) when ACDA was established in 1961. The memorandum draws on the debate in the House Foreign Affairs Committee and Senate Foreign

Relations Committee hearings on the Disarmament Act for World Peace and Security, which became the Arms Control and Disarmament Act of 1961 (U.S. Congress, Senate, Committee on Foreign Relations. Disarmament Agency. Hearings, August 1961; U.S. Congress House. Committee on Foreign Affairs. To Establish a United States Arms Control Agency. Hearings, August–September 1961). Additional documents, including the committee reports, were found in Documents on Disarmament, 1961 (United States Arms Control and Disarmament Agency, 1961). The memorandum also draws on Politics of Arms Control, by Duncan L. Clarke (Collier Macmillan Publishers, 1979).

As you requested, I have quoted numerous statements made by individuals during the 1961 debate on ACDA. If you have questions about the information in this memorandum, please call. My telephone number at CRS is 707-2379.

BACKGROUND

The United States Arms Control and Disarmament Agency (ACDA) was established by the Arms Control and Disarmament Act of 1961. The creation of a new agency was intended to remedy a number of perceived problems in the development and implementation of U.S. arms control and disarmament policy:

Lack of continuity: During the 1950s, the Eisenhower administration relied on ad hoc committees to review U.S. arms control policy and to develop U.S. positions for international negotiations and disarmament matters. This arrangement led to a lack of institutional memory in the policy formulation process. The United States also demonstrated a lack of continuity at international negotiations; in the 16 years between 1945 and 1961, U.S. negotiating teams were led by 16 different individuals. During this time, the Soviet Union was represented by one of five or six individuals at all international negotiations (Clarke, *Politics of Arms Control*, p. 17).

Lack of coordination: With the exception of a brief two year period in the mid-1950s, the United States did not have a single individual or agency responsible for the development of U.S. arms control and disarmament policy. From 1955–1957, Harold Stassen headed the Office of the Special Assistant to the President for Disarmament Policy. He reportedly enjoyed access to the President and played a key role in the development of U.S. positions for ongoing negotiations. However, Secretary of State Dulles opposed the independent office and felt that its responsibilities belonged in the State Department. It was moved there in 1957 and downgraded, losing both staff and status. It then lacked the access and technical expertise needed to contribute to the formulation of disarmament policy. Therefore, development of arms control and disarmament policy remained an interagency process, with a role for the Department of State, the Department of Defense, the Atomic Energy Commission, and other agencies. But these agencies were often unable to reach agreement and develop a single U.S. position. The fact that U.S. negotiators sometimes did not have a single U.S. position complicated U.S. participation in international negotiations. The negotiator also often lacked background information needed to explain those U.S. positions that did exist (Clarke, p. 16).

Lack of coordinated or balanced research: Throughout the 1950s, the Department of Defense and the Atomic Energy Commission were the only agencies with the technical expertise and personnel to conduct research on arms control and disarmament issues. Yet many believed these agencies were naturally disposed *against* arms control; their primary missions were the development and procurement of weapons, not the elimination of weapons. Therefore, some concluded that U.S. disarmament research was incomplete—DOD and AEC did not explore many possible measures or approaches—and lacked balance.

Many Members of Congress recognized these problems and sought a solution. Senator Humphrey, in particular, championed the cause in the Foreign Relations Committee Subcommittee on Disarmament. During his committee's hearings in 1961, he noted:

"We ought to make it quite clear that the purpose of a disarmament agency is to assure that we do not have a disarmament negotiator off on one tangent, the Defense Department off on another tangent, and, in between, the Secretary of State. There must be coordinated policies. The only way we are going to get that is to have someone of stature, responsibility, and experience who can help bring together under the general guidance of the President and the Secretary of State the relationship of defense to disarmament to total foreign policy, which to me means national security." (Senate Committee of Foreign Relations. Disarmament Agency, p. 22)

As a member of the Senate Foreign Relations Committee, Senator John Kennedy had criticized the Eisenhower Administration's approach to arms control. He favored a new research institute that would be responsible for "research, development, and policy planning." (Clark, pp. 14–15.) After his election, President Kennedy appointed John McCloy as his disarmament advisor and asked him to make recommendations on U.S. organization for disarmament (Clarke, p. 18). McCloy's efforts produced the legislation that eventually became the Arms Control and Disarmament Act of 1961.

The Kennedy Administration and congressional proponents hoped that the creation of a new agency would solve the problems identified above. With its own staff of experienced individuals, the new agency might offer continuity and institutional memory in the formulation of arms control and disarmament policy and in the development of U.S. negotiating positions. They also envisioned an organization that housed the technical expertise and resources needed to conduct its own research and to coordinate other agencies' research into arms control and disarmament matters. They hoped this would help integrate arms control considerations into the development of national security policy and help balance the views of the Department of Defense and the Atomic Energy Commission. And, with its in-house ability to conduct research, the new agency was intended to "backstop" ongoing negotiations by providing U.S. negotiators with documents needed to support U.S. positions and analyses needed to address (or refute) an adversary's positions.

THE INTENDED ROLE OF ACDA AND THE DIRECTOR

In a letter to President Kennedy that was submitted to the Senate along with the Administration's proposed legislation, John McCloy outlined the Administration's views on ACDA's role and its place in the Executive Branch. He stated that the purpose of the bill was to establish an agency at an authoritative level in the government with exceptionally broad competence, functions and resources. He went on to say:

"An agency of such far-reaching scope should be able to bring its point of view and recommendations promptly to the highest level of government. This agency should have the primary responsibility within the Government for disarmament matters, but there must be close cooperation and coordination with the other affected agencies, particularly the Department of State, since a disarmament program must take into account the national security; foreign policy; the relationships of this country to intentional peace-keeping agencies, including the United Nations; and our domestic economic and other policies." (Senate Committee of Foreign Relations. Disarmament Agency, p. 10.)

This quote highlights one of the primary tensions that developed in the formation of ACDA. The Kennedy Administration wanted to establish an organization that had the status and the prestige needed to bring an authoritative voice *for* arms control and disarmament into the national security debate and it wanted the agency to have the authority to direct and coordinate the efforts of other government agencies. To do this, the agency needed to be seen as an arm of the President. At the same time, however, the Administration did not want the agency to usurp the authority of other government agencies. In particular, it did not want the new agency to interfere with the State Department's role in developing foreign policy and negotiating with other nations. (Memories of the rivalry between Harold Stassen and Secretary of State Dulles contributed to concerns about the new agency's relationship with the State Department.) As a result, the Kennedy Administration proposed the creation of a quasi-independent agency that would be attached to the Department of State. Its independent status would place it at the highest levels of government, while its connection to the State Department would ease concerns about coordination on foreign policy and international negotiations.

The Kennedy Administration also wanted the Director of the new agency to be seen as an independent and authoritative actor in the bureaucratic process. The legislation developed by the Kennedy Administration stated that the Director of the new agency would serve as the principal adviser to the President on disarmament matters. The Director was to have direct access to the President, although he would inform the Secretary of State when he planned to go to the President. The legislation also stated that, under the direction of the President and the Secretary of State, the Director would have primary responsibility within the government for disarmament matters. In general, the Director would carry out activities related to research under the direction of the President and activities related to negotiations (such as meetings with foreign officials) under the direction of the Secretary of State.

This arrangement—with the Director serving the President in some cases, the Secretary of State in others, and both at times—was an effort to ensure that the Director would have access to and authority from the President without undermining the role of the Secretary of State in foreign policy and negotiations. John McCloy explained this arrangement in his testimony before the House Foreign Affairs Committee:

"In this first place, we have made this Director subject to the Secretary of State and to the President * * * We felt, however, that it was desirable in those areas where he is directly related to the Secretary of State and his functions, that we ought to expressly affirm his subordination to the Secretary of State. But the Secretary of State does not

entirely cover this field, because there are other agencies involved: the Defense Agency, the Department of Defense, the Department of the Treasury, maybe Commerce, in considering the economic aspects of disarmament. There we have made him subject to the President." (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 7.)

Although coordination with the State Department was of primary concern, the Administration recognized that the new agency and its Director would have to cooperate with other government agencies, as well. The legislation prepared by the Administration stated that the Director would develop procedures needed to ensure cooperation, coordination, and continuing exchange of information about disarmament policies and plans among the affected government agencies. This was designed to ensure that other agencies had a voice in the formulation of arms control and disarmament policy. But it did not diminish the Director's role as the primary advisor to the President on disarmament matters. It also did not indicate how issues were to be resolved if the agencies could not reach a consensus during their consultations.

Several of the agency's proponents emphasized the coordinating role that the new agency and its Director could play in the formulation of disarmament policy. In his letter to the President, John McCloy stated:

"In addition to providing a focal point for the integration of the Government's overall efforts in disarmament, establishment of the U.S. Disarmament Agency—will make possible the necessary augmentation and coordination of the various programs of research and development already being conducted by other agencies of the Government. When it appears that projects now assigned to other agencies would be more effectively performed if made the responsibility of the new agency, they would be transferred at the direction of the President." (Senate Committee of Foreign Relations. Disarmament Agency, p. 10.)

Secretary of State Rusk also commented on the new agency's role in the coordination of policy formulation. He expressed the hope that the new agency would alleviate bureaucratic rivalries among the order agencies involved in disarmament policy. When testifying before the House Foreign Affairs Committee, he stated:

"We want to get this subject out of any possible framework of interdepartmental or bureaucratic rivalries of the sort that could plague the subject. What is needed to get complete cooperation with the different agencies who have their own very important critical missions to perform, whether it is the Atomic Energy Commission or the Defense Department, is to get a national policy that these agencies are to come together and work hard at this problem of disarmament in the national interest. I think the way this is set up avoids at least some of the instinctive natural bureaucratic rivalries which have plagued this subject in years past." (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 57.)

He elaborated further before the Senate Foreign Relations Committee:

"I think it is important that we have an agency which is clearly the instrument of the President, with the full backing of the Congress on a nationwide and government-wide basis. We must avoid any possibility that disarmament would be looked upon as an effort, say, by the Department of State to put the Department of Defense out of business or that there be rivalry in any departmental or bureaucratic sense between the Department of State and the Atomic Energy Commission. (Senate Committee of Foreign Relations. Disarmament Agency, p. 19.)

In his testimony before the Senate Foreign Relations Committee, Henry Cabot Lodge, a former U.S. ambassador to the United Nations, indicated that he hoped the Director's role would involve more than just the coordination of research. He stated that he believed the purpose of the new agency was to "have a Director who will evolve a U.S. position on disarmament." He went on to say:

The Director's job would be to try to reconcile the viewpoints of the State Department, the Pentagon, and the Atomic Energy Commission, and so we would have a U.S. position which was solidly based on the vital interests of those three departments. Then, if he were unable to bring about such a reconciliation, and there would be cases when he would be unable, he would have clear track to the President so that the President could make the decision. (Senate Committee of Foreign Relations. Disarmament Agency, p. 124.)

CONGRESSIONAL CONCERNS AND DISSENTING VIEWS

Neither the Senate Foreign Relations Committee nor the House Foreign Affairs Committee heard from witnesses who spoke against the formation of a new Disarmament Agency. Some attributed this overwhelming support to the skill of John McCloy, who circulated the proposed legislation and was able to gain the approval of all the relevant government agencies (Clarke, p. 19). At the same time, though, some of the witnesses and several Members of Congress did express concerns about the timing of the legislation. These concerns reflected the era and events in 1961. Faced with the Berlin crisis and the possible collapse of the nuclear testing moratorium, many were highly suspicious of the Soviet Union and questioned whether the United States has chosen the right time to establish a "Disarmament Agency."

Some of the concerns expressed by Members of Congress and witnesses at the hearings derived from the fact that the Director of the new agency was to have direct access to the President and authority over programs in a number of government agencies. Some feared this might provide the Director with too much authority and influence. Former Secretary of Defense Robert Lovett voiced these concerns in his testimony before the Senate Foreign Relations Committee. When expressing his reservations about the provisions in the legislation that allowed the Director to use other agencies' research facilities he noted:

We are very fortunate in having currently individuals of competence and self-restraint who will use power wisely. But I think that a bill of this sort in the hands of an ambitious Director or an empire builder could be the source of real embarrassment to the President and the executive branch . . . (Senate Committee of Foreign Relations. Disarmament Agency, p. 85)

For some, concerns about giving the Director of the new agency too much authority were compounded by fears that the new agency would be staff by strident supporters of disarmament who had little concern for national security or the military. Secretary Lovett also gave voice to these concerns:

This would be almost an ideal place for subversives to attempt to infiltrate. . . . It seems clear to me that this is going to be a Mecca for a wide variety of screwballs. It will be a natural magnet for those rather uninspiring groups that have slogans, "Better Red than Dead," "Surrender and Survive," or the give-up groups. I do not think this is a vain worry; I think it is quite real. This will attract a considerable group of people whose purposes are not those of the sincere and experienced individual who has a profound belief in this agency's purpose and who is a loyal government servant. It would be a great pity to have this agency launched and shortly become known as a sort of bureau of beatniks. (Senate Committee of Foreign Relations. Disarmament Agency, p. 87).

In response to these concerns, the Senate added and the House accepted more stringent security clearance procedures to the legislation.

CONCERNS ABOUT THE RELATIONSHIP WITH THE SECRETARY OF STATE

Some Members felt that an independent Director would undercut the position of the Secretary of State and they questioned the relationship between the new agency and the State Department. They found it difficult to understand why the new agency could not be completely within the State Department—as was the Disarmament Administration that President Eisenhower had formed in 1960—if disarmament policy was so closely associated with foreign policy and international negotiations. In testimony before the Senate Foreign Relations Committee, Secretary of State Rusk outlined his views on why the new agency should not be a part of the State Department.

The State Department is not organized to conduct a large-scale program of scientific research. It is clearly not organized to run a large-scale operating organization of the type which would have to be established in the event it becomes necessary to administer a control system under a disarmament agreement. For these reasons, I am convinced that the proposed disarmament organization should not be simply another bureau in the Department of State. (Senate Committee of Foreign Relations. Disarmament Agency, p. 15.)

Several witnesses also explained that the Secretary of State had no authority over the activities of the Department of Defense or the Atomic Energy Commission and the Director of the new agency would lack this authority if he were subordinate to the Secretary of State. He had to take authority directly from the President to coordinate the efforts of numerous agencies outside the State Department. According to Secretary of State Rusk:

Disarmament activities involve to a great extent some of the primary functions of agencies of the government other than the Department of State. The formulation and coordination of a disarmament policy must take into account the views of officials such as the Secretary of Defense, the Chairman of the Atomic Energy Commission, who have direct access to the President. Since the President must be the final arbiter in this type of coordination, the Director can perform his coordination function effectively only if he has a similar right of access. (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 40.)

This explanation appeared to satisfy many Members. Nonetheless, some still questioned whether the new agency would downgrade the role and status of the Secretary of State if the agency's Director could go directly to the President on matters that were of concern to the Secretary of State. Senator Symington was particularly concerned, yet when he asked John McCloy if he thought

the new organization would diminish the authority of the Secretary of State, Mr. McCloy responded, "No, I really do not." (Senate Committee of Foreign Relations. Disarmament Agency, p. 51.)

Senator Fulbright also addressed these concerns in an exchange with Ambassador Lodge. He noted:

There has been considerable concern expressed by members of the committee about this clearly established right to go to the President, as you say. It is the question of reconciling the role of the Director of this agency with that of the Secretary of State . . . We are troubled by it, I know. We do not wish to downgrade or in any way affect the position of the Secretary of State. Yet at the same time, you make it very clear that the Director must have the right of direct access to the President.

In his response, Ambassador Lodge stated:

I do not think there is any basic reason why there should be any trouble at all between the Director and the Secretary of State. No matter how the committee decides to draft this bill, the Director is always under the Secretary of State in the broad sense, but he must be able to come up to the President. (Senate Committee of Foreign Relations. Disarmament Agency, pp. 119–120.)

Nontheless, in response to these concerns, the Senate reported out a version of the bill that placed the new agency completely within the State Department. The Director was to be the Undersecretary of State for Disarmament, serving as the principal advisor the President *and* the Secretary of State on disarmament matters (Documents on Disarmament 1961, p. 363). The Senate also amended the legislation so that the Secretary of State, as well as the President, would provide supervision and direction to the Director in areas where the Administration bill had called for Presidential direction. The House had not moved the agency into the State Department, and during conference, the Senate agreed to restore the agency's quasi-independent status. However, the House agreed to adopt several of the Senate's amendments that gave the Secretary of State, as well as the President, authority over the Director's activities.

CONCERNS ABOUT COORDINATION WITH OTHER AGENCIES

Several Members of Congress and some of the witnesses also expressed concerns about the relationship between the new agency, on the one hand, and the Department of Defense and the Atomic Energy Commission on the other. Their concerns were generated by the fact that the Director of the new agency was designated as the principal advisor to the President on disarmament matters and that the Director was to have direct access to the President. This led many to wonder whether other agencies, who might disagree with the views expressed by the Director of the new agency, would have the opportunity to present their views to the President.

Administration witnesses defended the Director's access to the President, stating that it was necessary if the Director was to fulfill his role in coordinating and formulating disarmament policy. As John McCloy noted, the legislation did contain provisions for the corporation and coordination among the new agency and the existing agencies involved in disarmament issues:

Section 37 provides for the establishment of procedures subject to the approval of the President for coordination, cooperation, and a continuing exchange of information between the various agencies interested in disarmament activities. The bill would permit the use of the existing organs of consultation, the Committee of Principals, and the National Security Council. It would also permit the President to utilize other procedures which he might designate. (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 4.)

Ambassador Lodge noted that the Director would need access to the President in those instances when the coordination process did not produce a consensus:

We may as well face the fact that the man who occupies this post will have to step on a great many toes. There will always be sincere differences of view in the various agencies of government on matters which are far reaching and which involve the most vital interests of the country. After the Director has exhausted the procedure of trying to compose the differences between the departments himself—which eventually he will in many instances—he must go up to the President, and I believe the bill makes this possible. (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 60.)

At the same time though, the Administration's bill did not specify which agencies were to be included in the consultations and it did not specify that the Director had to report to the President through the National Security Council or other "existing organs of consultation." As a result, some questioned whether the Director would have the discretion to ignore the views of some agencies and to bypass them when reporting to the President. In particular, while representatives from the Department of Defense and the Atomic Energy Commission testified in favor of the new agency, they expressed concerns about whether their views on disarmament issues would make it to the President. For example, in his testimony before the House Foreign Affairs Committee, Roswell L. Gilpatric, the Deputy Secretary of Defense supported the new agency:

Some in our government must be striving to find ways to negotiate and to achieve reductions in arms and, if possible, full disarmament . . . There should be an arm of government to exhaust the possibilities of such measures and to explore their implications with respect to our military capabilities, our economy, and our collective defense alliances. The establishment and operations of such an agency under the direction of the President and the Secretary of State should in no way impair the responsibilities of the Secretary of Defense.

But he continued by stating:

This assumption behind it [DOD support] is that the Secretary of Defense, the Department of Defense will continue to coordinate as it has on all measures in this area so that the views of the military may be reflected in national decisions taken to the highest level. (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 70.)

Some sought assurances that positions on disarmament issues would be presented to the President in the National Security Council, where they would be able to express views that might differ from those of the Director of the new agency. For example, General Lyman L. Lemnitzer, Chairman of the Joint Chiefs of Staff, stated:

We did question the procedures which would be used in transmitting the recommendations of the agency to the President, and wanted to assure ourselves that the Joint Chiefs of Staff would have an opportunity to study those recommendations and express opinions on them. . . . More specifically, we questioned whether the recommendations of the agency would reach the President through the National Security Council, where the Defense Department and the Joint Chiefs of Staff have an opportunity to express their views with regard to national security matters. (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 80.)

In response to a question from Representative Fascell about whether the military objected to having the policy recommendations on disarmament come up through the Secretary of State to the President, General Lemnitzer responded:

There is no objection, provided the policy recommendation came through the National Security Council, as it would today." (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 86)

Members of both the House Foreign Affairs Committee and the Senate Foreign Relations Committee pressed the witnesses on this issue of coordination between the new agency and the Department of Defense. Senator Symington asked Deputy Secretary of Defense Gilpatric, "Do you feel this bill makes it possible for the Department of Defense, with respect to negotiations on disarmament, to express its position properly?" Deputy Secretary Gilpatric responded:

We believe, Senator, that under this agency, as is the case now, the President will solicit our advice, and that the position that the Director of this new agency, this new advisor takes, will be coordinated with the Defense Department as has been true in the past. It is, of course, of vital concern in many respects that any policy, any position, which this Government takes on arms control be carefully considered in relation with the obligations and responsibilities of the Defense Department.

We believe that there are in the bill as before the committee, provisions that are designed to insure that there is cooperation and coordination. How the President seeks our advice, whether he uses the National Security Council or whether he operates, as often times the President does, directly with the heads of the agencies involved, is a matter of course, for the President to decide. But I certainly am satisfied that the views of the Defense Department on its primary functions will be recognized here in the operation of this new agency. (Senate Committee of Foreign Relations. Disarmament Agency, p. 73)

However, Deputy Secretary Gilpatric did suggest that the committee add provisions to the legislation that would make specific reference to the agencies that the Director of the new agency was to consult in the coordination process.

Representative Fascell asked a similar question of former Secretary of Defense Thomas Gates:

Do you see any reason why the National Security Council would be circumvented if the present Disarmament Agency is set up according to the bill?

Secretary Gates responded, "The President will use the National Security Council as he wishes. This is one way of coordinating policy matters in the executive department."

Representative Fascell continued:

We are talking about the military, specifically whether the Joint Chiefs of Staff or the Department of Defense are going to be circumvented in any decision dealing with either arms reduction or arms control.

Mr. Gates stated:

I can't imagine they would be. The fields are so interrelated. Even the testing devices

and other things, the research is so interrelated that I can't imagine on a matter of important national policy of this character, vitally affecting our security, that the Secretary of Defense wouldn't play a major role in any negotiations within the executive department, and automatically, therefore, the Joint Chiefs of Staff would be involved. (House Committee on Foreign Affairs. To Establish a United States Disarmament Agency. p. 95)

Nonetheless, concerns about the coordination process and the possibility that the Director might ignore the advice of others and take his opinions directly to the President resulted in some changes in the legislation. In particular, the House and the Senate agreed that the President, not the Director of the new agency, would establish the procedures for coordination and cooperation among the agencies. The President would also establish procedures to resolve differences of opinion between the Director and other agencies. The final legislation also listed the agencies that were to be included in the coordination process. (Documents on Disarmament, 1961. p. 488.) These changes were designed to ensure that the Director of the new agency had to listen to others and that the President would hear from others if they disagreed with the Director.

SUMMARY

The new agency established by the Arms Control and Disarmament Act of 1961 bore a strong resemblance to the agency designed by John McCloy and President Kennedy. It was not wholly a part of the State Department, but its Director was subordinate to the Secretary of State on issues relating to foreign policy and negotiations. The Director was designated as the principal advisor to the President (and the Secretary of State, at the Senate's insistence) on disarmament matters. He was given access to the President and he derived some of his authority directly from the President so that he could coordinate research and opinions from agencies throughout the government. Nonetheless, ACDA has not operated as its proponents had advertised or its detractors had feared. It has been rare for the Director to be an independent voice for arms control—he has often held views similar to those of the Defense Department or the State Department—or for him to have much say over the direction of other agencies' research on disarmament issues.

The difference between the intended role and the actual role of the Director and the agency reflects, in part, the fact that ACDA is not independent. It has never had the resources or facilities needed to conduct significant levels of independent research. Instead, it has often participated in or supported research sponsored by the Defense Department. And, although the legislation states that the Director has primary responsibility for disarmament matters, he has secondary authority over the two key elements of arms control. The Secretary of State has primary responsibility for the negotiation side of arms control and the Secretary of Defense has primary responsibility for the weapons side of arms control. Consequently, the Director's influence has been limited, and he has allied himself with one of the primary agencies.

In addition, it is unlikely that a President would appoint someone to serve as his "principal advisor" on any subject if that appointee held views that were vastly different from those held by the President. Hence, it should not be a surprise that during the Reagan Administration, when the President and most of his closest advisors held generally negative views about the value of arms control, that the Director of ACDA would hold similar views. In this circumstance, the Director of ACDA could be expected to support the Defense Department in interagency debates. Although many of the original supporters of the new agency hoped the Director's views and the agency's research would provide a contrast to the views and research in the Defense Department, the initial legislation does not predict or compel such an outcome. Moreover, to the extent that the hearings reveal concerns about the relationship between ACDA and the Department of Defense, Congress, at the time, appeared more concerned that the Director would ignore, rather than echo, the views of the Department of Defense. They sought assurances of more, rather than less, coordination between the two.

Finally, the Director's access to the President does not ensure that he will influence the President. Senator Albert Gore, Sr. noted this fact during the hearings in 1961:

The bill designates the Director as the principal adviser to the President on disarmament. I should think that the President would choose his own principal adviser, whatever the bill might say. It is all right to designate a man as principal adviser, but he may not turn out to be the principal adviser . . . We could give him a direct line to the White House, but there is no way that Congress can pass a bill requiring the President to be on the other end of the line. (Senate Committee on Foreign Relations. Disarmament Agency, p. 132.)

CHRONICLES OF THE "NAMELESS GRANDMOTHER"

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. JACOBS. Mr. Speaker, everybody knows that William Raspberry is one of the best columnists on Earth.

In this one, he has outdone himself. It is earthshaking.

CHRONICLES OF THE "NAMELESS GRANDMOTHER"

(By William Raspberry)

OKOLONA, MS.—After all these reenactments, the pageant still gets to me: Young Simon, perhaps 12 years old, on a forced march from Virginia to Kentucky, watching in helpless horror as his mother, several months pregnant, stumbles again and falls.

The boy turns to help her but is ordered back in line—ordered to leave the dearest person in the world to him to die like a dog on the trail.

It's the last time Simon—my great grandfather—ever sees his mother. He never even knew her name. And so it is that at each of our family reunions, the younger members of the clan reenact that forced march, that agonizing separation, and make their report to Nameless Grandmother.

They depict Simon's being sold "down the river" to Mississippi by his Kentucky owner, show him on the slave auction block in Columbus. (Next to the day he last saw his mother, he later told my grandfather, it was the low point in his life: being displayed and poked and probed and sold like a thing.)

There are other, less gloomy elements of the report to Nameless Grandmother: Jubilee—the emancipation Simon's mother hardly dared dream of; Simon's persistently upright and ethical behavior; his struggles to meet the demands of his new status as a free citizens. (Family lore has it that he harvested nuts and berries to supplement his meager earnings in order to purchase the 40-acre parcel that was to become the nucleus of the family farm near Smithville.)

But the heart of the children's report is family: Simon's marriage to Great-Grandma Martha Ann, their children and their grandchildren—my mother and her seven siblings—in all, seven generations of descendants of Nameless Grandmother.

Interestingly enough, there's no mention of secular accomplishment in the entire skit. The recitals are of special people and their special traits (Aunt Dora's intellect, Aunt Fannie's wit, Uncle Ernest's musicality), not of degrees or status or income.

The whole affair is about (as we say these days) "family values." It is about family writ large—the main river stretching back to Nameless Grandmother and embracing generations yet unborn—but also about the smaller tributaries: the marriages and births that constantly renew the stream, the parental sacrifices, the inherited standards of permissible behavior.

The celebration seems remarkable at a time when families are under such stress, when two-parent households seem almost aberrant. Particularly among black Americans, with nearly two-thirds of all births out of wedlock, the loss of family is making it more difficult to raise healthy and hopeful children or to pass along tribal values.

But how remarkable, really, is my family's devotion to family? I've been thumbing through a book called "From Plantation to Ghetto" (August Meier and Elliott Rudwick) and I'm struck by these passages:

"Much in the slave regime promoted marital and familial instability. Slave marriages were not recognized by law; slave sales were a frequent disrupter of family life; the miscegeneration that resulted from the white males' sexual exploitation of female slaves, while at times involving stable and affectionate concubinage, also discouraged slave married life* * *.

"Slaves nonetheless managed to create and sustain a stable family life, with two-parent male-headed households evidently the norm." And this:

"The eagerness with which slaves hastened to legalize their marriages after the Civil War and sought to reunite with long-separated families, reveals the importance of this institution to them."

The thing we celebrate in the story of the Nameless Grandmother may be unusual in its detail but is—or was—quite ordinary in its content. Strong and enduring marriages, devotion to families that cared enough about children to make serious demands on them, were the norm. What is truly remarkable is how unremarkable "family values" used to be.

Economic pressures, we say today, are tearing families apart; joblessness, exacerbated by pride-destroying racism, keeps them from forming in the first place.

I think of Great-Grandpa Simon and the thousands of people like him for whom our "economic pressures" would have constituted undreamt of opportunity, and for whom the racism we experience would have seemed an eyelash from freedom, and I wonder: What precious thing have we lost? How can we at least begin to get it back?

A CURE OF ALL SEASONS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. MICHEL. Mr. Speaker, the Jacksonville, IL, community has seen many outstanding professional and civic leaders in its past, but one who stands out is Dr. E.C. Bone. Dr. Bone has had a distinguished medical practice for over 40 years. Along with his medical practice, his civic involvement has contributed to what might be called the health of the community.

Dr. Bone is a native of Prairie City, IL. He attended Illinois College in Jacksonville in the midst of the Depression, and was interested in becoming an industrial chemist. After college he taught chemistry and physics at Petersburg High School. In 1936, he returned to Illinois College as admissions director.

He has always wanted to go to medical school but lacked a class in embryology. Willys DeRyke, the head of the biology department at Illinois College, persuaded him to enroll in his 7 a.m. embryology class and urged Bone to attend University of Illinois Medical School. With his family, Bone moved to Oak Park to attend medical school. In 1947, Dr. Bone started private practice and retired from clinical practice in 1989.

His association with boards and committees involves virtually every school, church, medical, and charitable cause in the community, as well as association with State and national groups. In 1980, he was the first recipient of the Man of the Year Award given in Jacksonville. In 1990, he was a member of the inaugural class of the Jacksonville Area Hall of Fame.

Dr. Bone still works 3 days a week with the Division of Disability Services within the Department of Rehabilitation Services and stays active in a number of community projects.

At this time I would like to insert into the RECORD an article by Buford Green of the Jacksonville Area Showcase of August 12, 1992, "A Real Shot in the Arm" to further detail Dr. Bone's success and achievements.

A REAL SHOT IN THE ARM—DR. BONE HAS LEFT HIS MARK ALL OVER THE COMMUNITY

(By Buford Green)

In a community long known for its many outstanding civic leaders, the light cast by Dr. E.C. Bone for the past six decades is overshadowed by very few in Jacksonville.

There are few civic causes for which Bone has not played a guiding role, even at the state and national level. He has a distinguished medical practice for over 40 years, is a lover of the arts and has left his mark all over his adopted hometown.

To get an idea of the life he has tried to lead, one has only to take a look at some of his guiding philosophy.

"I have always leaned heavily on the thought that service is the rent you pay for your place here on earth," says Bone. "Another I lean on is—strangers are just friends you haven't met yet. Basically, my philosophy centers around the enjoyment of the people around me and the appreciation of the many things they do for me and my family and friends."

The story of Bone's association with Jacksonville began when the native of Prairie City, IL., visited his aunt, Mrs. W.E. Hall, after she moved to town.

"I came here as a youngster about every summer to visit Aunt Mary," says Bone. "When the time come to go to college, I had the opportunity to live with her, and walked or drove my Model T Ford to school.

"The years at Illinois College were very pleasant. It was in the midst of the Depression and I came from a farm home. Corn was 12 cents a bushel when I started college, and I had been showing hogs at small fairs. My dad traded a calf for a Model T for me to drive, about a 1923 or 1924 model that had been sitting in a garage."

Bone remembers that he had no intention to go back to farming following college.

"I was really interested in becoming an industrial chemist and had a double major in biology and chemistry. My guiding light at IC was Willys DeRyke, the head of the biology department. I also had my teaching requirements and when a job became available, I taught chemistry and physics at Petersburg High School, for a year and a half."

He returned to IC as admissions director in 1938. "Dr. DeRyke would, no matter to whom I was talking, stop by and say, 'Bone, are you still sitting in this office?' I told him I couldn't go to medical school because I didn't have embryology, and he said for me to register for 't and he would have the class at 7 a.m."

With DeRyke's urging, Bone enrolled in the University of Illinois Medical School.

"Without his encouragement, I would never have gone," says Bone. "I was married then and son David was two years old. It meant selling most all our possessions and getting some money together and moving to Oak Park where I had three, 12-month school years. I knew all along that I wanted to go to medical school, but I didn't think I had enough money."

On his change to the medical profession, Bone says, "It was a great move. I have enjoyed every minute of it. I enjoyed teaching, but I enjoyed this more. Both involve people and I am basically a people person.

"Dr. Ellsworth Black encouraged me to move back to Jacksonville and took a major interest in seeing that I came back here. Mrs. Ruth Cully was my first office assistant. She had previously been Dr. Black's assistant. He used me as an assistant on all of his surgery and referred most of his house calls to me, so I soon became busy."

The years "really flew by" during his medical practice, Bone says.

"It didn't seem like that long, of course. The medical practice was very enjoyable and I enjoyed the patients. We had a very congenial atmosphere to practice as far as relationships with other physicians in general here. I found the medical community very cooperative."

He started private practice in 1947 and retired from clinical practice in 1989. He also served two stints in the U.S. Navy.

Bone's civic involvement is legendary. His associations with boards and committees involves virtually every school, church, medical and charitable cause in the community, as well as associations with state and national groups. He was the first recipient of the Man of the Year Award given in Jacksonville, in 1980, and in 1990 was a member of the inaugural class of the Jacksonville Area Hall of Fame.

"I think I really wanted to do it," Bone says of his many community projects. "I just enjoyed the associations with such groups as the school board and the local colleges."

Bone says his three sons have always been a very big part of his life. They are Judge J. David Bone of Jacksonville, Stephen K., a co-owner of the Waterfront Hilton in Huntington Beach, Calif., and a real estate developer; and Timothy R., director of risk management for the Nemours Corp. in Jacksonville, Fla. and Wilmington, Del. "They raised me very well," says Bone.

His first wife, Eileen, died in 1979. His wife Louise has two daughters, Jennifer Norris Peterson and Kathryn Norris. "Kathryn was 9 when we were married, and she has been very much a daughter," he says.

Bone, who still works three days a week with the Division of Disability Services within the Department of Rehabilitation Services and keeps active in a number of causes, calls Jacksonville "a great community that has continued to improve through the years."

In addition to his sons, Bone lists among those having a major impact on his life as his mother and Aunt Mary, Eileen and Louise, and Dr. Harvey Scott, with whom he practiced for 35 years in the Bone-Scott Clinic. "He was the perfect medical associate," says Bone.

"It has much culture to offer and share with its citizenry, and the culture is accessible. The school system is especially good, and the community is known for its churches and the role they play in the lives of their members. Just living in a college town adds so many different flavors to one's life that I can't easily think of another place I would rather be than Jacksonville."

Bone says he plans to stay active as long as he is physically able and prefers to be remembered as, "One who was available to his patients and his friends to offer the best assistance, medical or otherwise, that was within my capability to give.

"I have been extremely blessed during my life, blessed with opportunities, with friends and most of all by a fine family."

"ETHNIC CLEANSING" CYPRIOT STYLE

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. FEIGHAN. Mr. Speaker, progress toward a solution in the long-simmering Cyprus dispute has once again been brought to a halt by the leader of the Turkish-Cypriot community, Rauf Denktash.

A framework for the settlement, or set of ideas, has been endorsed by the U.N. Security Council and presented by Secretary General Boutros Boutros-Ghali to the two parties. Greek-Cypriot President George Vassiliou accepted the document. Denktash said, "No."

The rejection is only the latest episode in Denktash's long-running effort to maintain absolute control of the illegal and unrecognized mini-state on the northern third of Cyprus. While Turkish-Cypriots account for 19 percent of the population, the Turkish sector covers one-third of the island. Turkey keeps a 35,000-man strong occupation force to maintain the division of Cyprus. The map included in the draft agreement offers the Turkish-Cypriots 28.2 percent of the island—a generous compromise by any reasonable standard. Still, Denktash continues to choose a stalemate rather than solving this long-simmering conflict.

The talks have recessed until the end of October. The United States and the leadership in Ankara have until then to convince Denktash to come back to the table, ready to end the Cyprus stalemate and bring this 18-year tragedy to a close.

The attached editorial from the New York Times, September 5, 1992, pints out that such a U.N.-brokered solution could turn Cyprus into a model rather than a warning for other places troubled by ethnic strife. I commend it to my colleagues.

A copy of the article follows:

[From the New York Times, Sept. 5, 1992]

"ETHNIC CLEANSING," CYPRIOT STYLE

Alas, a month of direct talks at the United Nations between Greek and Turkish Cypriot leaders has gotten nowhere. An achievable "set of ideas" for uniting this dismembered island had been put forward by Secretary General Boutros Boutros-Ghali. But Rauf Denktash, speaking for Cyprus's Turkish enclave, shredded all proposals for power-sharing and justice for refugees.

So Cyprus remains a cruelly divided economic slum. Such is the dirty legacy of "ethnic cleansing," which occurred in Cyprus long before Bosnia.

After independence in 1960, Cyprus's Greek and Turkish communities proved unable to live under a common roof. Reciprocal folly led in 1974 to Turkey's armed intervention and a brutal population exchange that displaced 160,000 Greek Cypriots and 45,000 Turkish Cypriots. Since then, an unrecognized Turkish Cypriot ministate has been kept alive by Turkish subsidies and soldiers, while United Nations blue helmets patrol a buffer zone.

Eager to end a costly peacekeeping operation, Mr. Boutros-Ghali came up with a suggested map giving the Turkish side 28.2 percent of the island; it currently occupies 38 percent. The plan was accepted by George Vassillou, leader of the Greek Cypriots, who speaks for about 80 percent of the island's inhabitants. But it was rejected by Mr. Denktash, who speaks for only 10 percent.

In Cyprus, forcible partition has entrenched communal grievances. And as elsewhere, each side anxiously leans on a foreign big brother. Greece, preoccupied with Balkan turbulence, now presses for compromise on Cyprus. Turkey hinted to President Bush that it was prepared to do the same. Mr. Denktash, it appears, didn't get the message from Ankara.

The Cyprus talks will resume in October. A solution would enable Greek and Turkish Cypriots to enjoy political equality in a bizonal federation, thereby making the island a model rather than a warning. But that can only happen if Mr. Boutros-Ghali and the Security Council finally turn widespread disgust with this interminable dispute to their diplomatic advantage.

TRIBUTE TO THE MEMORY OF ROBERT MEDLICOTT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today in sorrow after hearing of the death of Robert G. Medlicott, Sr., a firefighter for the Berwyn, IL, fire department. Mr. Medlicott lost his life in the line of duty on July 29, 1992.

We often recognize those Americans who make sacrifices for the good of those around them. I am struck by Robert Medlicott's ultimate sacrifice to save other lives. Robert Medlicott is a true American hero.

Robert Medlicott is survived by his wife Roberta and his five children Bob, Kim, Carl, Brian, and Lisa. I urge my colleagues to join me in honoring the memory of this fine individual. We can only hope that as the Medlicott family mourns their loss, they are reassured by the bravery and commitment which Robert Medlicott demonstrated. He truly is a model for each of us.

TRIBUTE TO ST. CLAIR PARRIS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. PALLONE. Mr. Speaker, on Sunday, September 13, a tribute was paid to Mr. St. Clair Parris of Aberdeen, NJ, a man who has been a community leader and a dedicated public servant for more than three decades. It was a great honor for me to take part in Sunday afternoon's toasting of St. Clair Parris at the Garden Manor in Aberdeen.

Mr. Parris has been a resident of Aberdeen Township since 1953, and he has been active in community affairs for most of that time. He served two terms on the township council and has 25 years of service on the planning board. He is a former special constable on the township police department, has served on the township industrial relations committee and is a former trustee of the Bayshore Recreation and Economic Development organizations. His leadership skills have also come into play as a community organizer with the Concerned Citizens of Aberdeen.

In addition to these activities, St. Clair Parris is a past member of the New Jersey Black Issues Convention. Mr. Parris has dedicated a great deal of his time and energies to the Knights of Columbus. A member of Council 3402 of the Knights of Columbus in Keyport, NJ, he is a former grand knight, a past faithful navigator and a one-time State district deputy of the fourth degree.

A graduate of Bayshore Community College in Lincroft, NJ, where he concentrated on paralegal studies, Mr. Parris is a retired business agent of the National Maritime Union.

St. Clair Parris married the former Edna Mack in 1953. They are the proud parents of three daughters, Barbara, Michele and Lisa, and a son, Michael.

The Parris family is obviously very proud of Mr. Parris, whose public service career is second to none. I was happy to join with the members of the Committee for St. Clair Parris and all of his many friends and supporters in Monmouth County to honor a fine man who has given us a shining example of hard work and dedication to making his community a better place for all of its citizens.

CELEBRATING POOLESVILLE'S 125TH ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mrs. MORELLA. Mr. Speaker, I rise with pleasure to note the 125th anniversary of the incorporation of the municipality of Poolesville in Montgomery County, MD.

In honor of this occasion, I want to bring to the attention of my colleagues a brief history of a town that is steeped in tradition.

When John Poole became the first storekeeper in Poolesville in 1793, it is doubtful that he envisioned the establishment of a town there. He simply planned to operate his small store from his residence, a small one-room-and-kitchen log house—which still stands today—offering his services as merchant to travelers and farmers.

The agricultural development in the area increased the settlement in Poolesville and the town became a crossroads and trading center for local farmers. Town residents supplied services as well as goods. Blacksmiths, wheelwrights, shoemakers, tailors, carpenters, barbers, coopers, taverns, and a hotel could be found in Poolesville in the early 1800's. An essential factor in Poolesville's development was its proximity to various Potomac River ferries and the Chesapeake and Ohio Canal which started partial operation on December 1, 1833.

Poolesville, whose population had reached about 200 by 1861, was the second largest town in Montgomery County and was of major importance during the Civil War due to its strategic location between the Nation's Capitol in Washington, DC and nearby Virginia. By October, 1861, some 15,000 Union troops were stationed in this town. Most Poolesville area residents were pro-Southern and proof of this occurred in August, 1862, when 40 men from the Poolesville area, led by Capt. George Chiswell, joined a Confederate cavalry company under the command of Col. E.V. White—also known as the Commanches. Thirty-two of these men, whose descendants still reside in the Poolesville area, are buried in the nearby Monocacy Cemetery in Beallsville, MD, where their names are inscribed on a stone tablet. There were no Civil War battles fought in Poolesville, but after the nearby Union disaster at Ball's Bluff on October 21, 1861, and the death of President Lincoln's friend, Col. Edward Baker, his body was brought back to the Frederick Poole house, which is still standing in Poolesville. In September 1862, General Lee and the Confederate forces crossed the Potomac at nearby White's Ferry on their way to the Battle of Antietam. Also, in December 1862, White's battalion surrounded the Poolesville Presbyterian Church and caputred Federal troops as they left services on a Sunday, only to release their prisoners later that day before recrossing the river back into Virginia. Confederate forces raided the town several times during the war, but quickly retreated because a Federal signal corps located on Sugarloaf Mountain could report their presence to much larger Federal forces in the area. In the spring of 1865, as the war neared

its conclusion, the last troops were withdrawn and Poolesville citizens began a valiant effort to recover from the wounds of war and to rebuild their lives.

Poolesville was never able to return to the agricultural prosperity of pre-Civil War days. One reason was the decline beginning in the 1870's of the C&O Canal, which was being overshadowed by the B&O Railroad. Poolesville became an incorporated municipality in 1867, but even this did not spark new growth. Perhaps that is Poolesville's most valuable asset, its smallness, slow growth, and rural character which it has been lucky enough to largely maintain to the present.

With the arrival of the 20th century, Poolesville built its first bank in 1908—Poolesville Town Hall is now located in this bank building—and the year before, 1907, Poolesville opened its first public school, a two story wooden building with four rooms. Mrs. Mary Page Chiswell, who today lives just across the street from the current Poolesville Jr.-Sr. High School, attended school in this building, attended college, then returned to teach in Poolesville for 40 years. Poolesville Jr.-Sr. High School still is very much the educational and social center of town activities, just as it was in 1907. Many students who attended Poolesville Jr.-Sr. High School today have parents and grandparents who graduated from the same school.

During the 1920's, Poolesville was still a self-sufficient town with a hotel, boarding houses, blacksmith, livery stable, millinery shop, stores of all kinds, and even a silent movie theater. There were community dances nearly every Saturday night. However, with the increased acquisition of automobiles starting in the 1920's, it became easier to go to bigger towns—Frederick and Rockville—for shopping and entertainment.

Today Poolesville still maintains its small, rural character with a population of 3,796. Historic preservation is a matter of importance to all town residents and an integral part of the planning process. The future design and layout of Poolesville's Town Center provides the town with a link to its historic past and, because of its scale and commercial activity, creates the image of Small Town America.

FAMILY MEMBERS OF POW'S/MIA'S DESERVE MUCH BETTER

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Ms. WATERS. Mr. Speaker, I recently had the privilege of meeting with members of the American Defense Institute. We discussed many matters of vital importance to ex-prisoners of war which I would like to share with the House today.

Ex-POW's are a unique breed of veterans. Like all veterans, they have served their country honorably. But beyond that, they have endured much more. The emotional ordeal of the families, the debt which the Nation owes to those who have put their lives on the line for their countries, and the human dignity of each and every single soldier, sailor, or airman ought to have a considerable bearing on our national policies.

At the end of the Vietnam war, there were 2,583 Americans who were listed as prisoners, missing or killed in action without their bodies recovered. Since that time, only 310 have been accounted for. On the record, the Bush administration professes to give POW/MIA concerns the highest national priority. Off the record this priority seems to vanish and is replaced by other considerations including increased opportunities for trade and investment and the tendency to reduce workloads by filing cases marked "closed" instead of working to find people.

Documents recently released under an executive order by President Bush show Government bureaucrats failed the follow through on many leads because officials were overworked and tried to clear the cases, rather than pursue an investigation. In many instances, officials have refused to answer questions straightforwardly, instead they have engaged in a series of stonewalling maneuvers to avoid dealing with unpleasant truths surrounding the POW/MIA issue.

It's no wonder that family members and friends have become distraught and angry over the Government's handling of POW's/MIA's.

Mr. Speaker, family members of POW's/MIA's deserve much better than this. This is a matter that should have been resolved long ago. We must put all our cards on the table so that the American citizens can see for themselves what our Government knows, when it knew it and what it did with the information it had.

I am encouraged by the recent work of the Select Committee on POW/MIA Affairs. They have undertaken the task of assessing the level of commitment and cooperation that exists between the United States, the Vietnamese, and the Lao. I am hopeful that their efforts to investigate any evidence that live prisoners were held against their will after 1973 will result in some type of constructive action to resolve this issue.

Some 1.3 million papers dealing with the POW/MIA issue are to be released by the Pentagon over the next several months. It is expected that these papers will clear up some cases but raise additional questions in others. More to the point, these papers will likely reveal a shoddy approach within our Government in dealing with this issue.

This Nation owes all of our veterans, and in particular our POW's/MIA's a debt that we will never be able to fully repay. I stand here today on behalf of the American Defense Institute and all former prisoners of war and urge this Congress and the President to call for a special prosecutor to ensure the Defense Department's compliance with the disclosure law passed by Congress last November. The establishment of a centralized repository to collect information on America's POW/MIA's is an important contribution to helping satisfy families' need for more complete answers about their missing loved ones.

We must go beyond rhetoric and develop policies that truly make the accounting of the missing 2,273 servicemen the highest national priority.

Former POW's perhaps more than any other Americans, deserve to live their lives with dignity. We must do what we can to reward ex-POWs for what they have earned—our respect, our gratitude and real solutions to the problems they face.

WELCOMING THE CROATIAN AMERICAN ASSOCIATION

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. OWENS. Mr. Speaker, today I would like to welcome the Croatian American Association and its supporters to Washington, DC, for Croatian Days on the Hill. This gathering of Croatian-Americans in our Nation's Capital today is extremely timely, given the increasing need for refugee housing and disaster relief in Croatia and Bosnia-Hercegovina, and the distressing news today from Sarajevo. In one of the worst days since the beginning of the war in this besieged city, over 20 people were killed and at least 60 wounded when Serbian forces bombarded the city's defenseless population with artillery hidden from international observers.

This Serbian offensive, together with infantry and artillery attacks by Serbian nationalists in other Bosnian cities, represents a disturbing pattern of intensified Serbian assaults on the eve of scheduled peace talks. Just after announcing that all Serbian weapons had been placed under U.N. military surveillance, Serbian forces unleased a 2-hour barrage of artillery and mortar shells on Sarajevo breaking the first relative calm in weeks. How many times must Serbian generals break a cease fire, before the United States and the United Nations take action to help innocent Croatian and Bosnian victims?

As the world sits helplessly by, Serbian soldiers continue to fire, to shell, and to kill. Even U.N. monitors are not spared. These Serbian attacks on Bosnian cities coincide with tank reinforcements from the government of Serbia. I urge the United States to take action to stop the violence and inhumanity in the Balkans.

Six months ago I introduced legislation to impose sanctions on Serbia and to create a no-fly zone over Bosnia and Croatia. In addition, my bill called for the immediate provision of humanitarian assistance. Sanctions have finally been imposed, but an air cap would prevent Serbian warplanes from shadowing U.N. relief planes and from using aircraft to support Serbian ground forces and bomb civilian targets. Humanitarian relief is also necessary to help alleviate the suffering of these Croatian and Muslim victims—for the most part, innocent children and defenseless civilians.

Today I urge my colleagues and the administration to act decisively—to provide humantarian aid to Croatia and Bosnia, and to curtail Serbian air power by barring military flights over the Bosnian Republic.

As the Croatian-American Association convenes in Washington, I am happy to announce that the Senate has accepted my proposal to provide $25 million in humanitarian assistance to Croatia as part of the Foreign Aid Appropriation Act of 1993. I hope that this act will move expeditiously through Congress, and

that this assistance will be supplemented by other moves to end the violence and tragedy in the Balkans and to provide relief to the victims of Serbian aggression.

A TRIBUTE TO THE SAGINAW BUSINESS AND PROFESSIONAL WOMEN'S CLUB

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. TRAXLER. Mr. Speaker, I rise to pay tribute to an outstanding organization in my district, the Business and Professional Women's Club of Saginaw, MI. I would also like to honor them as they celebrate their 75th anniversary of service and dedication to women of their community.

I would like to share with my colleagues some information about the Saginaw BPW. Throughout its history, the BPW has provided an opportunity for professional and personal growth to thousands of women. It continues to stand as an organization of high standards and learning, offering women the chance to develop leadership skills and other qualities to enhance their careers. BPW members can meet other working women from a variety of occupations, attend seminars and workshops, receive information about educational scholarships, personal loans, health insurance, and financial management.

As women gather to share and learn from one another's experiences, through the direction of the Business and Professional Women's Club, they continue to offer greater service to their jobs and to their community, as well as doing the best for themselves.

For young members, the BPW provides an opportunity to learn from older members, to offer their own new and innovative ideas, and to shape their goals as career women. For midlife members, the BPW is a source of continued growth, an opportunity to teach, and a place to evaluate where they have been and where they would like to go. And finally, for the mature members, the BPW offers a chance to share their experience and wisdom, to use their leadership skills in helping to maintain the organization, and to continue valuable friendships.

The Saginaw Business and Professional Women's Club has been exemplary in its service to the women of the Saginaw area throughout the years and deserves to be recognized for its past, as well as its present contribution. I join with my colleagues in honoring all of the BPW members for 75 years of excellence, and in wishing them continued success.

H.R. 4551

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. GRADISON. Mr. Speaker, I rise today to bring to Members' attention to the budgetary implications of this bill.

This bill would provide additional funding for compensation to eligible Japanese-Americans who were interned during World War II.

The Office of Management and Budget [OMB] believes this program is a capped entitlement and the Government's obligation is limited to the $1.25 billion specified in law. As a result, increasing the authorization cap would expand the scope of the original entitlement program and create costs scored on the PAYGO scorecard.

At present, the PAYGO scorecard has a surplus of $325 million in 1993. This bill will spend much of the surplus if enacted. According to OMB, this bill will cost $250 million in outlays in 1993.

If enacted alone, this bill would not cause a sequester. However, several bills that have already passed the House also have laid claims to this surplus. All of them cannot be enacted without causing a sequester. Thus, this bill is yet another that will compete to spend any available surplus on the PAYGO scorecard. Listed below are some of the other House-passed bills—totaling $3,376 million— competing to spend this surplus and which could cause a sequester.

Deficit Impact of Selected House-Passed Bills

[Dollars in millions according to OMB]

Comprehensive National Energy Policy Act (H.R. 776)	$1,431
Revenue Act of 1992 (H.R. 11)	1,745
Cash Management Improvement Act Amendments (H.R. 5377)	75
Family Preservation Act (H.R. 3603)	125
Total	3,376

Note.—The total equals the combined effects of 1992 and 1993 legislation.

A TRIBUTE TO CARMEN AND LOU WARSCHAW

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. MEL LEVINE

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. BERMAN. Mr. Speaker, it is a special privilege for us to salute our close friends, Carmen and Lou Warschaw, who over the past four decades have compiled an extraordinary record of service to their community. Separately, Carmen and Lou have served—with enthusiasm and energy—on what seems like every major cultural, political, and social committee in the city of Los Angeles. Together, they are the model of devotion to their community.

A few examples illustrate the point: Carmen has been chair of the National Commission of Community Relations Fair Employment Practices Commission, chair of the Cedars Sinai Medical Center board of directors, a member of the Los Angeles Music Center board of overseers, and for many years, our distinguished National Committeewoman on the Democratic National Committee. Lou has served as president of the Board of Airport Commissioners of Los Angeles; president and vice president of the Los Angeles Board of Building and Safety; and was a member of the Commission on California State Government Organization and Economy.

Through the many years we have been privileged to know Carmen and Lou, they have tirelessly dedicated their time, energy, and active involvement to innumerable worthy causes. They are individuals of the strongest principles and convictions. Their willingness to stand up for what they believe is right has made them extremely effective and strong advocates and has earned our respect and admiration.

It would be hard to find two more generous people. We and so many others have learned firsthand both how kind and supportive the Warschaws can be. It's hard not to think that Los Angeles would be better off today if more people embodied the spirit of Carmen and Lou.

We have been very fortunate to count Carmen and Lou as close friends for many years. We are honored and privileged to pay tribute to their devotion to the community and their compassion.

BROADCAST COMMISSION ENDORSES RADIO FREE ASIA

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mrs. BENTLEY. Mr. Speaker, following a 6-month review, the Commission on Broadcasting to the People's Republic of China yesterday issued its long-awaited report. Having first introduced the original Radio Free Asia legislation, I am pleased that the Commission endorsed—by a margin of 6 to 4—the creation of a Radio Free Asia service, tied to the B.I.B.

Naturally, those commissioners opposing Radio Free Asia advanced a series of tired and wornout arguments. First, they said that a Radio Free Asia service would strengthen the hand of hardliners, and give the regime in Beijing an excuse to crack down on dissidents. Come on. They don't need an excuse to throw people in jail—they just manufacture a charge. The suggestion was also made that information-starved Asians should not be given an opportunity to listen to a Radio Free Asia broadcast, presumably because they already have the VOA. A condescending remark if there ever was one.

Mr. Speaker, two separate commissions have issued parallel decisions favoring a Radio Free Asia. Now its time for this House to get serious about setting the wheels in motion. In closing, I hope that my colleagues will take the time to review a timely article written by Commissioner Ben Wattenberg, which appears in the current issue of the Reader's Digest.

[From Reader's Digest, September 1992]

TIME FOR RADIO FREE ASIA

(By Ben Wattenberg)

Americans have this odd belief: they think they can change the world. Sometimes the newest Americans believe this more strongly than the rest of us.

I saw moving evidence of this attitude last May, as Asian-Americans came before a

Presidential-Congressional commission of which I am a member. They told stories of brutality, repression and regimentation from China, Vietnam, North Korea, Cambodia, Burma, Tibet and Laos.

Those witnesses, many of them recent immigrants, were testifying to lend their weight to an exciting concept the commission is investigating, one that can serve American ideals and interests. It is called Radio Free Asia and would be directed to that area of the world, where 1.3 billion people—almost 25 percent of humanity—are still crushed under the heel of totalitarian governments.

Much of what they told us was not new—it was the horrific commonplace of evil. What was new in their testimony was the emphasis they put on a remedy to the situation: information.

Information, we have learned by now, may be what communists fear most. It was at the root of the downfall of the Soviet empire. It keeps hope alive among subjugated people. And it is something the United States, uniquely, can provide at low cost and little risk.

Zhou He, a former reporter for the New China News Agency and now an assistant professor at San Jose State University in California, described his Chinese homeland as "a country where the Party and the government control almost everything—the timing of birth, food rationing, personal mobility, individual careers and ideological tendencies."

Chinese journalists, Professor He reported, have been "purged, dismissed and jailed" since the slaughter of democrats in Tiananmen Square in 1989. "The content of the Chinese press is extremely propaganda-oriented."

The situation is as bad elsewhere in communist Asia. In North Korea, radios were manufactured with no dials, permanently tuned to an official station. In Laos, newspapers, radio and TV are instruments of the government, and letters from abroad may be read by the secret police.

In the United States, a coalition is forming that believes that Radio Free Asia is the answer to such repression. Liberals and conservatives alike, from Sen. Joseph Biden (D., Del.) to Sen. Jesse Helms (R., N.C.), are backing the concept, and Asian-American groups are learning how to lobby. Alas, the U.S. Department of State doesn't agree—yet.

The United States has, in the course of the Cold War, engaged in two kinds of international broadcasting. One might be called national broadcasting, typified by the BBC World Service from Britain. In the United States, that function is carried on admirably by the Voice of America, which broadcasts in 47 languages, reaching nearly 120 million listeners weekly, including at least 16 million in China.

The VOA's programming includes news and commentary from America, government editorials, English-language instruction, global news and, as a lesser priority, some local news about the countries receiving the broadcasts. But it is precisely the area of local news that presents the greatest challenge. Repressive governments regard honest domestic reporting as nothing short of treason. And local news is what interests people most.

In the early 1950s, the United States figured out a way to purvey "internal news" to Eastern Europe and the Soviet Union. This involved intensive journalism, using accounts by travelers, refugees and the underground press, monitoring broadcasts, studying publications and working with scholars. These new services, Radio Free Europe (RFE) and Radio Liberty (RL), offered programming that was far more localized than the VOA's. Surrogate broadcasting—also known as home-service broadcasting—tried to reflect the full range of information that would be available if the receiving country were free.

Over time, RFE and RL broadcast in 11 time zones and 23 languages—including Russian, Polish, Lithuanian, Tajiki and Uzbek. Because most of their broadcast journalists were émigrés, the two radio services came to act not only as news broadcasters but as op-ed page, historian, theater, church and repository of national culture.

The communists hated RFE and RL and spent huge sums trying to jam their signals. But for tens of millions of devoted listeners, they became "our radio," a beacon in the darkness.

When the Polish trade union Solidarity was forced underground in 1981, Polish communists tried to enforce a news blackout to prevent Solidarity members from hearing their leaders. But the Polish service of RFE got through, and at the peak of the crisis, 70 percent of all Poles were tuning in. Asked if Radio Free Europe had played a role in bringing down the communist regime, President Lech Walesa replied, "Would there be Earth without the sun?"

Czech President Václav Havel remembered "the time when Radio Free Europe was, for me, the main source of information about the situation at home and abroad." The foreign minister of Estonia went so far as to nominate RFE and RL for the Nobel Peace Prize.

Their work is not done. The newly democratic nations of Eastern Europe and the former U.S.S.R. have asked that Radio Free Europe and Radio Liberty be continued, to provide a model of free journalism. But the services will likely be phased out by the turn of the century as—and if—democratization proceeds apace.

Why haven't we already had such a force for freedom in Asia? Chinese, like people everywhere, seek freedom. They want to know their own culture and history. They want to know what's going on in their own country.

There is a great irony about information in China today. American entertainment—movies, music, television—is sometimes available. Through the VOA, other foreign radio services and satellite dishes that bring in CNN, the Chinese people can find out a great deal about what's going on in the world—but not much about what is going on in China. The Communist Party is in official control of radio, TV, film and print. And traditional foreign broadcasting can't make up the difference. Until recently, there were two good reasons. First, policy makers felt it was in America's best interest not to do anything that might push the Chinese back toward the Soviets. Second, starting in the late 1970s, there was evidence that personal liberties, though still limited, were beginning to flower in China.

Now there is no Soviet Union. And the brutal crushing of the Chinese democratic movement on June 4, 1989, in Tiananmen Square brought the advance of human rights in China to a jolting halt.

As the distinguished Chinese-American author Bette Bao Lord told the Presidential-Congressional commission examining the idea of Radio Free Asia, there are certain transcendent human truths: They only devote about one hour a day to first-run original China reporting.

So, by mid-1991, some members of Congress had begun moving the idea of a Radio Free Asia onto the front burner. But the State Department has been opposed from the start. A leading State Department official testified that home-service radio to China would only "provoke" the Chinese leaders.

Such pragmatism not only runs against American idealism but is simply not pragmatic. The Chinese leadership is a gerontocracy, led by men in their 80s who are on the way out. One day China will be free, and the leaders will be the people who hoisted their own Statue of Liberty—the "Goddess of Democracy"—aloft in Tiananmen Square. Won't we be better off having been clearly on liberty's side? Will we be able to look them in the eye if we're not?

Another objection to creating Radio Free Asia is that it would divert funds from the VOA. The State Department argues that getting more information into China is necessary, but the VOA is the institution to do it—and could, with a greater appropriation.

That claim was investigated by a Task Force on U.S. Government International Broadcasting appointed by the President last year. After thorough research, the task force, by nearly a two-to-one majority, recommended that the United States expand VOA-type broadcasting, but also establish low-cost home service broadcasting to China and the other nations of Asia.

The task force noted that home service radio can carry a harder edge and more information than is plausible in national-service broadcasting like the VOA's. Hard-hitting investigative journalism and commentary are difficult for a broadcast service that is run, even from a distance, by diplomats who typically seek accommodation. Like RFE and RL, a Radio Free Asia would be run by a blue-ribbon board of Americans, largely untethered by the diplomatic establishment and staffed mostly by emigres from the listening countries.

New legislation to advance home service Asian broadcasting has been introduced in Congress, most notably by Senators Biden and John Seymour (R., Ill.) and Representatives John Porter (R., Ill.) and Helen Bentley (R., Md.). The Presidential candidates should be scrutinized on this litmus issue regarding America's commitment to the expansion of liberty, our best guarantee for peace and prosperity.

In Chinese, the word for America means "beautiful country." Ultimately the issue is not only about China or Asia. It is about America, and whether such a triumphant, beautiful nation has the vision to stick to its ideals and promote them.

When we take a stand for something great, we end up greater, wealthier and more secure than if we make excuses for doing nothing.

MIRACLE IN SRI LANKA

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. WILSON. Mr. Speaker, occasionally I see something in the Washington Post worth bringing to the attention of my colleagues. An op-ed piece this morning is one of those times. Written by a special representative of the Government of Sri Lanka, this piece takes exception to recent remarks made during the Presidential campaigns which basically used

Sri Lanka as a metaphor for economic decline and failure.

Not many Members of this House have been to Sri Lanka, but I have had that pleasure and hope to visit there again. I have been active on South Asian issues for more than the past decade and have paid attention to the country of Sri Lanka during that time. It is a small country, but nonetheless deserves better than off-hand stereotypes from the campaign trail.

I am very pleased to see that Mr. Milinda Moragoda has written an articulate and intelligent op-ed piece pressing his country's case before the American public. As we look to the former Soviet Union and other areas, we cannot forget countries such as Sri Lanka which have major developmental needs—such as for basic infrastructure and food aid—but which are taking the steps necessary to open their markets to increased American investment. Sri Lanka has embarked on an ambitious economic development plan which deserves America's support and encouragement.

I commend this article to my colleagues' attention.

[From the Washington Post, Sept., 15, 1992]

MIRACLE IN SRI LANKA

(By Milinda Moragoda)

The name Sri Lanka has recently become synonymous in the lexicon of the 1992 campaign with economic decline, as both Bill Clinton and George Bush have made disparaging references to us. When our name was Ceylon we were never so treated. We wonder if we too have become a victim of the sound bite.

When my country first changed its name from Ceylon to Sri Lanka, all was peaceful, and so many world leaders went along for awhile not even knowing who we were. We started a Western-style economic revolution, but it merited only the inside pages of business newspapers. A few years ago, however, one of our "states" tried to secede from the "union," and in the ensuing civil strife, all hell broke loose. Then we got noticed.

As violence, terrorism and economic tragedy befell my country, the American public finally became aware that there was a country called Sri Lanka, and it was in trouble. All but ignored was its 2,500 years of recorded history, a population as ethnically diverse as New York City's and a strong modern record of democracy and devotion to free enterprise.

Thus it comes as no surprise that the staffs of Messrs. Clinton and Bush would use Sri Lanka as an example of an economic shambles. But it's still a shame they did so. For if the candidates could visit us today, they might find we deserve to be the subjects of a new and very different sound bite. The fact is that Sri Lanka is on the way back to resuming its place as the next Asian economic miracle.

Since 1931 every citizen of my country has enjoyed the right to vote, and all of our governments have been popularly elected. We have a literacy rate of nearly 90 percent—higher than a number of countries in the Western world—and our overall quality-of-life rating has won the praise of international development organizations.

Long before Eastern Europe and the Soviet Union realized the error of their systems, we threw off the yoke of central economic planning and dedicated ourselves to a free market. That popular decision by our electorate 15 years ago led to a difficult period of sacrifice and belt-tightening. We could not have imagined then that one day this noble effort by our people to emulate the success of the Western democracies would be misused in an American presidential campaign as an example of a poorly performing economy.

Nine years ago our miracle was brought up short. Civil strife broke out in my country when one of our minority ethnic groups sought autonomy. Violence and terrorism were widespread for a time. Sri Lanka was not well prepared for civil war. For decades our economy had concentrated its "peace dividend" on economic development. Our military infrastructure was not able to cope with the terrorism. Thus, we sought the help of our neighbor India to quell the violence. But the violence grew worse, and the Indian peace-keeping force itself became another subject of controversy.

As Sri Lanka began to be noticed in the foreign press for its violence and perceived instability, foreign investors and tourists started avoiding the country. Tourism, a major source of foreign exchange, fell by 75 percent. Growth rates slipped dramatically to the 1.6–2.2 percent range. Prices spiraled. It was inevitable that voices would be heard condemning our flirtation with the free market.

TAKING EXCEPTION

But in their wisdom, the people of Sri Lanka once again rejected central economic planning, and rejected central economic planning, and returned to power the United National Party under President Ranasinghe Premadasa. The new president acted quickly to stabilize the nation's security and resolve the conflicts through consultation and consensus. He succeeded in obtaining withdrawal of the Indian peace-keepers.

However, his efforts at conciliation with rebel groups were not rewarded. Only after the government took determined measures to achieve internal security did the armed strife begin to abate. Today, life is back to normal almost everywhere in Sri Lanka, with hostilities being confined to two small areas in the north and east.

So to Messrs. Clinton and Bush we say: "All is forgiven. Welcome to Sri Lanka—the next economic miracle."

ACCOMPLICE TO MURDER

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. BLILEY. Mr. Speaker, the violence in the Nation's Capital makes headline news across this country and around the globe as well as in the District itself. The District of Columbia belongs to all Americans and we have a stake in ending the violence here.

The recent death of Pamela Basu has brought a new trend to light—the senseless violence involved in carjackings. That tragic event has again focused the Nation's attention on the District. The District itself is a victim as middle-class families have fled the violence. The resources intended for education, health services, and the humanities to improve the quality of life here are being diverted to police, the courts, and the correctional facilities at record levels. But still the violence continues, in part because the judicial system cannot keep pace. Today, I am inserting into the RECORD the recent Richmond Times-Dispatch editorial which captures the outrage so many of us feel about the violence in the Nation's Capital.

[From the Richmond Times-Dispatch, September 14, 1992]

ACCOMPLICE TO MURDER

Pamela Basu, a 34-year-old research chemist, began last Tuesday just like millions of other suburban working mothers: She packed her 22-month-old child into a car seat and headed to pre-school and to work. She didn't count on crossing paths with Rodney Eugene Solomon and Bernard Eric Miller only a few blocks from her home in Savage, a Baltimore/Washington suburb generally regarded as affluent and therefore safe.

Mrs. Basu was sitting at a stoplight, perhaps pondering her daughter's first day of pre-school, when Solomon and Miller shoved her out of her car and sped away. Mrs. Basu, tangled in a seatbelt, was dragged along. The carjackers stopped and threw the baby out like so much trash—thank Providence she was not injured. Off they went again, still dragging Mrs. Basu. She died of massive injuries.

This sort of crime shakes us all. People move to the suburbs in search of—among other things—safety. And aside from the slim possibility of a traffic accident, most of us feel safe inside our cars.

Yet grim deeds are common near America's big cities, especially near Washington. There have been at least 245 carjackings in the Washington area this year, five—now six—including murders. Only a few months ago, Patricia Lexi of Virginia was shot and killed on a D.C. expressway as she and her husband returned home from an evening with friends. The murderer, who recently had made a quick trip through the D.C. court system, said he just felt like killing someone. Now this.

Pamela Basu might not have died were it not for D.C.'s criminal-coddling laws. Solomon has a long criminal record; he was out on bail over the U.S. attorney's protests. Washington Mayor Sharon Pratt Kelly has done little to change D.C.'s laws. The police force gets short-changed in its budget while America's worst city bureaucracy stumbles on, doing little efficiently but issuing parking tickets.

Richmond Congressman Tom Bliley has urged the District to stiffen its laws or else see Congress override home rule. He immediately should bring appropriate legislation before the House, including a death penalty. If a few casual killers were to meet Old Sparky, then perhaps some of their kind would think twice about murder.

Fortunately, the Basu case will be tried in Maryland, where the death penalty may apply. Surely Mrs. Basu's killers deserve death.

TRIBUTE TO STEVE YOKICH

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. HERTEL. Mr. Speaker, on September 23, 1992 in Sterling Heights, MI, the March of Dimes will be honoring Steve Yokich as the 1992 Alexander Macomb Citizen of the Year. Steve Yokich is a good friend of mine who was born into a family with strong UAW roots.

He is currently serving his fourth term as a UAW vice president and is assigned to the union's largest department, General Motors.

Steve is noted for his concern for the health and safety of his members. He pioneered the Employee Assistance Program which assists employees that are experiencing problems such as drug and alcohol abuse, domestic, and financial problems. He is also recognized for the leadership role he has played in promoting the developing child care programs.

In addition to his union responsibilities, Steve Yokich is a highly respected and dedicated community leader in Michigan. He is a member of the NAACP, the Coalition of Labor Union Women, and the AFL–CIO's National Organizing Committee. Furthermore, he serves on numerous boards and committees such as the Economic Alliance of Michigan, Michigan Blue Cross-Blue Shield, the Michigan Cancer Foundation, the Father Clement Kern Foundation, and the U.S. Department of Labor's Bureau of Apprenticeship and Training.

Besides his commitment to the union and the community, Steve Yokich is also involved in civic and political affairs. Active in Democratic politics, he is a member of the Michigan Democratic Party State Central Committee. He has participated and coordinated many Democratic campaigns and was an official delegate to three Democratic National Conventions. His leadership role as the chair of the UAW's Community Action Program in Michigan is instrumental in setting the legislative and political agenda for the 500,000 active and retired UAW membership from this State.

Steve Yokich and his wife, Tekla, reside in St. Clair Shores, MI. They are the parents of Stephen and Tracey, and have one grandson, Michael Stephen. When he has any free time, Steve likes to golf, sail, and fish.

Mr. Speaker, these biographical facts cannot begin to convey the many contributions of Steve Yokich to his union, the working men and women he represents, and the people of Michigan through his involvement in political, economic, and social activities. His contributions have been numerous. It is my pleasure to join his many friends and family in congratulating Steve Yokich as he is honored by the March of Dimes as the 1992 Alexander Macomb Citizen of the Year.

TRIBUTE TO GEN. FRANK CARDILE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. SAXTON. Mr. Speaker, on August 28, Brig. Gen. Frank Cardile retired as commander of the 438th Airlift Wing at McGuire Air Force Base.

General Cardile was the latest in a long line of commanders who have made McGuire one of the finest military installations in the Nation.

Under General Cardile's leadership, the 438th has transported personnel, equipment, and supplies all over the globe, including humanitarian transports to the Soviet Union and, most recently, Somalia.

General Cardile gave a very poignant speech at the ceremony marking his retirement and the assumption of command by Brig. Gen. George A. Gray III.

General Cardile talked about the importance of an effective airlift command as security needs change. He further talked about the vital need for topnotch bases such as McGuire Air Force Base to carry out this airlift mission.

Following are excerpts of the general's remarks:

When I entered the Air Force, and three years later when Barbara joined me on this journey, the potential for nuclear war was real, the Berlin Wall was solid and the Cold War was raging. But, there could be only one winner, and I am proud that I served as an airlifter on that winning team. It has been a proud time to be part of a great victory for our country and for the free world. The Soviet Union no longer exists and democracy is flourishing.

Airlift has been key to these victories, and the men and women of the 438th Wing have been an important part of the winning team * * *

And, as we look ahead it is clear that America's security will become more dependent on airlift as we bring many of our overseas units home.

Our Air Force vision of global power and global reach is almost totally reliant on airlift. Except for our shrinking strategic bomber force our attack aircraft require airlift to provide the necessary logistic support and supplies needed to conduct combat operations, and of course, our ground forces need airlift to quickly deploy to locations around the globe.

Without airlift, there is no global reach and there is little global power.

COMMENDING SOCIETY CORP. OF CLEVELAND, OH, FOR ITS RECEIPT OF THE EXEMPLARY VOLUNTARY EFFORT AWARD FROM THE U.S. DEPARTMENT OF LABOR

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Ms. OAKAR. Mr. Speaker, I wish to acknowledge and salute Society Corp. of Cleveland, OH, for receiving the 1992 Exemplary Voluntary Effort [EVE] Award from the U.S. Department of Labor. The EVE Award recognizes and honors Society for the outstanding success it has achieved in actively recruiting and hiring minorities, women, persons with disabilities, disabled veterans, and Vietnam veterans. In selecting Society to receive this prestigious award, the Department of Labor noted that Society's recruitment and hiring programs had paved the way for advancement by women and minorities into the upper levels of corporate management.

I, too, applaud Society for its extraordinary accomplishment in enabling otherwise disadvantaged persons to realize their full potential as productive human beings and permit them to perform competitively at the professional, managerial, and executive levels. At a time when qualified women still bump their heads against the glass ceiling in corporate America, and when minorities are without the hope of even modest improvement in their employment prospects because the good job offers aren't forthcoming, Society should challenge and inspire all of us for the enlightened leadership it has shown on this very important social, economic, and human issue.

Therefore, I am delighted to congratulate Society for receiving the Labor Department's 1992 EVE Award, and would urge other employers to follow Society's example.

PRIORITY REFORMS FOR A NEW HOUSE RESOLUTION

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. EMERSON. Mr. Speaker, today, I am pleased to join my good friend and colleague from New York, Mr. SOLOMON, in introducing a package of amendments to the House rules which are designed to make the legislative process in this institution more orderly, deliberative, and accountable. I commend Mr. SOLOMON for taking this initial step to open discussion on this topic.

This institution is one of the greatest that has ever existed in the annals of history. Our tripartite system of government is built on the ideals of freedom, stability, and majority rule tempered by protection of minority views. The legislative branch of Government—this great institution—is an integral part of our democracy, and its potential for greatness is unequaled anywhere on the globe.

Yet, something has happened to this great institution over the years. It is evident anywhere we turn: the American people are frustrated with the Congress; the administration is frustrated with the Congress; even Members of Congress are frustrated with the Congress. We, the Congress, have the opportunity and the obligation to do something about it. Although the Hamilton-Gradison Joint Committee on the Organization of the Congress will not officially convene until November 15, now is the time to begin to think about what's wrong with this process and what can be done to change it.

These proposed rule changes are a good starting point for discussion. This package recognizes that the scheduling of business is not very conductive to actually conducting business; scheduling changes need to be made. This package recognizes that many Members are spread too thin; the number of committee assignments should be reduced to allow Members to gain expertise in a given area. This package realizes that our budgetary process is structured so that it will sometimes reward a short-term focus to the detriment of long-range planning. The process should be restructured.

There are elements of this package with which I do not necessarily agree, but about which I think there should be full deliberation. The package proposes to abolish all Select Committees of the House. Some years ago, I would have agreed with this goal. In fact, I led the fight against the creation of the Select Committee on Hunger in 1984. Since that time, however, I have had the opportunity to serve on the Hunger Committee, and my experience has changed my mind, at least as to

that committee in the current overall structure of committees. The Hunger Committee plays a valid role in addressing the problems of hunger, both at home and abroad, problems that otherwise would not have been dealt with. Hunger is a very real problem, and the select committee provides a necessary forum and is a focal point for investigating and addressing the problem in a way that legislative committees are not prepared to deal with.

I have cosponsored this package in the firm belief that these issues are ripe for discussion. Mr. SOLOMON has taken a good first step and has made several constructive suggestions. I urge each and every Member to begin to think seriously about the procedures of the House and to examine the proposals Mr. SOLOMON has introduced today. This great institution can change for the better, and we have the power, the opportunity, and the obligation to effect such change.

TRIBUTE TO COL. JOHN J. DONNELLY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. SKELTON. Mr. Speaker, today I pay tribute to a distinguished Missourian who has dedicated a great portion of his life to service in uniform. The man of whom I speak is Col. John J. Donnelly, who was commissioned as a second lieutenant in the Air Force upon his graduation from officer training school at Lackland Air Force Base, TX, in January 1965. From the time he earned his navigator wings in 1967, Colonel Donnelly successfully completed assignments at many bases throughout the world earning his status as a master navigator with over 3,500 flying hours as well as such distinguished military honors as the Bronze Star, Defense Meritorious Service Medal, Meritorious Service Medal, and the Air Medal with five oak leaf clusters. Colonel Donnelly has spent the past 2 years as the commander of Detachment 509, 351st Missile Wing, Whiteman Air Force Base, MO. He was responsible for planning for the deployment of the first B–2 bomber wing in Air Combat Command.

Col. John J. Donnelly epitomizes the citizen soldier who has made our military strong throughout our history. He retired September 1, 1992, after 27 years of faithful and dedicated service to the Air Force and the United States of America. I know other Members will join me in commending Colonel Donnelly for his many years of devotion to duty and service to our country.

SAN FRANCISCO STATE UNIVERSITY: PROMOTING RACIAL AND ETHNIC DIVERSITY IN HIGHER EDUCATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. LANTOS. Mr. Speaker, a recent article in the San Francisco Chronicle carried an encouraging story about how one of our major urban institutions of postsecondary education, San Francisco State University [SFSU], is serving as a leader in promoting racial and ethnic diversity in and outside the classroom.

In its praise of the university as a leader in dealing with the fundamental issues of diversity, the Accrediting Commission for Senior Colleges and Universities pointed to such indicators as SFSU's extensive recruitment of minority professors, higher graduation rates of minority students, and courses with a multicultural orientation.

A 17-member visiting team, drawn from across the Nation, spent 4 days on the SFSU campus in April, meeting with faculty, staff, students, and administrators. In its report the Commission credited SFSU with being in the vanguard with respect to some of the newest and most difficult issues facing higher education today.

In acknowledging that SFSU is "on the leading edge of institutions dealing fundamentally with issues of diversity," the Commission report found it particularly noteworthy that SFSU does not exhibit the interethnic tension and conflict so prevalent on so many other college campuses.

Dr. Robert A. Corrigan, the president of San Francisco State, attributed these successes to work begun many years ago in the tumultuous days of the 1960's, with the establishment of the educational opportunities programs and the School of Ethnic Studies.

The Commission found that:

Faculty members display a depth and breadth of commitment to cultural diversity in the curriculum and among faculty members;

The School of Ethnic Studies is the leader in the Nation in the development of scholarship in the areas of race and ethnicity;

Minority students graduated at a higher rate than most other colleges in the State;

Minority faculty members are being recruited in significant numbers. In the fall of 1990, for example, 41 percent of the tenure-track professors who were hired were members of an ethnic minority group; and

Ethnic studies professors have worked successfully with colleagues from other disciplines to develop joint courses, thereby avoiding turf battles over multiculturalism.

Another source, the educational journal, Black Issues in Higher Education, carried a report on which colleges and universities are doing the best job of graduating people of color at the baccalaureate, graduate, and professional degree level. SFSU again received recognition by being ranked fifth nationally on the list of the top 100 degree producers, all disciplines, all minority groups.

Mr. Speaker, the ability of San Francisco State University to confront the issues of ethnic diversity and multiculturalism head on and to take a proactive role in resolving related problems is a sign of academic strength which should be recognized and applauded.

PROPOSED RELIEF FOR OVEROBLIGATED DOD ACCOUNTS

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. IRELAND. Mr. Speaker, the Senate version of the fiscal year 1993 defense authorization bill, S. 3114, contains a provision—section 1003—that is inconsistent with the maintenance of integrity and discipline in accounting and finance at the Department of Defense [DOD].

Section 1003, if adopted by the House in conference, would authorize DOD to use current appropriations to meet obligations properly chargeable to expired accounts that have not yet been closed under the M account legislation adopted by Congress in 1990—31 United States Code 1552(a).

Section 1003 would authorize DOD to pay old debts with new money—a violation of one of the most basic principles of appropriations—31 United States Code 1502(a). Under section 1502(a), appropriations are available only for payment of expenses properly incurred during their period of availability or to make payments on contracts made within that period of availability.

Mr. speaker, why would DOD need an exemption from this most basic statute? Why would DOD want to use current appropriations to pay obligations properly chargeable to expired accounts that remain open?

Surely, if sufficient money remained in those accounts, DOD would use it. What is the problem?

The answer to these questions is very simple. There can be only one reason why DOD is proposing section 1003. Those accounts are empty. The money is gone. In technical terms, those accounts are overobligated. In all probability, these overobligations constitute violations of the Antideficiency Act.

It's the same old story. DOD has bills to pay, and no money to pay them. This is what happened.

Congress originally provided all the money DOD requested to meet those obligations. DOD then signed the requisite contracts. Unfortunately, the cost of those contracts exceeds the total amounts appropriated to cover them.

DOD is failing to live within the broad monetary limitations mandated by Congress in annual authorization and appropriations bills.

Mr. Speaker, How does DOD find itself in this predicament today?

Prior to the enactment of the M account reform legislation, DOD used the infamous merged surplus account to secretly cover overobligated accounts—well beyond the purview of Congress. Well, as a result of the M account legislation, the merged surplus was closed in December 1990. It's now history. The honey pot is gone. And the integrity and fiscal year identity of all expired accounts must be protected.

So, under the new rules, DOD has no choice but to come before Congress to justify its actions and to seek monetary relief—exactly as we intended. In requesting the authority incorporated in section 1003, DOD has

done exactly that. But there is one glaring deficiency with the recommended approach, section 1003 would bestow blanket authority to pay off overobligated accounts.

I refer to section 1003 as blanket authority because it would authorize DOD to pay off all overobligations—before Congress receives all the facts bearing on each overobligation—as required by law.

Under section 1003, Congress would provide this blanket authority with no information whatsoever. Which accounts are overobligated? To what extent are they overobligated? How much money is involved? Who is responsible? We don't know the answers to any of these important questions. No information has been forthcoming. It would be irresponsible to act without that information.

Congress should not grant the requested authority until the answers to these questions are in hand as prescribed in law. There is a whole body of law establishing procedures for handling violations of the Antideficiency Act. They must be followed. This is a very serious matter indeed.

First, knowing and willful violations of the Antideficiency Act are class E felonies in the opinion of the Comptroller General.

Second, according to the Comptroller General, an overobligation of a prior years appropriations is a reportable violation of the Antideficiency Act—31 United States Code 1341. Such overobligations must be reported immediately to the President and Congress along with all relevant facts and a statement of actions taken as specified in 31 United States Code 1351.

The Comptroller General also asserts that the failure to disclose known violations of the Antideficiency Act is also a felony. So, if DOD is requesting the authority embodied in section 1003 because of known violations of the Antideficiency Act, which have not been duly reported to the President and Congress, DOD and anyone else involved could be placing themselves in a precarious legal situation.

Once the required information is submitted and Congress is in a position to make an informed decision, Congress has two options: First, provide a deficiency appropriation; or second, authorize the use of current appropriations.

If DOD needs the authority requested in section 1003 to meet legitimate obligations, Congress must and will provide the money needed to meet those obligations. That's a certainty. But before that authority is granted, DOD must comply with the reporting requirements contained in 31 United States Code 3151. DOD must provide all relevant facts and a statement of actions taken. That is the law of the land.

Providing blanket authority before any of the facts are known is a mistake. DOD will be off the hook. Section 1003 would encourage DOD to ignore the Antideficiency Act.

The Senate Armed Services Committee, in adopting section 1003, assures us that the measure does not in any way affect the requirement for expeditious reports to Congress and the President, under existing law, concerning violations of the Antideficiency Act. I maintain that is like putting the cart before the horse. Reportable violations of the Antideficiency Act have obviously occurred, but Congress has no report. Congress has no information about them. Since when does Congress authorize appropriations without some justification?

Congress has a responsibility to provide monetary relief but only after DOD has complied with the law.

SEPARATE VIEWS IN SUPPORT OF H.R. 5096

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. CAMPBELL of California. Mr. Speaker, here is the fundamental question at issue in this legislation. If we allow the BOC's into information services, exchange markets, and equipment manufacturing, an incentive is created for them to deal with their competitors in each of those fields in a less than fair manner. Second, the cost of the BOC's involvement in these activities might be passed along, to some extent, to the consumers who pay for the monopoly service that each BOC provides local telephone service. Placing some costs of a competitive business into a regulated monopoly base creates an anticompetitive advantage in favor of the company that has a leg in each activity. The result will be an extension of the legally created monopoly into the formerly competitive, but technologically linked fields.

These are the two great risks of permitting the BOC's to enter any field other than the monopoly, and regulated market of local telephone service.

During the course of the hearings, conduct by some of the BOC's involving discriminatory access since the decree came to light. That this took place during a time of the highest scrutiny, when the BOC's should have realized their behavior would be used as evidence in legislation or decree modifications, is good testimony of the difficulty of adequate supervision against such behavior, and the strength of the temptation toward it.

However, let us assume that even more extensive regulation could prevent the recurrence of such behavior. The joint cost issue remains as a serious anticompetitive problem, to which the hearings and submissions provided no ready answer.

Against these risks is the potential for benefit that each BOC might bring. Many of the views expressed as dissenting to this report emphasize the consumer good that the BOC's promise if they were allowed to compete. Against that argument is posed the presence of many other companies, including AT&T, who promise equally significant value to consumers in these fields, but without the attendant anticompetitive risks.

I asked at this hearings, and have combed the record, for evidence of any unique element of competition the BOC's would bring that could not be offered by, say, AT&T, in the field of equipment manufacturing, exchange services, and information services. The best suggestion any could put forward was a synergy offered by a BOC that could work closely with its local service customers in providing them enhanced services. However, this advantage appears to be easily achievable by any non-BOC capable of doing consumer research.

To the degree there are other synergies of a more technical kind, the antitrust problem of accounting for joint costs becomes worse. That is to say, if a company that provides the local telephone loop is more efficient for that reason, at manufacturing the local switch—then there must be issues of joint costs. To which base should research into the connection between local switch and local loop be allocated: The regulated monopoly base of the local loop or the market-constrained base of the switch? To the extent any of that joint cost is attributed to the local loop, a competitive advantage accrues to the BOC as against any other provider of the local switch. From that competitive advantage, eventual market power will emerge—shared in an oligopolized market by the several BOC's in the best case, or enjoyed as a monopoly by the one most successful BOC in the worst case.

One might respond, that is true, but the benefit is worth the risk. That might be the case. It is equivalent to the putative efficiencies defense in merger law: Yes, this merger confers market power, but it will lower costs sufficiently to offset the consumer harm from exercise of that power.

Frankly, I was expecting the BOC's to make this argument. I was prepared to give it a great deal of consideration. However, the BOC's did not do so. Hence, without any evidence of cost-lowering synergies, I find that the argued for advantages of allowing the BOC's into exchange services, information services, and equipment manufacturing are no different in kind or degree than could be offered by AT&T, or any of the many companies already competing in those three fields. It might be said that you can never have too much competition, but here there is a risk with the kind of competitor we would allow in—a risk not overcome by any special contribution others couldn't replicate.

Resolving these fundamental questions in this way led to my support for H.R. 5096. However, my support was prevented, at first, by the subcommittee's creation of a series of per se offenses. I believe antitrust law should apply to this area, and that courts have now developed the sophistication to deal with antitrust through rule of reason, rather than per se analysis in most, if not all, cases. And in any event, the categories for proposed per se treatment in the subcommittee draft would receive rule of reason consideration under existing law if they occurred in any other context. Hence, I voted against the draft at subcommittee. In full committee, however, I was gratified that my amendment imposing a rule of reason standard, borrowed from the appropriate antitrust statutes applicable to all other fields, was accepted in place of the per se prohibitions on discrimination, joint venturing, or merging.

The distinguished ranking members of the committee and subcommittee, in their dissenting remarks, note that H.R. 5096 imposes a tougher standard than has been adopted by the courts in essential facilities cases. That is true. But it is also appropriate. The normal essential facility presents only the problem of discriminatory access. The unique factor here is that the agency controlling the essential fa-

cility also has the means of passing along joint costs to a regulated rate base. That is not part of the usual essential facilities case, and it requires a tougher standard. The standard adopted in this legislation is the same one presently applied by the Federal district court administering the AT&T decree on petitions for waivers from the line of business restrictions.

I part company with these distinguished colleagues of mine on this committee with great reluctance, given the high esteem in which they are held by all, and their learning in this field.

Moreover, in supporting this legislation, I am pleased to find myself in the company not only of the other members of this committee, but also of our country's most esteemed antitrust scholars, including William Baxter of Stanford, Phillip Areeda of Harvard, Robert Bork, formerly of Yale and Chicago, and Lawrence Sullivan of California.

CATERPILLAR, INC.

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. MICHEL. Mr. Speaker, the Nation's current economic status has shown us that there is a major realignment underway in our manufacturing sector. Business, labor, government, and community leaders are searching for answers in their quest to create jobs, harness new technology, and enhance competition for American goods.

Nowhere is this metamorphosis more evident than at Caterpillar, Inc., in my hometown of Peoria, IL. A recent editorial and article in the Chicago Tribune have shown in a comprehensive, understandable way just what these changes are all about. I would like to include them here for my colleagues' benefit.

The editorial and article follow:

[From the Chicago Tribune, Sept. 7, 1992]

A LABOR DAY ALERT FROM PEORIA

The American worker has reached a crucial juncture on this first Monday of September—as important as any in the 98-year history of the national holiday called Labor Day.

It's true that labor (big "L" or small) has not had much to celebrate for quite a while. A stubborn unemployment rate hovers at 7.6 percent, meaning 10 million men and women are looking for work and can't find it. Among those with jobs, average incomes—corrected for inflation—have grown hardly at all since the mid-'70s. Organized labor remains in broad retreat, with one of eight workers carrying a union card compared to one of three 40 years ago.

Some might cheer that last trend. Unions haven't exactly been in the vanguard of the push for competitiveness. And yet, it's hard to imagine a healthy America without a healthy blue-collar middle class—the folks whose purchasing power has fueled much of the rest of our economy.

The blue-collar blues are examined this week in a series of stories that began in Sunday's Tribune. Each installment revolves around a single event—this year's bitter standoff in Peoria between the United Auto Workers and Caterpillar Inc.

In one respect, it was just another labor dispute, albeit between one of America's largest unions and Illinois' biggest manufacturer. But a closer look by reporters Steve Franklin, Peter Kendall and Colin McMahon shows a Peoria that reflects changes sweeping across the American workplace. More so than their brethren in white or pink collars, the ranks of factory workers are being decimated by automation, foreign competition and a labor market gone global.

Peoria's story is not about the current economic downturn or another U.S. manufacturer on the rocks. Caterpillar is the world leader in earth-moving equipment, having bested Japan's Komatsu Inc., and other competitors here and abroad.

Trouble is, the company succeeded only after slashing its blue-collar work force to the bone. To get competitive, Caterpillar has halved its payroll of hourly workers over the past 12 years. That's worldwide. In the Peoria area, the company whacked its union payroll by two-thirds. Some jobs were automated, others "out-sourced" to non-union shops in the Midwest. New factories were opened in the non-union South, in Mexico, in Belgium and Brazil.

Now thousands of Peorians, most with high school educations or less who had been making the UAW scale of $17 an hour, find themselves scrambling for minimum-wage fast-food jobs or commission sales work. The post-strike survivors at Cat are a beaten lot, having returned to work on the company's terms rather than be replaced.

What's happening in Peoria forces us to ask troubling questions about America's economic future. Two come quickly to mind: How will blue-collar workers add enough value in a globalizing economy to justify their middle-class way of life? And what happens to the rest of us if they do not?

The answer to the first question includes retraining, better education and a management-labor paradigm based on cooperation instead of confrontation. The answer to the second is too grim to contemplate.

[From the Chicago Tribune, Sept. 6, 1992]

AT CATERPILLAR, A CLASSIC CONFLICT—BIG LABOR VS. BIG BUSINESS, AND ONLY THE STRONG SURVIVE

Behind the wheel of his new Dodge pickup, Chuck Lovingood approached a crossroads outside the Caterpillar transmission factory in East Peoria.

He had driven to that gate thousands of times in his 29 years as a Caterpillar worker, but this time was different. On this cool, clear April morning, everything he held dear was on the line.

Chuck Lovingood had to decide which way to turn. Go straight through the gate—and past a picket line—to his $18-an-hour factory job, and he would become an anti-union "scab." Turn left and he would join the chanting crowd that had gathered outside the gate to discourage people from crossing.

Even as his wheels rolled into the intersection, he did not know which way he would go.

It was April 6, 1992, and Chuck Lovingood had been placed on the spot by Caterpillar Inc.'s hardball threat to supplant its striking United Auto Workers with permanent replacements. Caterpillar, the pride of Peoria and one of America's few manufacturers successful at holding off Japanese competition, had become the first major U.S. manufacturer in modern times to threaten the use of replacement workers.

Lovingood had no way of knowing that morning that Caterpillar and the UAW would step back from the brink. Or that the two sides, under federal mediation, would later suspend their standoff and let workers go back to work without a contract. (No contract talks have been held since June 2.)

All Lovingood knew that morning was that his world was in jeopardy. Although he describes himself as "just a hillbilly" with coon-hunting dogs out back and a Mason jar half-filled with moonshine in the cupboard, Chuck Lovingood, factory worker and union man, had gained admission to the American middle class. He liked it there.

Go straight, or turn left. Either way, Chuck Lovingood's world would never be the same.

Lovingood's dilemma is worth revisiting this Labor Day weekend. And not just because his union is in crisis; or because his company is the largest manufacturing employer in Illinois; or because his hometown, Peoria, is so typical of America's industrial heartland.

This year's standoff in Peoria portends something much larger. It is the end of an era, the end of what may be the proudest creation of the American labor movement in the 20th Century: a large blue-collar middle class.

Its disappearance raises profound questions about the future of all working Americans, whether their collars are blue, white or pink.

If Americans can no longer find high-paying factory jobs after graduating from high school, what is to become of the many businesses that grew up to serve them? If only a highly educated few are able to achieve a comfortable standard of living, who will buy all the splitlevels, bass boats, minivans and magazine subscriptions whose consumption has fueled the most powerful economy in the world?

And what will happen when most American workers, not just the blue-collar ones, decide that their children have little hope of being better off than their parents?

The trouble in Peoria is not a snapshot of the current economic recession, nor of another U.S. manufacturer in trouble. It is a portrait of long-term, structural change for one of its most successful corporations, one of its most powerful unions and one of its most typical of cities.

Steeled and brawny as the million-dollar yellow bulldozers for which it is famous, Caterpillar Inc. is proving that a U.S. manufacturer still can dominate a world market—though to do so has pared its union-scale workforce to the bone. While other companies were preaching worker cooperation, Caterpillar was willing to go to war with its workers.

The United Auto Workers, like America's other fast-shrinking industrial unions, finds itself lacking vision about how to cope with the crisis. It had assumed a traditional strike still would be a force potent enough to wring concessions out of Caterpillar.

Caught somewhere in the middle is Peoria. It is a quintessentially American town, a sober river city whose bluffs have long been recognized as a good place to get a clear view of this nations' working-class culture.

And everywhere are the people—people coping with profound, often incomprehensible, change. They are reeling from the uncertainty of a working world in flux.

Some of the most profound changes are taking place right on Caterpillar's factory floor.

Cat's factories resemble, roaring, crowded cities, where machines are lined up like skyscrapers across acres of floor and the sky, far overhead, is a firmament of rafters, cables and snaking ductwork.

There is a constant rush of ventilated air, loud as river rapids, that forms a background

to the metallic sound of iron cutters and grinders, the hiss of welding torches and the bleating of warning horns.

On warm days, huge fans are aimed at work stations. On hot days, the factories, fans and all, become ovens of noise and sweat.

Light appears thin and diffused. There are no shadows in a Caterpillar plant.

Always there seems to be the sound of a hammer hitting metal, distant and rhythmic. It comes from nowhere. Nobody in sight is hammering.

In fact, at times, there seem to be few people around at all.

Laser-guided forklifts, driverless, cruise the floor, taking their directions from bar codes posted like tiny road signs. Ferrying parts from one robot to another, they beep incessantly, like alarm clocks at the dawn of a new manufacturing age.

The workers here appear almost languorous, able to keep up with their end of the job without rushing. It is the machines that are in a hurry.

Workers are often not tied to assembly lines, but move around in "cells"—areas where a worker does a number of operations before sending a part or product on its way.

In one area, a gray-haired man moves around a living-room-sized cell with all the haste of an Old World cobbler. He crisscrosses the space, attaching parts to a transmission that sits like a yellow tree stump in the middle of his cell.

Occasionally he glances through his spectacles at a computer screen to see what part he needs next. This is how a transmission is assembled in 1992.

There are 48 similar stalls, all in rows, in the 850,00-square-foot factory. Nothing about this mustachioed, gray-haired man and his job appear futuristic, except perhaps his title: Use Point Manager.

Across the street from the main gate of the transmission factory there is a more familiar world: rows of tiny framehouses, many too small to be called bungalows.

These are the Richland Bottoms (usually called just "The Bottoms"), an East Peoria neighborhood built for Caterpillar workers after World War II. The neighborhood has faded. Union workers, for the most part, have stretched their standard of living and their horizons, relocating to split-levels in towns beyond the shadows of Caterpillar factories.

Now, The Bottoms has residents with low-paying service jobs—store clerks and janitors—who would gladly trade their lot in life for a Caterpillar job.

Across the Illinois River, the City of Peoria, population 113,500, backs up onto the river bluffs and rolls westward across the central Illinois plain. At its center is a smattering of skyscrapers; at its outskirts, suburban-like sprawl.

Peoria is America, residents like to say time and again. It's fair in the summer and fireworks on the 4th of July. It's a good day's work, a great place to raise a family.

What many residents don't like to admit is that Peoria is also the other America. It has gangs and drugs, troubled schools, entrenched racism, a crumbling infrastructure and, most troubling of all, a disappearing manufacturing base.

Peoria has known the fears of Ypsilanti, Mich., where General Motors Co. will shut its Willow Run plant next summer wiping out work for 4,014 employees.

It has known the fear of Southern California, where tens of thousands of defense industry workers at firms like McDonnell Douglas and Lockheed nervously eye the headlines—and the want ads—as America stands down from its Cold War alert.

And it has known the fear of the once-comfortable ring of Route 128, the so-called "high-tech highway" around Boston, where thousands of jobs have disappeared from failing or shrinking companies with names like Wang Laboratories and Digital Equipment.

But Peoria remains a Caterpillar town. The company hands out almost $850 million in paychecks each year to 18,000 workers in the area. It gives another $2 million or so to schools and museums, and in 1992, it paid $6.2 million in property taxes in the Peoria area.

Less obviously, the company seems to provide a certain workaday sensibility, a sense that life is governed by immutable relationships between employer and employee.

Caterpillar's headquarters is in a squat, seven-story, sand-colored building overlooking the Illinois River. The company could have built a tower topped with a yellow beacon if it had wanted, but chose the less obtrusive design to avoid lording it over the city.

It wasn't until the late 1980s, in fact, that Caterpillar felt comfortable enough to put its famous name—the one co-founder Benjamin Holt applied to his tractors because they appeared to "crawl" on treads, not roll on wheels—on the top of the building.

For the most part, Caterpillar executives are no more flashy than the place they work.

Caterpillar's top 25 executives, its soul and backbone, are all white males, most of them born and bred Midwesterners.

A "Caterpillar wife," as one woman who married a company man observed, is a woman who says only what she is supposed to say, at least until her husband retires.

"We learn around here that the less you say, the less trouble you can cause," said Terry Thorstenson. Having learned that lesson, he was put in charge of the company's public relations.

Caterpillar's earthmoving machinery is legendary for its durability and quality. After the failed invasion of the Bay of Pigs, Cuban leader Fidel Castro asked for Caterpillar tractors as part of the exchange for prisoners.

But Caterpillar has not stayed on top of its industry by relying on a legend.

In 1990, Donald Fites reached the top of a 34-year climb through the Caterpillar bureaucracy. On the very day he was made chairman and CEO, he announced a sweeping plan to reorganize the plodding company into more than a dozen divisions, or business units, each of which would be expected to show a profit.

That move to increase accountability followed a $2 billion retooling of the company's factories. The world was changing, and Caterpillar was determined to change with it.

A year later, Fites turned his attention to the last element of his company that he believed was still a thing of the past: its labor contract with the United Auto Workers.

"I think the UAW leadership still thinks it's 1950," Fites said recently. "Times have changed, and they haven't changed with the times."

In trying to "modernize" the relationship between Caterpillar and the UAW, Fites and his company would permanently change it with the threat of replacement workers.

A decade earlier, Caterpillar Chairman Lee Morgan had watched with surprise as President Ronald Reagan fired the striking members of the Professional Air Traffic Controllers Organization and replaced them with new workers.

What surprised Morgan, an optimistic man who filled his life with Caterpillar, was not that the president had actually fired striking workers, but that he could do it at all. Morgan, running a company with a long history of troubled labor relations, had not even known it was an option.

But times had indeed changed. At Caterpillar. In the UAW. For America.

Caterpillar tractors have been built in Peoria since 1909, but the company's rancorous marriage with the United Auto Workers dates only to 1948, when the UAW organized its workers out from under the United Farm Equipment and Metal Workers.

John Stevig, an early UAW supporter who hired on at Caterpillar in 1945 and retired 40 years later, recalled that before the UAW, hundreds were laid off and waiting for work. No one had health insurance. There were no sick days, no holidays, no overtime pay. Conditions were hard, like the work.

If the line shut down and work vanished, so did your paycheck. If you took too long in the bathroom, you might find somebody from the street at your machine the next day.

The UAW fought those conditions and eventually won, frequently relying on a strike for leverage. Of the last 14 central bargaining agreements between Caterpillar and the union, only five have been signed without the union first walking out.

Workers came to measure their lives in two- or three-year cycles between strikes. Something as mundane as a savings account, for example, has a different meaning for Cat workers.

"Most people, maybe they save for a boat," said 52-year-old Art Borowiec. "You know what we do at Caterpillar? We save for a contract to expire, in case there is a strike."

On the shoulders of workers like Stevig and Borowiec the United Auto Workers became the pride of the nation's powerful blue-collar industrial unions.

The UAW pioneered cost-of-living raises and health benefits, improving work and wages for union and non-union workers alike, and spoke up bravely on civil rights and other social issues.

In 1979 the UAW hit a peak of 1.4 million members. But then the industrial world began to change. The Big Three automakers' loss of market share to foreign competitors was accelerating. Farm-equipment makers were staggered by the double whammy of low-priced imports and chronic agricultural recession. Inside the surviving plants the workforce was systematically being whittled down by automation, corporate shrinkage and outsourcing (the practice of sending work to smaller, oftentimes non-union shops).

By the mid-1980s the UAW found itself scrambling to save members' jobs, and losing on almost every front. From 1979 to 1991, the U.S. car industry lost 20 percent of its domestic market share and cut 30 percent of its workforce—141,400 jobs. By 1992, UAW membership had fallen by 40 percent from that 1979 high. Once the nation's second largest union, the UAW fell to fourth, behind the union that represents janitors.

Things weren't much better in other unions. By 1991 union membership in America had fallen to 11 percent of the private workforce, down from 35 percent in 1953.

Much of this was attributed to the general decline in industry. Since 1979, 2.8 million factory positions have disappeared, according to the U.S. Labor Department. Nearly one out of five workers in 1990 held low-wage jobs—defined as the income required to keep

a family of four above the poverty line—compared with one in eight at the start of the 1980s.

Wherever there are smokestacks, good jobs have been lost.

The once powerful steel industry, which turned towns like Pittsburgh, Youngstown and Gary into world steel capitals, had 650,000 workers in 1953. By 1992, the industry employed 178,000.

As president of the 500,000-member United Mine Workers union, John L. Lewis had kinglike power in the late 1940s. Today, UMW membership has shrunk to less than one-fourth that number. The entire mining industry has shrunk from about 1 million workers in 1942 to just over 600,000 in 1992.

In the milltowns of New England and the South, there were as many as 1.3 million textile workers in the early 1950s. By 1992, their ranks had fallen by 50 percent.

But manufacturing is alive and well at Caterpillar.

While America's carmakers were losing out to imports, Caterpillar successfully held its share while aggressively moving into heavy equipment markets all over the world.

And yet, Caterpillar shed more workers on a percentage basis than its stricken corporate cousins in the automobile industry.

From 1979 to 1992, Caterpillar halved its employment of hourly workers from 60,845 to 29,479.

The auto industry shed workers as it lost market share. Caterpillar shed workers and kept its share. One loss was a sign of failure; the other a means of success.

The manufacturing world had changed during the 1980s. The burgeoning global economy and the steady march of automation had thinned the ranks of Caterpillar's blue-collar workforce. Thousands of workers would no longer be part of the company's story of success.

Through the 1980s, Caterpillar accomplished something few other U.S. manufacturers have. Virtually flat on its back during the world recession in the early 1980s, Caterpillar came back to turn away a fiercely aggressive surge by Japanese and other foreign competitors into the U.S. and world markets.

Caterpillar, as it often says, seeks to be "globally competitive from a U.S. manufacturing base." In other words, the company wants to make machinery in America and sell it around the world—no small task in a time of faltering American manufacturing.

The company was ranked ninth among U.S. exporters in 1991. Last year, 59 percent of Caterpillar's sales were outside the U.S. Only Boeing Co. has a larger percentage of foreign sales among major U.S. manufacturers.

But like many other companies, Caterpillar has kept costs down by relying on foreign plants, non-union suppliers and its own non-union suppliers and its own non-union factories. These are trends that have cut deeply into the number of jobs open to Americans, and into the wages workers are paid for the jobs that are left.

Caterpillar workers do not make every part that goes into a piece of Caterpillar machinery. Some parts, Cat buys—a practice manufacturers call "outsourcing."

To Caterpillar, outsourcing is synonymous with money saved. To the UAW and most other unions, out-sourcing means jobs lost.

Gary Stroup, who runs Caterpillar's transmission business unit, was faced not long ago with a typical oursourcing decision.

In the Caterpillar transmission plant Stroup manages, robot arms feed smooth-sided, donut-shaped pieces of metal called gear blanks into a machine that grinds teeth into the edges.

Caterpiller goes through thousands of these gear blanks in a month, installing the finished gears inside transmissions. The company used to make raw gear blanks in the Peoria area, then in its plant in York, Pa.

In 1990, when the company consolidated its transmission manufacturing into Building KK in East Peoria, it had to decide if it would continue to make the gear blanks or buy them from another company.

Stroup did a "buy/make analysis" and found he could save money by purchasing the gear blanks from a nearby steel processing company, Hagerty Bros. Co.

Hagerty Bros. could make the gear blanks more cheaply than Caterpillar, in part, because their labor costs were lower. A Caterpillar worker making the gear blanks would earn at least $16.72 an hour. Hagerty Bros. pays its machine operators about half that, according to company president Randy Fellerhoff.

Hagerty Bros. has worked hard to keep its labor costs low, protecting millions of dollars in business with Caterpillar. In fact, it carried out a threat that more and more companies have been making in the last 10 years: In 1990, Hagerty hired replacement workers to fill the jobs of roughly 45 members of Teamsters Local 627 who were striking over wages.

It was a swift and stunning blow to the workers, a harbinger, though on a small scale, of what Caterpillar would threaten two years later.

When the gear-blank job was sent outside Caterpillar's walls, only five or six jobs were affected, Stroup said. But it was the kind of decision made regularly at Caterpillar. The cumulative effect has been dramatic.

The decision to outsource is an academic one for Stroup, despite the fact that he grew up just outside the chain-link fence of the factory he now manages. As a boy, he would often sit just outside the fence, and his father, taking his evening break from the line would sit just inside so the two could have dinner together.

"You just cannot continue to be globally competitive in this world if you are going to be operating like you were in the 1970s," Stroup said. "You have to be cost-effective."

Of course, a job sent outside Caterpillar's walls does not necessarily disappear from the Peoria area. It does, however, usually produce a far smaller paycheck trickling through the city's economy.

Jane Haley was thankful to get a job that had been outsourced from Caterpillar. From 1986 to 1988, it was the only job she could find.

For $5 an hour, she took parts shipped from Caterpillar, wrapped them in waxy paper, put them into Caterpillar boxes and sent them on their way back to Caterpillar or to Cat dealers.

She was working for Wildwood Industries, a Bloomington, Ill., company that belongs to a parts-packing industry that sprang up in the 1980s to give manufacturers relief from the rising costs of union labor.

The fact that she was doing a job that once would have earned a UAW wage at Caterpillar had special irony for Haley. She had been laid off from Caterpillar in 1983 after working there for 10 years.

In 1988, she was recalled to a high-paying Caterpillar job, only to be laid off again in 1991.

Today at age 45, she is trying to live off a $4.30-an-hour job preparing coupon books for grocery stores. In what has become a constant reminder of the good old days of Caterpillar's past, her monthly house payments are being made by her mother, who retired after 31 years at Caterpillar and collects about $1,600 monthly in pension and Social Security. That's about four times more than Jane makes each month at her part-time job.

Jane Haley is a kind of pivot between three generations in the Peoria economy. Her mother had it good at Caterpillar; Jane witnessed it falling apart; and her daughter, Cindy, holds no hope of working there. At 24, the daughter is "between jobs." Her last permanent position was at a gas station. Over the summer, she began working temporarily beside her mother, making coupon books for $4.30 an hour.

Some outsourced work does disappear from the Peoria economy. Some even disappear from the U.S. economy.

In 1991, the company decided a British and a Japanese company would make a new line of small engines for its earthmoving machines, even though its own engine plants are operating at 60 to 70 percent capacity.

The engines will arrive in U.S. ports already painted Cat yellow and bearing the Caterpillar name.

At maturity, the deal probably will amount to more than 20,000 engines a year. Had Caterpillar decided to make the engines, it could have meant 300 to 400 jobs in the Peoria area, or in a Cat plant elsewhere in the United States.

But even if Cat did make the engines, the jobs probably would not have gone to UAW members. Caterpillar executives say such work would not be located in a union plant because of the wage and work-rule demands.

"I would go so far as to say you couldn't, as a responsible business person," said Richard Thompson, in charge of the company's engine division. "That would be a ridiculous strategy."

Caterpillar has also moved some of its work from UAW factories to new, non-union factories in the South, companies that CEO Fites calls "union-free plants."

Randy Ary lost his job to one of these in the summer of 1991.

First hired in 1974, Ary was laid off during the downsizing of 1982. He pieced together jobs—at Mr. Donut, Porkies restaurant, Moyers Electronics, even in his own back yard as a "shade-tree mechanic"— until 1989.

Then, with the arrival of a registered letter, he was back at Caterpillar, where his father had worked where his grandfather had worked, where his grandmother had worked during World War II.

In 1991, however, Randy Ary was laid off again. He now spends afternoons pedaling aimlessly around East Peoria on a child's Sting-Ray bicycle. He plays "Mr. Mom" to his two sons and tries to have a hot cup of coffee ready for his wife when she gets home from work at a moving company warehouse.

Randy Ary lost his Caterpillar job the way many workers have: the company moved the machine he worked. In Ary's case, a machine that made rubber O-rings was moved from a plant in Peoria area to a new, non-union Caterpillar plant in Booneville, Mo.

Randy Ary was paid $16 an hour. At Booneville, starting wages are $5.84 an hour, according to the Missouri Division of Employment Security. There was no shortage of people to take the lower-paying jobs. When the company opened the plant earlier this year, the state referred 700 people to the company, which hired 50.

The company blames such moves on the intractability of the union.

"We went to the union and told them . . . we have got to find a way to significantly reduce the cost on this group of components or we are going to lose the business," said Jerry Brust, a company labor specialist. "The UAW was not amenable to making changes in that, so those components and those jobs moved to Booneville."

The expansion of Caterpillar's operations in the southern United States, where the tradition of unionism is weak or nonexistent, has for years made Peorians anxious. They have long asked whether the company has designs on leaving town altogether. But while Peoria boosters were watching the front door, many operations were quietly slipping out the back.

"The way you move, is when you develop new products, you don't put them (in Peoria)," said one retired Caterpillar executive. "Every 10 years, you have a new product line. . . . Don't put it there, and the place will eventually die."

"If the UAW continues to live in their dream world," responded Gil Nolde, a retired Caterpillar spokesman, "that could happen."

In the last decade, Caterpillar closed six union plants, eliminating 7,200 jobs, in Iowa, Oregon, Ohio, Wisconsin and California. In the same period, it opened four non-union plants employing 1,700 in Mississippi, Indiana, North Carolina and Missouri.

Some jobs have moved even farther south.

Sanchez Gonzales is a Caterpillar welder, piecing together the massive bulldozer blades that make up the business and of the yellow bulldozers assembled in Illinois.

At the end of every six-day work-week, Caterpillar pays him about $88 in salary. After government-mandated bonuses, his pay for a 48-hour week is just over $150.

Gonzales lives in Monterey, Mexico, and works there for a fully-owned Caterpillar subsidiary called CONEK. The bulldozer blades he makes are shipped north, to Illinois, where they are bolted onto the front of Caterpillar machines. Until the late 1980s, the blades were made in Illinois, as well.

He is part of a trend that has sent tens of thousands of U.S. manufacturing jobs to Mexico.

Gonzales, who lives in a cramped, government-subsidized home with his wife and two daughters, believes Caterpillar pays its Mexican workers to little. He keeps the opinion to himself, however, because he fears the company and knows his union, which is independent from the company but has never had a strike, is docile. (He asked that his name not be used. Sanchez Gonzales is a pseudonym.)

In fact Caterpillar has not shown a great interest in chasing cheap labor, either in Mexico or elsewhere. The company has poured $1.9 billion into the modernization of its U.S. plants, with half of that going to its Illinois factories.

Caterpillar now has 15 foreign plants, which it opened primarily to gain access to markets closed by protectionist laws and tariffs, not to capitalize on cheaper labor. Indeed, the company usually increases U.S. exports to any country where it opens a plant.

While Caterpillar cut its foreign workforce as it cut its domestic one, the U.S. workers were hardest hit. The percentage of Caterpillar's foreign workforce increased during the 1980s, going from 20 percent to 30 percent of the company's hourly payroll.

By comparison to some other U.S. manufacturers, Caterpillar does appear to be keeping true to its mission of remaining "globally competitive from a U.S. base." How large that base remains, and how much the workers there are paid, is what worries some.

Most of those who survived a decade of cuts at Caterpillar are now just a few years away from retirement. With an average of 22 years at the company, they form a middle-age, middle-class generation of factory workers with an average annual income of more than $42,000.

Those assemblers and machinists, electricians and inspectors had the most to lose in this year's contract showdown between Caterpillar and the UAW. Each has a varying mixture of allegiance to the company and to the union. Almost to a man and woman, each endured a wrenching struggle in deciding which side to take.

The struggle, played out in the recesses of their consciences and on the streets of Peoria, affected different workers in different ways.

For Jimmy Toothman, an assembler at Caterpillar's showcase tractor plant in East Peoria, it meant the humiliation of getting public aid.

During the long strike, the Toothmans quickly depleted their savings and fell behind on their mortgage and other bills. Desperate, they turned to the government for help.

Toothman had grown up in a union family, a union neighborhood, a union town. He fought in Vietnam, like many Caterpillar men his age, then came back and settled down in the working-class Creve Coeur neighborhood of his youth. Today, he lives next door to the house where his dad, a union Caterpillar man, had raised him.

"It was embarrassing for me, going up to the checkout and putting down a bunch of food and . . . pieces of paper and not paying for it," recalled Toothman. "I've never really been a big supporter of welfare."

For Dick Owens, a quiet machine operator who talks only when there's a need, it meant feeling the sting of violence for taking a public stand.

When the strike began, Dick and Nancy Owens had about $100 in the bank and five kids under the roof of their gray clapboard bungalow in Pekin, an industrial town on the Illinois River south of Peoria.

But Owens was able to land a job on a survey crew, the same job he had turned to years before, when he, like thousands of other Caterpillar workers, was laid off during the mid-1980's. He was doing OK, making ends meet. But the shape of the fight between labor and industry had deeply disturbed him.

He spoke up, and would pay a price for it.

For Jan Firmand, who cuts transmission gears, going on strike meant re-entering the world of minimum-wage jobs and confronting the prospect of being trapped there permanently.

During the layoffs of the 1980s, she had waited on tables to provide for her family.

During this strike, she took a $4.50-an-hour job in the kitchen of the nursing home where her 88-year-old father lives. She could have returned to waitressing and made a little more money but wouldn't have been able to visit her father.

He, too, worked at Caterpillar. Twenty years on the factory floor. He had nearly burst with pride when his daughter hired on with the company in 1974, two years after he had retired. Years of layoffs, however, have stripped away any sense of security that once went with a Caterpillar job.

For Ron Logue, a member of the union bargaining committee, taking on Caterpillar meant bearing the responsibility for thousands of workers as the union and the company moved to the brink.

Initially, he and other officials of UAW Local 974 dismissed the rumors that Caterpillar would hire replacement workers.

"Cat has always been good at bluffing, at playing hard-core," said Logue, a union committeeman who has worked there for 22 years. "But then . . . all of us slowly realized that the company was serious, that they were going to put us out on the street."

For Logue, though, the issue was deeper than his job. He carries a deep and abiding belief not only in the United Auto Workers but in the principles of unionism. Unions, and the high wages they demand, are vital to the American economy. If the unions falter, he reasons, the economy will collapse. And if unions disappear, so too will workers' voices in Springfield and Washington.

For Jim Mangan, it meant testing the depths of his loyalty to the union where once he had been a chief steward.

Mangan has stood up for co-workers in disputes with the company. He credits the UAW for helping him attain his high standard of living.

But Mangan was feeling the financial effects of being out of work more than five months, even though he had "prepared as well as a person can" for the strike. He still had one of his five children at home, a son who came as a surprise to the family 12 years ago. The prospect of having to find another job at age 51 chilled him.

On one pivotal Saturday afternoon, Mangan gathered quietly with several co-workers to hash out what would be one of the most difficult and important decisions of their lives: Would they cross the picket line to keep their jobs?

And what of Chuck Lovingood, the man struggling to decide that same question even as he drove his red Dodge pickup to the factory gate?

A lanky man whose soupbone shoulders stick out through his T-shirts, Lovingood had put in 29 years at Caterpillar and was less than a year from retiring. His dreams drew him back south, toward Mississippi, where he might find a place to open a saddle shop with this wife.

His factory job had been good to him—$18.09 an hour for inspecting and sorting parts coming into the factory.

Growing up in Tennessee he had lived in a house with cracks in the walls so big, he has said, you could throw a dog through them. Now he lives in a nice little gray house near the Illinois River. He has the new truck. He recently bought his son a Trans Am.

As he drove toward the crossroads in front of the sprawling factory, a thousand thoughts coursed through his mind. Turn left, risk losing a job, endanger his dreams. Go straight, abandon his union.

Chuck Lovingood made his decision in the last possible instant, his truck wheels veering left. He stuck with his union.

"I could no more have made my truck go into the parking lot than I could make it fly across the yard," he would later say.

For Chuck Lovingood, and for thousands of others, life in Peoria would never be the same. No matter what the outcome of the contract talks, which remain unresolved this Labor Day weekend, the era of the well-paid factory worker, in Peoria and across America, appears to be fading into history.

"When I hired on at Caterpillar, it was like a family," said Lovingood. "Everybody said, 'If you can get on at Caterpillar, you are set for life.' "

He chewed on his pipe, set on the side of his mouth where he has the teeth to clench it.

"Anymore, it isn't that way."

MAMMOGRAPHY QUALITY STANDARDS ACT OF 1992

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. DINGELL. Mr. Speaker, I am delighted to introduce legislation today which will form an integral part of the Federal effort to prevent and fight breast cancer. The Mammography Quality Standards Act of 1992 will assure that every facility performing mammography meets certain quality standards.

With 10 percent of American women suffering from breast cancer, it is imperative that we do everything possible to prevent and properly treat this disease. Mammography is among the most potent weapons in the arsenal that can be used to fight breast cancer. As the New England Journal of Medicine reported on July 30, 1992, one can conservatively estimate that screening for breast cancer reduces mortality by 25 percent.

Regrettably, evidence supplied to the Committee on Energy and Commerce, and the Committee on Labor and Human Resources in the Senate suggests that literally thousands of mammography facilities are operating without adequate quality assurance and control. Even existing standards governing those facilities which deal with the Medicare Program are inadequate. The result is that individuals seeking mammography screening and diagnosis cannot be secure in the knowledge that the results of these vital examinations are accurate and reliable. And, as the committees have learned, many women are needlessly suffering.

This bill seeks to remedy that situation by requiring that within 2 years all facilities performing mammography be certified by the Secretary of Health and Human Services and meet quality standards. The bill provides for participation in the regulation of these facilities by both private accrediting bodies and State agencies, and provides tough enforcement authority in the case of noncomplying facilities.

Great praise and thanks are due to Representatives SCHROEDER and LLOYD and to Senator BROCK ADAMS, whose own bills, H.R. 3462 and S. 1777, provided much of the basis for this effort and to Subcommittee Chairman WAXMAN who contributed to completing this effort in an expeditious fashion.

A summary of the specific provisions of the bill follows:

SUMMARY OF THE MAMMOGRAPHY QUALITY STANDARDS ACT OF 1992

Certification: After July 1, 1994, a facility must have a certificate to operate mammography equipment, interpret mammograms, and process mammography films. The certificates are issued by the Secretary of Health and Human Services. The certificates are valid for a period of three years and are renewable. The bill allows for 6 month provisional certificates for new facilities and for facilities adding procedures and examinations.

In order to receive a certificate, a facility must meet quality standards in the areas of equipment, personnel and quality assurance, submit proof of accreditation by a body approved by the Secretary and submit proof that an onsite survey was performed by a qualified medical physicist.

Accreditation: The Secretary establishes standards for accrediting bodies including the review of clinical images. The Secretary may approve any non-profit organization or state agency that meets the established standards.

All facilities must be accredited by a body approved by the Secretary. To ensure a facility's compliance, accrediting bodies are required to make onsite visits annually for a percentage of the facilities they accredit. In addition, the Secretary will randomly inspect a percentage of facilities to assess the performance of the accreditation body.

Quality Standards: The Secretary shall establish standards for facilities to ensure the safety and accuracy of mammography. Facilities will be required to establish quality assurance and quality control programs to ensure reliability, clarity and accurate interpretation of mammograms. The bill requires that facilities use only radiological equipment designed specifically for mammography. The bill requires that facilities use qualified radiological technologists to perform mammography and qualified physicians to interpret the results of a mammogram. The legislation requires that facilities be annually surveyed by a qualified medical physicist.

Inspection: The Secretary or State agencies, acting on behalf of the Secretary, will conduct onsite annual inspections of every certified facility. The Secretary will establish qualification standards for inspectors. The inspection will include an evaluation of the beam quality, average glandular dose, and phantom image quality of the mammography system.

The Secretary shall randomly inspect a percentage of the facilities to assess the performance of the state agencies acting on his behalf.

Sanctions: If the Secretary determines that a facility does not comply with the certification requirements, the Secretary may impose sanctions, including directed plans of correction, the costs for onsite monitoring, and civil money penalties.

Suspension, Revocation, Limitation of Certification: The Secretary may suspend, revoke, or limit a certificate, if after reasonable notice and opportunity for a hearing, the facility has misrepresented information, performed activities outside the scope of its certificate, did not permit the state agency to inspect its facility, or failed to comply with intermediate sanctions.

Injunctions: If the Secretary determines that a facility constitutes an imminent and serious risk to human health or is operating without a certificate, the Secretary may bring suit in federal district court to enjoin the continuation of that activity.

Judicial Review: The owner or operator of a facility may file an appeal in the U.S. Court of Appeals for judicial review of the imposition of an intermediate sanction or suspension, revocation, or limitation of a certification.

Fees: The States may collect fees to cover the costs of inspecting facilities.

Information: No later than July 1, 1996, and annually thereafter, the Secretary will compile and make available to physicians and the general public information for evaluating facilities, including a list of facilities that have been convicted under federal or state fraud and abuse, false billing or kickback laws; have been subject to intermediate sanctions, had their certificates revoked, suspend or limited, have been enjoined, or have had criminal sanctions imposed.

State of Local Laws: This Act does not affect the power of any State of enact and enforce laws relating to mammography quality that do not conflict with the quality standards established under this Act.

National Advisory Committee: The Secretary will establish the National Mammography Quality Assurance Advisory Committee composed of health professionals with expertise in mammography. The Advisory Committee must include at least five individuals from national breast cancer and consumer health organizations with expertise in mammography. The Advisory Committee will advise the Secretary on quality standards and regulations for mammography facilities, standards for accreditation bodies and regulations for sanctions. The Advisory Committee will also make recommendations for the establishment of a consumer complaint mechanism and report on new developments in breast imaging that should be considered in the oversight of mammography facilities.

Consultations: The Secretary will consult with appropriate federal agencies when developing standards, regulations, evaluations, and procedures for compliance and oversight.

Breast Cancer Screening Surveillance Research Grants: The Secretary will award grants to establish surveillance systems to assess the functioning and effectiveness of breast cancer screening programs.

Authorizations: For fiscal years 1993 through 1997, $1.2 million is authorized for breast cancer screening surveillance research grants. To issue and renew certificates, to cover general costs of the program, and to evaluate quality assurance and control programs and accrediting bodies, $2.5 million is authorized for fiscal year 1993 and $12 million for fiscal year 1994, and such sums as are necessary for fiscal years 1995 through 1997.

TRIBUTE TO LEON S. AVAKIAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. PALLONE. Mr. Speaker, the Shore Area YMCA of Monmouth County, NJ, will honor Mr. Leon S. Avakian of Wall Township as its Man of the Year when it holds its annual dinner dance on Friday, September 18, 1992, at the Sheraton East in Eatontown, NJ. It will be a great privilege and honor for me to join in this well-deserved tribute for a fine community leader and a good friend.

Leon Avakian, both personally and through his company, Leon S. Avakian, Inc., located in Neptune, NJ, has been a long-time supporter of the Shore Area Y, and has a wide involvement in a variety of charitable, community, and civic organizations for more than three decades. He has served the YMCA as a board member for some 30 years, has been past president and a member of the Kiwanis Club of Asbury Park, NJ, for the past 32 years, and has served on the advisory board of the Salvation Army in Asbury Park for over 20 years. He recently received the 1992 Carousel Award from the Asbury Park Chamber of Commerce as Business Man of the Year.

Leon Avakian is a licensed professional engineer and land surveyor. A native of Boonton, NJ, and a graduate of Lehigh University, he has been the chief executive officer of his engineering firm since 1960. His firm currently serves as consulting engineer to many Monmouth County municipalities, as well as State and Federal agencies. He also advises municipalities and State agencies on beach corrosion construction, an emerging technology of the utmost importance to us on the Jersey shore and an area where Mr. Avakian has been a major leader. He has also served as president of many professional associations, including the New Jersey Society of Professional Engineers and the Society of Municipal Engineers, and has recently been named Municipal Engineer of the Year for New Jersey.

When he's not busy with his many professional and community organizations, Leon finds time for his musical passion. In 1954, Leon started the local chapter of the Society for the Preservation and Encouragement of Barbershop Quartet Singing in America and in 1974 he became its international president, representing more than 35,000 barbershop quartets in the United States and Canada. He has also been honored by the State of Georgia, being named honorary Lieutenant Colonel by then-Governor Jimmy Carter. It is a pleasure to join with Leon's wife, Ruth, and his many friends, colleagues, and admirers in paying tribute to the Man of the Year, Mr. Leon S. Avakian.

CELEBRATION OF THE SECOND ANNUAL SACRAMENTO FESTIVAL OF CULTURES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. MATSUI. Mr. Speaker, I rise today to salute the celebration of the second annual Sacramento Festival of Cultures. On Sunday, September 20, 1992, the Multi-Cultural Park Foundation and the downtown district will host numerous community organizations as they gather together at the Plaza Park in downtown Sacramento.

This year's theme, "To Celebrate Unity Through the Discovery of our Diversity", aptly reflects the growing respect for cultural multiplicity in Sacramento. Whether here for many generations or newly arrived—we celebrate and share the richness that our diversity has to offer. The Festival of Cultures promises to be an enriching and enlightening experience for all Sacramentans. There will be arts and crafts, children's activities, multiethnic entertainment, and exotic foods from around the world to proudly represent Sacramento's growing ethnic communities.

Mr. Speaker, the Sacramento community is in far better position for ethnic understanding thanks to the commitment of Mary Jane Skopos, Bruce Kirschenmann, Shelley Davis, Nancy Cummins, and numerous other individuals and organizations. I ask that my colleagues join me in saluting the Festival of Cultures celebration.

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IN TRIBUTE TO HON. TED WEISS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. CONYERS. Mr. Speaker, as chairman of the Committee on Government Operations, I felt great sadness to learn that Congressman Ted Weiss who chaired the Human Resources and Intergovernmental Relations Subcommittee, had passed away.

On behalf of the Members and staff of the Committee on Government Operations, I today express our profound regrets over the loss of Ted Weiss.

What was most extraordinary about Ted was his work-ethic. In Congress, Ted was a titan; indefatigable and single-minded in pursuit of a better world at home and abroad, and a Government that was more responsive to the people.

Ted was not an idealog but an idealist. As the head of the Americans for Democratic Action, Ted was a powerful national voice of dissent during the excesses of the 1980's, correctly warning that those excesses would impoverish our economy and our spirit. As chairman of the Human Resources and Intergovernmental Relations Subcommittee, Ted was one of the leading voices in America on public safety, protecting us from poisonous foods, making sure our medical devices actually worked, and insuring that our drugs would not harm us but nurse us back to health. There was no more ardent and forceful crusader in the war against AIDS than he.

We are all saddened that ill health has taken him from us prematurely but his work and contributions will continue to nurture the health and safety of many many people throughout this country.

FESTIVAL OF GRAPES

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. HOUGHTON. Mr. Speaker, this week marks the 25th celebration of the Festival of Grapes in Chautauqua County, part of my district in New York. The purpose of the celebration is to honor the grape farmers of the county and promote the grape industry. And rightfully so, as they've produced some of the finest wines and wine byproducts in our country since the 1800's.

I feel that we just don't do enough to support the wine industry. It's healthy, thriving, and contributing to the economic growth of our Nation. I'd like to encourage my colleagues to help this sector by voting for the repeal of the occupational tax, cosponsoring Wine Appreciation Week and supporting the funding of the marketing promotion program which helps to promote our wines internationally.

I commend everyone involved in the Festival of Grapes for their enthusiasm and energy which helps keep this tradition alive.

INTRODUCTION OF LEGISLATION REGARDING THE MAURICE RIVER

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. HUGHES. Mr. Speaker, I am introducing legislation today which designates some 17 miles of the Maurice River and its tributaries in the State or New Jersey as components of the National Wild and Scenic River System.

Designation for this river began in 1987 when I sponsored legislation authorizing the National Park Service to study the eligibility of the Maurice River and its tributaries for inclusion into the National Wild and Scenic Rivers System.

I am very excited that the recently released draft study report finds that all segments, some 42 miles, of the Maurice River and its tributaries—the Menantico Creek, Manumuskin River and Muskee Creek, are eligible for inclusion into the national system.

The Wild and Scenic Rivers Program is not intended to bring dramatic changes to the rivers or the areas surrounding them. It is designed to assure the long-term protection of unique natural resources through sound, locally implemented river management plans. Only the most select fee-flowing rivers that have outstanding natural, cultural, or recreational values make up the Wild and Scenic Rivers System.

I am very proud that the Maurice River is eligible for this designation. Indeed, the Maurice River and its tributaries are an integral part of South Jersey's watershed providing the area with high quality water resources which are of ecological, cultural, historical, economical, and recreational significance.

The Maurice River and its tributaries drain the southwest portion of the Pinelands National Reserve, which is an international biosphere reserve under the United Nations Man and the Biosphere program, and delivers high quality water to Delaware Bay.

Thus the Maurice River watershed provides an important biological link between its unique drainage area and the bay. This link is critical to the survival of important aquatic communities characteristic of the Pinelands. Indeed, the high quality of water and the numerous threatened or endangered animals and plants qualify the area of special protection.

This biological link is also critically important to regional oyster, crab, and fin-fish industries. These traditional industries presently have considerable social and economic importance in the region, as they have had for at least five generations.

Furthermore, the area functions as critical migration-related habitat for shorebirds, songbirds, waterfowl, raptors, rails, and fish. The interrelated factors of water quality and land use, coupled with the area's estuarine nature and geographic location along the Atlantic flyway, have a direct relationship to the health and viability of these animal populations.

There are also many places of cultural and historic importance within the study area. The Fralinger Farm on the Maurice River is the site of a prehistoric American Indian settlement eligible for designation as a National Historic

Landmark. It had been occupied for over 3,000 years and is one of 10 such sites within the study area. There are also several places of interest to the National Register of Historic Places, including several villages and towns. In fact, the Maurice River area is highlighted in folklife literature for traditional hunting, trapping, shipping, shipbuilding, fishing, oyster harvesting, and salt hay farming.

The Maurice River and its tributaries are of regional, national, hemispherical, and international significance. And there is a great need to provide protection for this watershed at this time. The area is under great pressure from proposed industrial developments, which, individually or together over time, could result in major and irreversible changes to natural processes and cultural patterns now existing along the Maurice River and its tributaries.

The Wild and Scenic Rivers System provides a framework for making decisions about the future of a river and a way to develop a sensible conservation strategy for the river and its resources. Therefore, this designation is and will become increasingly important as developmental pressure from industries rises.

This bill, however, not only seeks to maintain and conserve these important river resources, but simultaneously protects the property rights of landowners. Indeed, the legislation recognizes that the river is also the economy and thus seeks to protect traditional economic activities such as oystering, crabbing, fishing, recreation, or tourism.

This legislation designates 2.0 miles of the Lower Manumuskin as recreational and 12.3 miles of the Upper Manumuskin and 2.7 miles of the Muskee Creek as scenic. Since the remaining 25.4 miles are still under negotiation at the local level, the legislation is designed to include these segments at a later date if the municipalities so choose.

The management plan for the river will almost exclusively be the product of local thinking, based on the input of local residents, businesses, and elected officials. Authority for implementation of the plan will lie solely at the local level.

The local communities have shown their commitment to the preservation of this very special resource. Now, the onus is on Congress to enact this legislation so that the river will be managed in such a way as to maintain the river at its present level of environmental quality.

I commend the Department of Interior for recognizing the unique qualities of the Maurice River and its tributaries and the efforts of the National Park Service for conducting the study that determined the eligibility of the river for inclusion in the National Wild and Scenic Rivers System.

One of my highest priorities during this Congress is seeing this bill enacted into law and I urge my colleagues' support. Indeed, support for this bill is an opportunity to preserve one of the truly unique watersheds of the east coast.

THE 10TH ANNUAL CANDLELIGHT SERVICES FOR AMERICAN PRISONERS OF WAR AND MISSING IN ACTION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. PALLONE. Mr. Speaker, on Friday, September 18, 1992, the Middletown Township, NJ, Post No. 2179 of the Veterans of Foreign Wars and Ladies Auxiliary will hold its 10th annual candlelight services for American Prisoners of War and Missing in Action. This solemn occasion forces us to remember an ongoing tragedy for thousands of American families, and for countless other veterans whose friends and fellow soldiers remain unaccounted for in foreign lands.

As a cosponsor of a wide range of legislation concerning the fate of POW's and MIA's, I believe it is a matter of the highest importance that Federal departments and agencies disclose information concerning U.S. personnel classified as POW's or MIA's from World War II, the Korean conflict, and the Vietnam conflict. The Government still lists some 2,300 servicemen as missing in Southeast Asia. Suggestions have been made that information about U.S. prisoners who are still alive has been ignored or down played. A spate of news reports last year provided suggestions that some of those men are indeed still alive and being held against their will.

These reports must be investigated thoroughly. Of course, some may prove false—cruel hoaxes, playing on the hopes of desperate families. The atmosphere of uncertainty that exists will continue to fuel rampant reports of live prisoners of war. Until such time as the families of servicemen, and all the American people, receive the information to which they are entitled, the question of the fate of missing U.S. servicemen will be a source of national anguish.

With the fall of the Soviet Union, recent indications have come from no less a source than Russian President Boris Yeltsin that American soldiers have been held in the former U.S.S.R. for decades. In the new spirit of cooperation that now exists with our former cold war enemy, we now have an opportunity, unimaginable just a few years ago, to vigorously pursue investigations into these reports. As Russia and the other economically struggling lands of the former Soviet Union seek help from the West, I believe we should condition all American aid and assistance on a full accounting of the fate of these Americans whom President Yeltsin himself has admitted have been held in his country for decades.

Any further delay in releasing POW's, on the part of any country, is criminal and unconscionable. Remains of servicemen who have died in combat or captivity should be turned over to this country immediately so that their families may be able to finally arrange proper burial services and at last put an end to their uncertainty. Those POW–MIA's still living through the hell of imprisonment should, in the name of decency and humanity, be returned home. Our State Department must make it abundantly clear that the establishment of diplomatic relations with Vietnam be conditional on a full accounting of the fate and whereabouts of all missing United States servicemen. As we seek to chart a new diplomatic course in the post-cold war era, we cannot and must not forget about those Americans who fought and sacrificed in the cause of freedom.

I would like to take this opportunity to salute Frank and Mary Weber, cochairpeople of Friday evening's event, as well as post commander Neil Cassidy and president Mary Cannon. These dedicated and patriotic citizens, as well as the membership of the VFW and Ladies Auxiliary, are living proof of the strength and resolve of our Nation.

TRIBUTE TO AMERICAN LEGION POST NO. 735

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize the officers of the Argo-Summit Post of the American Legion. The post and auxiliary officers were installed in a ceremony on September 5, 1992.

American Legion Post No. 735 has been dedicated in its service to the community for many years. An American Legion Post plays a significant role in every community. By bringing recognition to veterans and remembering past conflicts, American citizens learn to respect the history that allows us to live in freedom.

I ask my colleagues to join me as I salute American Legion Post 735 as they install their new officers. We are greatly indebted to them for their contribution to our community and the Nation.

Below is a list of each of the officers and chairmen of the past and auxiliary. I hope my colleagues will join me in saluting the Argo-Summit American Legion Post and wishing them the best in the years to come.

AMERICAN LEGION POST NO. 735

POST OFFICERS 1992–1993

Commander, Harry Whalen.
Senior Vice-Commander, Byron Ellis.
Junior Vice-Commander, Arthur Brunke.
Adjutant, Andrew Kubaitis.
Finance Officer, John Kara.
Chaplain, Elmer Shearier.
Sergeant-at-Arms, Ralph Wollenberg.
Service Officers, Frank Zabielski.
Medical Officer, Frank Zabielski.
Historian, Peter Ciaverella.
Judge Advocate, Harry Bumber.
Master of Ceremonies: Andrew Kubaitis, Past Command Argo-Summit Post No. 735.
Installing Officer: Donald Forsberg, Past Commander 4th District, Past Commander Darius-Girenas Post No. 271.
Installing Sergeant-at-Arms: John Kwak, Junior Vice Commander 4th District, Past Commander Darius-Girenas Post No. 271.
Installing Chaplain: Elmer Shearier, Past Commander Argo-Summit Post No. 735.

AUXILIARY OFFICERS 1992–1993

President, Celia Whalen.
First Vice President, Pauline Kubaitis.
Second Vice President, Fern Bumber.
Treasurer, Catherine Horrigan.

Secretary, Hazel Schmidt.
Historian, Pennie Rogalin.
Chaplain, Helen Sala.
Sergeant-at-Arms, Barbara Lannon.
Asst. Sergeant-at-Arms, Helen Slomiany.
Color Bearer, Mona Garcia.
Color Bearer, Maryanne Horbach.
Installing Officer: Rasa Forsberg, Past President 4th District, Past Commander Darius-Girenas Post No. 271.
Installing Sergeant-at-Arms: Julie Baubkos, Darius-Girenas Post No. 271.
Installing Chaplain: Ann Sikorski, Past President 4th District, Past Commander Darius-Girenas Post No. 271.

PESHTIGO HISTORICAL DAYS: A CELEBRATION OF EXTRAORDINARY COMMUNITY SPIRIT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. ROTH. Mr. Speaker, I rise today to honor one of the finest communities in northeast Wisconsin—Peshtigo, WI. The citizens of Peshtigo have always demonstrated the best of the American spirit. Today, Peshtigo provides a timely example of strength for many of the communities ravaged by our Nation's recent natural disasters.

On October 8, 1871, the greatest forest fire in American history destroyed the town of Peshtigo. Every building in the community was lost. As the fire raged, tearing apart their homes and lives, the residents of Peshtigo fled to the safe harbor of the Peshtigo River. The wall of fire claimed over 1,200 lives and consumed 1 million acres of land.

On that same night in 1871 another famous fire ravaged the city of Chicago. However, even the great destruction caused by the Chicago fire did not match the death toll and destruction visited upon northeast Wisconsin during the same dreadful hours.

The survivors of the Peshtigo fire had the courage to rebuild. It is my hope the ghost of this spirit to rebuild will inspire the citizens living in the disaster-stricken areas of south Florida, Louisiana, Hawaii, and Wautoma, WI.

Mr. Speaker, each year during Peshtigo Historical Days the citizens of Peshtigo remember those that perished during the fire and celebrate the continuing spirit that allowed them to rise from the ashes. This year, the nonprofit Peshtigo Economic Development Partnership, Inc. [PEDPI] has prepared a magnificent celebration for the weekend of September 26 and 27.

This year's celebration is especially significant because Peshtigo High School is celebrating its 100th anniversary. For 100 years, Peshtigo High School has brought out the best in the outstanding young men and women of Peshtigo.

Congratulations to Peshtigo High School for its century of service to the community, and may today's United States find the courage and strength the community of Peshtigo found to rebuild their lives and homes after the devastating fire of 1871.

A TRIBUTE TO NATIONAL CONTENDERS: THE SOUTH BEND SOUTHEAST LITTLE LEAGUE, INDIANA STATE CHAMPS

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. ROEMER. Mr. Speaker, I come to the floor today to share the pride of Indiana in our State champion Little League team, the Southeast Little League of South Bend. This team not only became the first South Bend team to capture the Indiana State championship, but they went on to represent our State in the central regional competition in Indianapolis.

Mr. Speaker, these young Hoosiers represent the pride and honor of our State. They truly carry on a long tradition of hard work, team spirit and strong leadership that have been a hallmark of our State since its founding.

The dedication of this team, their coach and their manager, along with the support of family, friends and the community, have proven that success comes from diligence, dedication and drive. This is an honor richly deserved, not only for the outstanding effort, but for a remarkable exhibition of sportsmanship.

I would like the CONGRESSIONAL RECORD to showcase the names of this fine team: Ryan Cosner, Jeff Steele, Ted Dobosiewicz, Nathan VanLaere, Tony Mathews, Joshua Howell, Tyler Back, Caleb Wilson, Ben Dance, Aaron Kaser, Andy Buda, David St. Clair, Garrett Ginter and James Palen. Manager Stan Mathews and Coach Phil St. Clair have a lot to be proud of from this team. I salute their great efforts, and the support of the families and fans.

Mr. Speaker, with all the problems facing the world today, our neighborhoods and sense of community are worth much more than ever. This team has given all of us a wonderful opportunity to share in the pride of our community, and indeed our entire State. It is an honor and a pleasure to have them in my district, and I want to share their accomplishments with our Nation. Their success is a result of planning, commitment, and yes, struggle. They have earned a special dignity, and it is one that they share with all of us. We could all learn a lesson from the Southeast Little League.

A TRIBUTE TO EDNA J. WHITFIELD: AN OUTSTANDING EDUCATOR RETIRES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. CLAY. Mr. Speaker, Mrs. Edna J. Whitfield retired on June 30, 1992, from the St. Louis public schools after nearly 30 years of service. On September 26, 1992, she is being honored by her colleagues who will pay tribute to her outstanding professional career. Mrs. Whitfield has served the district in a variety of important roles and has been a guiding force in the State and national educational communities.

Upon completion of undergraduate school at Harris Teachers College, Mrs. Whitfield was employed as an elementary school teacher in the city schools. Following graduate school and after earning administrator certification she became the assistant director of the Curriculum Materials Center and an instructor at Harris Teachers College. Mrs. Whitfield served as a curriculum consultant, a staff development facilitator, a performance standards supervisor and, since 1983, a supervisor of social studies.

Through nearly three decades Mrs. Whitfield has provided excellent leadership in a variety of assignments with the St. Louis public schools. She screened, reviewed, evaluated and catalogued instructional materials. She wrote and revised curriculum. She provided in-service seminars for teachers. Mrs. Whitfield developed the program model for a preschool academy pilot program, supervised the preschool program through its replication as a title (now chapter) one program, assisted a Federal program committee with the development of reading objectives-global definitions for primary one through grade eight, and supervised curriculum advisory committees.

Mrs. Whitfield was instrumental in the development of kindergarten assessment; wrote the original draft of the program model for the Action Learning and Career Education Center; and headed the Kindergarten Summer Roundup Committee which developed the new kindergarten program model, selected instructional materials, and guided the prekindergarten screening program. She served on the Advisory Committee for Education for Adult Living and the steering committee for Parent-Infant Interaction Program with foundation sponsorship.

Continuing to exhibit outstanding leadership qualities, Mrs. Whitfield coordinated planning for the Association for Supervision and Curriculum Development national convention in St. Louis; served a 4-year term as an officer with the Missouri Association for Supervision and Curriculum Development; was elected to three terms on the executive board of the Greater St. Louis Association for Supervision and Curriculum Development, including a term as president; and held positions of leadership with the National Council for Social Studies, the Missouri Council for Social Studies, the task force on Standards for Advanced Certification, the International Association for Childhood Education, the St. Louis Council of the International Reading Association, and the Delta Kappa Gamma Educational Sorority.

Many other professional organizations have benefited from Edna Whitfield's commitment to professional development. Among them, the National Academy for School Executives seminar on early childhood education in Las Vegas; the National Curriculum Study Institute in Tampa, FL; the U.S. Office of Education conference on early childhood education; the Phi Delta Kappa conferences at the University of Indiana on exceptional urban elementary schools; the Follett social studies colloquium at Northwestern University; and, the Early and Ancient African Civilizations Institute at St. Louis University.

Working closely with the Missouri Department of Elementary and Secondary Education,

Mrs. Whitfield, served from 1985 to 1992 as a member of the development committee for the State Core Curriculum Competencies Project. She was active in the Basic Cognitively Oriented Curriculum Institute on the campus of the University of Missouri at Kansas City. She wrote the proposal for and monitored the Cognitively Oriented Curriculum Pilot Project at 15 schools. Mrs. Whitfield was active in a State retreat to develop Project Construct for early childhood education. She identified schools to pilot the project and monitored those pilot programs. She reviewed and evaluated Project Construction assessment materials for the Missouri Center for Educational Assessment. She co-chaired a Maryville University and St. Louis public schools committee which developed, piloted and implemented the District's plan for early childhood education magnet school centers. After work at Chicago's Midwest Montessori Teacher Training Center, she guided the development and implementation of the city's Euclid Montessori Magnet School.

Mrs. Whitfield has garnered many special awards during her career. Recently she received the Salute to Excellence Award from the St. Louis American for exemplary service in early childhood development and the "Apple For the Teacher" award from the Alpha Zeta Chapter of Iota Phi Lambda Sorority. Mrs. Whitfield received the Missouri Association for Supervision and Curriculum Development Award in recognition of making a significant difference in supervision and curriculum development in the schools.

Mrs. Whitfield and her husband, John, have traveled throughout the United States, including Hawaii. Their travels have taken them to Bermuda and to the Caribbean islands for five separate visits. The Whitfields have traveled extensively in Europe, including London, Paris, Lucerne, Venice, Florence and Rome. Most recently they traveled through Spain and Portugal and enjoy a fascinating visit to Morocco.

Mrs. Whitfield is a superior educator and education administrator who has given fully and creatively to guide our most precious resource: Our children and youth. I am extremely pleased to call attention to a truly remarkable educator who contributed greatly to a more humane and richer society through quality education.

I invite my colleagues in the U.S. Congress to join with me in wishing Mrs. Edna J. Whitfield Godspeed and much success in a retirement filled with tranquility, challenge, and personal fulfillment.

CONGRATULATING ROSA E. LUJAN ON HER SELECTION AS 1992 TEXAS STATE TEACHER OF THE YEAR

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. COLEMAN of Texas. Mr. Speaker, I rise today in recognition of a very special woman who today was honored in our Capitol as 1992 Texas State Teacher of the Year. Rosa E. Lujan is an American success story.

Mrs. Lujan was born to non-English speaking parents on a cotton farm on the outskirts of El Paso. Her early days in public school were filled with intriguing yet incomprehensible sound for a young Mexican-American. She worked hard to learn the language and read the words in her books. She passed along her self-taught knowledge to all 10 of her younger brothers and sisters. When her parents applied for citizenship she guided them in learning the English language.

Education has always been her priority, and being a teacher her lifelong goal. Mrs. Lujan practiced what so many of us like to preach. She worked hard at an education knowing success would be her passport to a better life. She fought against the common view that young Hispanic women in the late 1960's did not go on to college. Mrs. Lujan, with the love and support of her parents, received her bachelor's degree in 1972 and completed her master's degree in 1977. All 10 of the brothers and sisters she tutored would later get their college degrees as well.

But she did not receive this honor of being recognized as teacher of the year solely because of her heroic life story. She is being recognized today not because she succeeded against all odds, nor because she pulled herself up by her bootstraps and became a role model for many young Hispanic students who would follow her example. Mrs. Lujan is being honored today because she is an excellent teacher.

For more than 17 years she has worked as a bilingual educator in the Ysleta Independent School District in El Paso, the last 2 years at the fifth- and sixth-grade level in Ysleta Elementary School. She has helped pioneer cooperative learning efforts and bilingual education that have earned her district progressive status in these areas.

Teachers from across our great State of Texas and the Nation have traveled to our border city to observe firsthand how cooperative learning impacts the academic, linguistic, and social development of her students.

The recognition of being chosen the outstanding teacher this year from thousands of excellent teachers in Texas, is indeed impressive. Yet, Mrs. Lujan takes very little personal credit for her success, choosing instead to give credit to the sharing, mentoring, and encouragement given her by others. And she says she is but a mere reflection of the people who have touched her life. Let us hope that each of the children whose lives Mrs. Lujan touches, grow to be a reflection of the love, understanding, and perseverance for which she stands as a shining example to all El Pasoans, Texans, and Americans.

METRIFICATION NONSENSE

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. RHODES. Mr. Speaker, today I am introducing legislation which will prevent the Federal Highway Administration from demanding new highway signs to be in solely metric measurements. Under the Metric Conversion Act of 1975, the U.S. Government stated a general policy of conversion to metric measurements whenever practicable. This was an attempt to make U.S. goods more marketable overseas and to the extent that exports rise, it makes sense. However, the Federal Highway Administration has interpreted this metric policy to mean that highway signs should be converted into metric measurements. The connection between U.S. highway signs and international competitiveness seems dubious. That is exactly why I am introducing legislation to prevent U.S. highway signs from being converted to metric only.

In general, it makes sense for U.S. manufacturers and contractors to convert to metric measurements in order to be more competitive in international markets. But exactly how metric highway signs between Yuma and Phoenix, AZ or anywhere else in the United States will aid America in overseas markets eludes me, especially when the Federal costs of sign conversion could be in tens-of-millions of dollars.

My bill amends the Metric Conversion Act of 1975 to require that the Federal Highway Administration may not use Federal funds for signs that are solely in metric measurements. They may not require metric signs on new highway projects and they may certainly not require existing highway signs to be converted to metric only measurements. Converting existing signs is an inexcusable waste of Federal dollars at a time in America's history when so many pressing issues confront us. When we continue to wrestle with the health care and education needs of all Americans, when our economy remains in desperate straits, we cannot afford to waste money on such nonsense.

TRIBUTE TO THE INTERNATIONAL ORDER OF THE ALHAMBRA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize the International Order of the Alhambra of the Illinois Council of Caravans. They will be celebrating their 25th anniversary on September 19, 1992.

Throughout the past 25 years, the Order of the Alhambra has worked to assist mentally handicapped and developmentally disabled individuals in our community. The Alhambra Endowment Fund provides grants for scholarship assistance and facilities to educate and treat mentally handicapped persons.

As the members of the International Order of the Alhambra celebrate this special occasion, I urge my colleagues to join me in congratulating them for their efforts to help those who cannot help themselves. I hope their good work continues for years to come.

NATIONAL RADON ACTION WEEK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. TOWNS. Mr. Speaker, I rise today to introduce a House joint resolution designating

the week October 18–24 as "National Radon Action Week."

Radon is a radioactive gas which can cause lung cancer. According to EPA estimates, it is the second leading cause of lung cancer in the United States. Children are especially susceptible to the effects of radon. Therefore, it is appropriate that concern focus on radon in the home and radon in schools. Radon has been found in many of our schools.

One of the most powerful tools is information. Among the many educational activities during "National Radon Action Week" is a focus on testing for radon. We need to know where it is, and where it is not. By testing, we move from the world of statistical extrapolation into the realm of certain knowledge. We will know the scope of the problem, and the distribution of the threat.

As the resolution points out, if excessive levels of radon are found, then there are successful and economical ways to treat the problem. But before people treat, they need to test. Before they will test, they need to know. Therefore, one of the roles Congress can play most successfully is to promote public education and testing by designating "National Radon Action Week."

I urge my colleagues to consider supporting this resolution.

TRIBUTE TO HON. WILBER G. SMITH

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mrs. KENNELLY. Mr. Speaker, our Nation, its foundation, and its strength lies within its people. I stand before you today to pay my respects to the passing of one of Connecticut's most deserving public servants and a champion of social justice, the Honorable Wilber G. Smith.

Senator Smith was truly a man of his time and community. He was my friend and advisor in matters of fairness and public service. He was in fact the conscience of many.

Wilber was a brilliant man who utilized his God-given talents to foster and bring about social change to benefit his community, State, and country. He was the epitome of the community leader whose countless contributions to advanced causes make a difference in people's lives.

Those of us who knew him knew Wilber was not one to hide his convictions and beliefs. He would proudly proclaim them, whether on the floor of the Connecticut State Senate or at Hal's Aquarius Restaurant & Lounge. A man of brutal honesty, Wilber had the gift and intellectual fortitude to cut through any malaise and get to the crux of an issue or cause. It was an asset which I admired and respected about him.

Wilber educated and challenged us to broaden our horizons and reach new vistas. But more importantly, he showed us how to remain strong in resolve when fighting for something we truly believe in.

His life was an exodus. It attracted, compelled, and motivated many. But his memory and legacy will live on and provide us with the vision and fortitude to work positively toward the future.

INTRODUCTION OF LEGISLATION REGARDING HIGHWAY SIGNS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. STUMP. Mr. Speaker, today I am introducing legislation to prohibit the use of Federal funds for constructing or modifying highway signs in metric system measurements.

There is widespread public opposition to a heavyhanded Government attempt to impose the use of metric measurement on our highways. Because of the fierce resistance, a voluntary plan to change U.S. road signs to metric was scrapped in 1976.

Think of it—in addition to highway signs, road maps would have to be redone, automobile manufacturers would have to change odometers and speedometers, manuals would have to be rewritten, machinery modified, and workers retrained.

Not only would the American people be made to suffer with the inconvenience brought about by changing to a system currently unknown to many of them, but they would be forced to pick up the enormous price tag.

Converting highway signs to metric would be one of the most costly conversion efforts. In 1974, an AASHTO ad hoc metrication task force documented a rough estimate of the nationwide cost of metrication to highway agencies at $200 million. At today's prices, costs would be several times that. In a time when we are fighting to eliminate undue spending, changing our highway signs to metric is clearly a senseless expense we can do without.

Let me make it clear that I do not oppose the voluntary use of the metric system. Those who wish to use metric measure or stand to benefit from it, can and should use it.

What I do strongly oppose is the Government's unwarranted and costly imposition of metric on our highways. The American people do not want it and stand to gain nothing from it.

TRIBUTE TO W. "VAL" SCHMIDT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1992

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to W. "Val" Schmidt, an outstanding citizen and leader from my congressional district.

I am pleased to announce to my colleagues that Val Schmidt has been elected president of the Public Accountants Society of Ohio. On September 19, she will begin serving in this important position, and I can predict confidently that she will serve effectively and with distinction.

Val Schmidt is a remarkable American success story. A German immigrant, Val Schmidt has seized on the opportunities America brings and has bravely overcome the challenges it poses. She came to the United States in 1961, became an American citizen in 1966, and has enjoyed a solid, successful career as a public accountant for many years.

Val Schmidt has also earned enormous respect for her civic achievements. Whether it is her work with the Public Accountants Society, or her previous service as president of the Ohio Federation of Business and Professional Women, Val Schmidt has never missed a chance to demonstrate what a commitment to excellence and service is all about.

Once again, I congratulate her on being elected president of the Public Accountants Society of Ohio, and I wish her the best of luck.